

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

DETERMINATION

Determination of a Complaint Filed under Section 458.63 of the Standards of Conduct Regulations (29 CFR 458.63) issued pursuant to Section 7120(d) of the Civil Service Reform Act of 1978 (5 U.S.C. 7120(d))

On February 3, 2023, the Secretary of Labor received a complaint alleging violations of Section 458.29 of the Standards of Conduct Regulations (Regulations) issued pursuant to Section 7120(d) of the Civil Service Reform Act of 1978, in the regularly scheduled election of officers conducted on December 23, 2022, by American Federation of Government Employees (AFGE) Local 1250 in Phoenix, AZ.

Pursuant to Section 458.50 of the Regulations, the Chief of the Division of Enforcement of the Office of Labor Management Standards (OLMS) caused an investigation to be conducted by the Department of Labor. The investigation disclosed that the conduct of the challenged election may have violated Section 458.29 of the Regulations in that:

1. AFGE Local 1250 denied members a reasonable opportunity to nominate candidates for union office in violation of Section 401(e) of the LMRDA when notice was not given to members in sufficient and reasonable time to permit them to make and accept nominations by the appointed deadline.
2. The union failed to conduct its election in accordance with its constitution and bylaws in violation of Section 401(e) of the LMRDA when it did not comply with provisions of Appendix A, Part 1, Section 3(a)(3) of the AFGE Constitution and Article VII, Section 1 of the AFGE Local 1250 Constitution, which required the union to give timely notice of nominations to members at least ten days before the date of nominations.

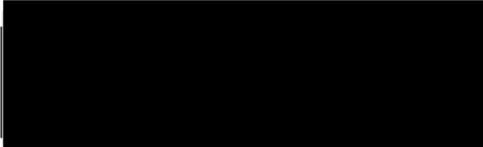
Apprised of these findings, American Federation of Government Employees Local 1250 agreed to conduct new nominations and a new election of officers under the supervision of the Chief of the Division of Enforcement, in accordance with Section 458.29 of the Regulations. The agreed upon remedial election was concluded on August 25, 2023. It is, therefore,

DETERMINED, that there is probable cause to believe that violations of Section 458.29 of the Regulations occurred which may have affected the outcome of the election conducted by American Federation of Government Employees Local 1250 on December 23, 2022, but that these violations have been remedied by the new election, conducted in

accordance with Section 458.29, under the supervision of the Chief, Division of Enforcement, OLMS, on August 25, 2023.

Therefore, enforcement proceedings under Section 458.66 of the Regulations to set aside the election conducted on December 23, 2022 are not warranted.

Signed January 23, 2024.



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



January 23, 2024

[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



January 23, 2024

Juan Casarez, President
American Federation of Government Employees Local 1250
3117 N 16th Street, Suite 205
Phoenix, AZ 85016

Dear Juan Casarez:

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



January 23, 2024

Everett Kelley, President
American Federation of Government Employees
80 F Street, NW
Washington, DC 20001

Dear Everett Kelley:

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

Sincerely,



Tracy L. Shanker
Chief, Division of Enforcement

Enclosure