

**U.S. DEPARTMENT OF LABOR
OFFICE OF LABOR-MANAGEMENT STANDARDS
WASHINGTON, DC 20210**

DETERMINATION

Determination of a Complaint Filed under Title IV
of the Labor-Management Reporting and Disclosure Act of 1959

On September 3, 2019, the Secretary of Labor received a complaint alleging violations of Section 401 of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), in the regularly scheduled election of officers conducted on June 8, 2019, by United Government Security Officers of America (UGSOA) Local 309 in Denver, CO.

Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that Local 309 failed to ensure voter secrecy by requiring voters to include a unique alphanumeric code in the same envelope as their ballots which could be used by the election committee to determine their vote; failed to provide members with adequate notice when it informed members of a change in the available methods of voting nine days before the election; and, failed to maintain required records such as mail ballot packages that were returned undeliverable. They also failed to provide adequate safeguards when the union failed to provide clear instructions on how to vote the ballot, and where or when to return voted ballots. Finally, the union failed to provide adequate safeguards when one officer/candidate removed voted ballots from the union's mailbox, some members hand-delivered their voted ballots to the election committee, and ballots were unable to be reconciled.

Apprised of these findings, UGSOA Local 309 agreed to conduct new nominations and a new election for the office of president under the supervision of the Secretary of Labor, in accordance with Title IV of the LMRDA. The agreed upon remedial election was concluded on January 8, 2020. It is, therefore,

DETERMINED, that there is probable cause to believe that violations of Title IV of the LMRDA occurred which may have affected the outcome of the election conducted by UGSOA Local 309 on June 8, 2019, but that these violations have been remedied by the new election, conducted in accordance with Title IV of the LMRDA, under the supervision of the Secretary of Labor, on January 8, 2020.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted on June 8, 2019 is not warranted.

Signed March 10, 2020.



Brian A. Pifer
Chief, Division of Enforcement

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



March 10, 2020

[REDACTED]

Dear [REDACTED]

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,

[REDACTED]

Brian A. Pifer
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

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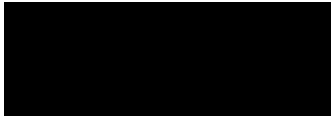
March 10, 2020

Mr. David Hemingway, President
United Government Security Officers of America (UGSOA) Local 309
P.O. Box 201051
Denver, CO 80220

Dear Mr. Hemingway:

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,



Brian A. Pifer
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
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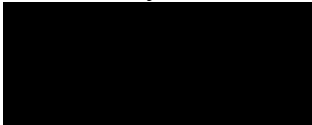
March 10, 2020

Ms. Desiree Sullivan, International President
Government Security Officers, IND
2879 Cranberry Highway
East Wareham, MA 02538

Dear Ms. Sullivan:

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,



Brian A. Pifer
Chief, Division of Enforcement

Enclosure