

**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 19, 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 Painters Local 510's election of delegates to Painters District Council 36, which was held on June 12, 2019, in Daly City, California.

Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that Local 510 failed to provide its members with an opportunity to vote when it conducted the election during its monthly membership meeting at a time when some members were still working or working at such a distance from the meeting location that they would not have been able to travel to the meeting in time to vote.

Additionally, on August 20, 2020, the Secretary of Labor received a complaint alleging violations of Section 401 of the LMRDA in relation to the election of officers that Painters Local 510 had scheduled for June 10, 2020.

Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that Local 510 did not hold its regular election of officers. The local had not held a regular election of officers since June 14, 2017.

Apprised of the above findings, Painters Local 510 agreed to conduct a combined election of local officers and delegates to District Council 36, under the supervision of the Secretary of Labor, in accordance with Title IV of the LMRDA. The agreed-upon remedial election was concluded on June 11, 2021. 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 delegate election conducted by Painters Local 510 on June 12, 2019, and that there is probable cause to believe that the local violated the LMRDA by failing to hold its regularly scheduled officer election in June 2020, 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 June 11, 2021.

Therefore, civil action under Section 402(b) of the LMRDA is not warranted.

Signed August 31, 2021.

A large black rectangular redaction box covering the signature of Tracy L. Shanker.

Tracy L. Shanker  
Chief, Division of Enforcement

**U.S. Department of Labor**

Office of Labor-Management Standards  
Suite N-5119  
200 Constitution Ave., NW  
Washington, D.C. 20210  
(202) 693-0143



August 31, 2021

[REDACTED]

Dear [REDACTED]:

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

Sincerely,

[REDACTED]

Tracy L. Shanker  
Chief, Division of Enforcement

Enclosure

**U.S. Department of Labor**

Office of Labor-Management Standards  
Suite N-5119  
200 Constitution Ave., NW  
Washington, D.C. 20210  
(202) 693-0143



August 31, 2021



Dear [REDACTED]:

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

Sincerely,



Tracy L. Shanker  
Chief, Division of Enforcement

Enclosure

**U.S. Department of Labor**

Office of Labor-Management Standards  
Suite N-5119  
200 Constitution Ave., NW  
Washington, D.C. 20210  
(202) 693-0143



August 31, 2021

[REDACTED]

Dear [REDACTED]:

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

Sincerely,

[REDACTED]

Tracy L. Shanker  
Chief, Division of Enforcement

Enclosure