

UNITED STATES DEPARTMENT OF LABOR
BEFORE THE ASSISTANT SECRETARY
FOR EMPLOYMENT STANDARDS

IN THE MATTER OF *

CHIEF, DIVISION OF ENFORCEMENT *
OFFICE OF LABOR-MANAGEMENT STANDARDS *
EMPLOYMENT STANDARDS ADMINISTRATION *

Complainant *

AND * CASE NO. [REDACTED]

AMERICAN FEDERATION OF GOVERNMENT *
EMPLOYEES, LOCAL 2459 *

Respondent *

DECISION AND ORDER

This proceeding arose under the standards of conduct provisions of the Civil Service Reform Act of 1978 (CSRA), 5 U.S.C. 7120, and the implementing regulations, 29 CFR parts 457-459, as a result of a complaint filed by the Chief of the Division of Enforcement (DOE), Office of Labor-Management Standards, Employment Standards Administration seeking a new officer election under his supervision.

The parties subsequently reached a settlement agreement which was approved and adopted by Administrative Law Judge James W. Kerr, Jr. calling for a new mail ballot election for all executive board positions (President, First Vice President, Second Vice President, Secretary-Treasurer, Recording Secretary, Chief Steward, and Sergeant-At-Arms) under the supervision of the Chief, DOE. On February 9, 2001, Administrative Law Judge Kerr issued a Consent Agreement and Order, which constitutes his Recommended Decision and Order pursuant to 29 CFR 458.70.

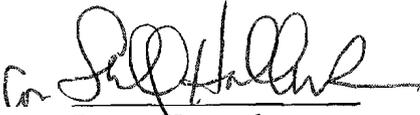
Since no exceptions have been filed, pursuant to 29 CFR 458.91 the Recommended Decision and Order, styled Consent Agreement and Order, is adopted and incorporated hereto without discussion.

After the supervised election is completed, and the results certified by the Chief, DOE and accepted by Judge Kerr in accordance with the consent agreement, a recommended decision and order shall be prepared and the case transmitted to the Office of the Assistant Secretary, Employment Standards Administration, pursuant to 29 CFR 458.88, for final action pursuant to 29 CFR 458.70.

ORDER

IT IS HEREBY ORDERED, THAT, the parties take the action agreed to in the consent agreement.

Dated 1007 5 **WVA**
Washington, D.C.

A handwritten signature in black ink, appearing to read "Joe N. Kennedy", written over a horizontal line.

Joe N. Kennedy
Acting Assistant Secretary