

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

**DETERMINATION**

Determination of Complaints Filed under Section 458.63 of the Assistant Secretary's 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 October 21, 2009 and November 5, 2009, the Secretary of Labor received complaints alleging violations of Section 458.29 of the Rules and Regulations of the Assistant Secretary issued pursuant to Section 7120(d) of the Civil Service Reform Act of 1978 (CSRA), in the July 13, 2009 rerun of the regularly scheduled election of American Federation of Government Employees (AFGE) Local 1206 in McClellan, California.

Pursuant to Section 458.50 of the Rules and 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 there was a lack of adequate safeguards to insure a fair election in that voted absentee ballots were carried to the polling site by someone other than the voter and absentee ballots were sent after the announced deadline without advising all members that the deadline had been extended. Also, the election was not conducted by mail ballot as required by the local bylaws.

Apprised of these findings, AFGE and its Local 1206 agreed to conduct a new election for the positions of president, vice president, and secretary-treasurer under the supervision of the Chief of the Division of Enforcement, in accordance with Section 458.29 of the Rules and Regulations of the Assistant Secretary. The agreed upon remedial election was concluded on April 9, 2010. It is, therefore,

**DETERMINED**, that there is probable cause to believe that violations of Section 458.29 of the Rules and Regulations occurred which may have affected the outcome of the election conducted by American Federation of Government Employees (AFGE) Local 1206 on July 13, 2009, 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 April 9, 2010.

Therefore, enforcement proceedings under Section 458.66 of the Rules and Regulations of the Assistant Secretary to set aside the election conducted on July 13, 2009 are not warranted.

Signed this 15th day of July, 2010.

Patricia Fox  
Chief, Division of Enforcement

U.S. Department of Labor

Office of Labor-Management Standards  
Division of Enforcement  
Washington, DC 20210  
(202) 693-0143 Fax: (202) 693-1343



July 15, 2010


Dear |||||:

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

Sincerely,

Patricia Fox  
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards  
Division of Enforcement  
Washington, DC 20210  
(202) 693-0143 Fax: (202) 693-1343



July 15, 2010


Dear |||||:

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Sincerely,

Patricia Fox  
Chief, Division of Enforcement

Enclosure

**U.S. Department of Labor**

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Division of Enforcement  
Washington, DC 20210  
(202) 693-0143 Fax: (202) 693-1343



July 15, 2010

Ms. Gloria Salter, President  
American Federation of Government Employees (AFGE) Local 1206  
P.O. Box 1873  
Rancho Cordova, California 95741

Dear Ms. Salter:

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

Sincerely,

Patricia Fox  
Chief, Division of Enforcement

Enclosure

**U.S. Department of Labor**

Office of Labor-Management Standards  
Division of Enforcement  
Washington, DC 20210  
(202) 693-0143 Fax: (202) 693-1343



July 15, 2010

Mr. John Gage, National President  
AFGE  
80 F Street, NW  
Washington, DC 20001

Dear Mr. Gage:

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

Sincerely,

Patricia Fox  
Chief, Division of Enforcement

Enclosure