

Statement of Reasons
Dismissing a Complaint Alleging the
American Federation of Government Employees
Improperly Imposed a Trusteeship
Over Its Subordinate Body Local 2876
Located in Washington, D.C.

This Statement of Reasons is in response to a complaint filed with the United States Department of Labor (Department) on August 31, 2022, alleging that the American Federation of Government Employees (AFGE or National) violated Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 461-466, as made applicable to labor organizations subject to the requirements of the Civil Service Reform Act of 1978, 5 U.S.C. § 7120, by 29 C.F.R. §§ 458.26-28, concerning the imposition of the trusteeship the AFGE assumed over Local 2876 on April 18, 2022.

The complaint alleges that the AFGE President and the trustee administering the trusteeship did not follow the proper protocol and procedures prescribed in the AFGE constitution for imposing the trusteeship by failing to notify members of the trusteeship and the hearing on the trusteeship. The complaint claims that, as a result, members were not afforded an opportunity to attend or testify at the hearing. The complaint further alleges that members were not notified about the National Executive Council's (NEC) vote to ratify or rescind the trusteeship.

The Department conducted an investigation of the allegations. As a result of the investigation, the Department has concluded that the trusteeship was established in accordance with procedural requirements provided in the AFGE Constitution, and in accordance with the CSRA and the Department of Labor's regulations. 29 C.F.R. §§ 458.26-28. Following is an explanation of this conclusion.

Section 458.26 of the Department's regulations provides that a trusteeship must be established and administered by a labor organization over a subordinate body only in accordance with the constitution and bylaws of such organization. 29 C.F.R. § 458.26. In addition, a trusteeship must be established in conformity with the procedural requirements of the labor organization's constitution and bylaws, and authorized or ratified after a fair hearing. 29 C.F.R. § 458.28. A trusteeship established in conformity with such requirements and authorized or ratified after a fair hearing is presumed valid for a period of eighteen months from the date of its establishment, in accordance with section 458.28 of the Department's regulations and is not subject to attack during such period. 29 C.F.R. § 458.28.

Article IX, Section 5 of the AFGE constitution, adopted August 2018 and June 2022, prescribes the procedures for imposing a trusteeship. Under these procedures the

National President, with the approval of the NEC, is authorized to place a local under trusteeship if there has been an unexpected loss of leadership in the local. *See* Section 5(b)(2). In cases of a confirmed loss of leadership, Article IX, Section 5(b)(4) of the AFGE constitution provides for an “Expedited Trusteeship Process.” Under this process, the National President must notify the local members of the imposition of the trusteeship within five days after its establishment, appoint a three-member hearing panel to conduct a hearing on the trusteeship, and notify members of the time, date, and place of the hearing. *See* Section 5(b)(5). The hearing panel must conduct the hearing within 60 days after the establishment of the trusteeship. Any affected member may appear at the hearing in person or by electronic means. *See* Section 5(b)(5). The hearing panel is required to issue its decision ratifying or rescinding the trusteeship within 30 days after the close of the hearing. The National President must notify the membership of that decision. *See* Section 5(b)(6).

According to AFGE, on April 12, 2022, the NEC voted unanimously to place Local 2876 under a trusteeship. On April 18, 2022, the AFGE assumed a trusteeship over Local 2876 due to a loss of leadership after AFGE suspended Local 2876’s president from office. Notably, the local had no vice president to succeed to that office, and neither the treasurer nor the sergeant-at-arms agreed to serve as president.

Consistent with Article IX, Section 5(b)(5) of the AFGE constitution, on April 20, 2022, two days after the imposition of the April 18 trusteeship, AFGE mailed a letter dated April 18, 2022, to the last known home address of each member notifying them of the imposition of the trusteeship. The April 18 letter stated that the NEC had approved the trusteeship and the National President would appoint an impartial hearing panel to conduct a hearing on the trusteeship. The letter also stated that the hearing would be held on May 27, 2022, at 9:30 a.m. EST, at the District 14 offices located at 80 M Street, SE, Suite 340, Washington, DC 20003, and any affected member may appear at the hearing. On April 21, 2022, AFGE also forwarded the April 18 letter to members’ email addresses.

The complaint alleges that AFGE never notified members, including the complainant, about the trusteeship, the hearing, or the NEC’s approval of the trusteeship. However, during the Department’s investigation, the complainant did not provide the names of any members who informed her that they did not receive the April 18 letter in the mail or any other correspondence from AFGE regarding the trusteeship. In addition, the investigation found that the mailing list that AFGE used to mail the April 18 letter to members was created on April 19, 2022, by comparing Local 2876’s records to members’ most recent mailing addresses on file with AFGE. Also, any member who did not receive notice from AFGE regarding the trusteeship could have contacted the AFGE to obtain that information.

Further, the complainant acknowledged that on April 21, 2022, the day after the April 18 letter was mailed to members, a Local 2876 member forwarded the complainant an email from the local's treasurer that included that letter. The complainant also acknowledged that the April 18 letter notified members of the imposition of trusteeship over Local 2876, the date, time, and location of the trusteeship hearing, and that any affected member may appear at the hearing. Therefore, the complainant was aware of the relevant information concerning the trusteeship and the hearing as early as April 21, or three days after the imposition of the trusteeship, even if she did not receive the April 18 letter in the mail.

The investigation found that the hearing was conducted on May 27, 2022, as scheduled. During the hearing an AFGE National Representative presented the case, and the AFGE Legal Rights Attorney for District 14, the Local 2876 treasurer, and a local member presented testimony supporting imposition of the trusteeship. Consistent with Article IX, Section 5(b)(6) of the AFGE constitution, on June 27, 2022, approximately 30 days after the close of the hearing, the hearing panel issued a report and decision recommending that the National President ratify the trusteeship. In accordance with the notice requirement prescribed in that provision, the National President notified the membership in a letter dated November 15, 2022, that the hearing panel had ratified the trusteeship and urged members to continue to assist and cooperate fully with the trustee. The mailing list that AFGE used to mail the April 18 letter to members notifying them of the trusteeship also was used to mail the November 15 letter.

It, therefore, is concluded that AFGE imposed the trusteeship over Local 2876 in conformity with the procedural requirements prescribed in the AFGE's constitution. *See* 29 C.F.R. §§ 458.26-28. The trusteeship was ratified after a fair hearing and, therefore, is presumed valid for a period of eighteen months from the date of its establishment, in accordance with section 458.28 of the Department's regulations. 29 C.F.R. § 458.28.

Finally, in connection with AFGE's imposition of the trusteeship, the complaint references the reporting provisions of the LMRDA, as made applicable to labor organizations subject to the requirements of the CSRA by 29 C.F.R. § 458.3, and the Bill of Rights provisions at 29 C.F.R. § 458.2. These matters were not investigated or considered here, as they are not relevant to the Department's determination in this case that AFGE's imposition of the trusteeship over Local 2876 complied with its constitutional procedures, the CSRA, and the Department's regulations. 29 C.F.R. §§ 458.26-28.

For the reasons stated above, we are closing our file in this matter.

U.S. Department of Labor

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



April 20, 2023

Everett Kelley, National President
American Federation of Government Employees
80 F Street, N.W.
Washington, DC 20001-1583

Dear Dr. Kelley:

This is to advise you of the disposition of a complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), occurred with respect to a trusteeship imposed by the American Federation of Government Employees (AFGE), over Local 2876, in Washington, D.C.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards. After carefully reviewing the investigative findings, and after consulting with the Solicitor of Labor, we have determined that legal action is not warranted in this case. We are, therefore, closing our file as of this date. The basis for this decision is set forth in the enclosed Statement of Reasons.

Sincerely,



Tracy L. Shanker
Chief, Division of Enforcement

Enclosure

cc: [REDACTED], Associate Solicitor
Civil Rights and Labor-Management Division

U.S. Department of Labor

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



April 20, 2023

[REDACTED]

Dear [REDACTED]:

This is to advise you of the disposition of your complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), occurred with respect to the trusteeship imposed by the American Federation of Government Employees (AFGE) over Local 2876 in Washington, D.C.

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Sincerely,

[REDACTED]

Tracy L. Shanker
Chief, Division of Enforcement

Enclosure

cc: [REDACTED], Associate Solicitor
Civil Rights and Labor-Management Division