

**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 May 24 and June 4, 2012, 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 regularly scheduled election of officers conducted on March 20, 2012, by AFGE Local 3928 in Lincoln, Nebraska.

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 the conduct of the challenged election may have violated Section 458.29 of the Rules and Regulations in that: the local did not take adequate steps to update its membership list resulting in members not receiving election notices or timely absentee ballots; the absentee ballot procedure was inadequate; the election committee removed absentee ballots from the post office box prior to the ballot tally; and ballots from eligible members were not included in the tally.

Apprised of these findings, AFGE Local 3928 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 Rules and Regulations of the Assistant Secretary. The agreed upon remedial election was concluded on December 6, 2012. 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 AFGE Local 3928 on March 20, 2012, 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 December 6, 2012.

Therefore, enforcement proceedings under Section 458.66 of the Rules and Regulations of the Assistant Secretary to set aside the election conducted on March 20, 2012 are not warranted.

Signed this 4th day of March, 2013.

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



March 5, 2013



Dear [REDACTED]

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



March 5, 2013

Mr. Jim Fortune, President  
AFGE Local 3928  
P.O. Box 80152  
Lincoln, Nebraska 68501

Dear Mr. Fortune:

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



March 5, 2013

Mr. J. David Cox, National President  
AFGE  
80 F Street, NW  
Washington, DC 20001

Dear Mr. Cox:

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

Sincerely,

Patricia Fox  
Chief, Division of Enforcement

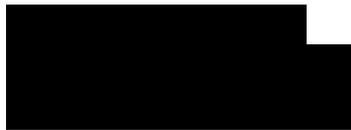
Enclosure

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March 5, 2013



Dear [REDACTED]:

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Sincerely,

Patricia Fox  
Chief, Division of Enforcement

Enclosure