

JUDGE ROBINSON

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELAINE L. CHAO, Secretary of Labor, :
United States Department of Labor, :

Plaintiff, :

v. :

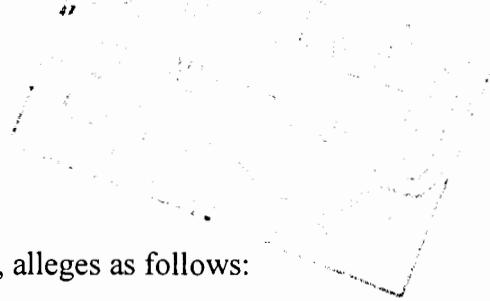
UNITED FEDERATION OF SECURITY :
OFFICERS, :

Defendant. :
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04 CV 6724

COMPLAINT

No.



Plaintiff Elaine L. Chao, Secretary of Labor, alleges as follows:

NATURE OF THE ACTION

1. This action is brought under Title IV of the Labor-Management Reporting and Disclosure Act of 1959, as amended, Act of September 14, 1959, 73 Stat. 519, et seq., 29 U.S.C. §§ 481-484, hereinafter referred to as the Act.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1337, 28 U.S.C. § 1345, and 29 U.S.C. § 482(b).

3. Venue lies in this district pursuant to 28 U.S.C. § 1391(b) and 29 U.S.C. § 482(b).

PARTIES

4. Plaintiff Elaine L. Chao is the duly appointed Secretary of Labor, United States Department of Labor. Plaintiff is authorized to bring this action under section 402(b) of Title IV of the Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. § 482(b).

5. Defendant is, and at all times relevant to this action has been, an unincorporated association maintaining its principal office at 540 North State Road, City of Briarcliff Manor, County of Westchester, State of New York, within the jurisdiction of this Court.

FACTUAL ALLEGATIONS

6. Defendant is, and at all times relevant to this action has been, an independent labor organization engaged in an industry affecting commerce within the meaning of sections 3(i), 3(j) and 401(b) of the Act (29 U.S.C. §§ 402(i), 402(j) and 481(b)).

7. By letter dated December 17, 2003, to the Secretary-Treasurer, the complainant, Maureen McGreevey, a member in good standing of defendant, protested the defendant's failure to hold an election.

8. Having invoked the remedies available for three calendar months without receiving a final decision, the complainant filed a timely complaint with the Secretary of Labor on March 30, 2004, within the thirty days required by § 402 (a)(2) of the Act, 29 U.S.C. § 482 (a)(2).

9. By letters dated May 20, 2004, June 22, 2004, July 8, 2004, and August 1, 2004, the defendant agreed that the time within which the plaintiff may bring suit be extended to July 2, 2004, July 16, 2004, August 6, 2004, and August 20, 2004, respectively.

10. Pursuant to section 601 of the Act (29 U.S.C. § 521), and in accordance with section 402(b) of the Act (29 U.S.C. § 482(b)), the plaintiff investigated the complaint and, as a result of the facts shown by her investigation, found probable cause to believe that a violation of Title IV of the Act (29 U.S.C. § 481 et seq.) had occurred.

11. Section 401(b) of the Act, 29 U.S.C. § 481(b), was violated when defendant failed to elect its officers not less often than once every three years by secret ballot among the members in good standing.

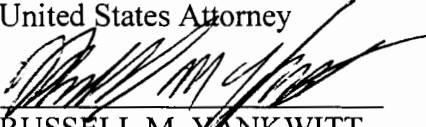
12. The violation of section 401(b) of the Act (29 U.S.C. §§ 481(b)) found and alleged above affects the election of the offices of President, Vice-President, and six Board of Directors of defendant.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays for judgment:

- (a) directing the defendant to conduct a new election for the offices of President, Vice-President, and six Board of Directors, under the supervision of the plaintiff;
- (b) for the costs of this action; and
- (c) for such other relief as may be appropriate.

Dated: New York, New York
August 19, 2004

By: 
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