



May 8, 2013

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your October 25, 2012 complaint filed with the U.S. Department of Labor alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) as made applicable to elections of federal sector unions by 29 C.F.R. § 458.29 and the Civil Service Reform Act of 1978, 5 U.S.C. § 7120, occurred in connection with the election of Council officers conducted by the American Federation of Government Employees, AFL-CIO (AFGE) Leadership Council 236 on August 11, 2012.

The Department conducted an investigation of your allegation. As a result of the investigation, the Department has concluded with respect to that allegation that no violation occurred.

You alleged that AFGE Council 236 limited the time for nomination speeches to two minutes at the Council Convention and thus violated the AFGE National Constitution. The AFGE Constitution, Appendix C, Section 16(b)(1), in relevant part states that at the National Convention, "Speeches shall be made only by the candidates and shall be limited to ten minutes per candidate."

The Department's investigation revealed that the AFGE National Constitution applies only to the National Convention and not to any other deliberative body within AFGE, such as the Council 236 nomination meeting at issue here. The Council 236 Constitution and Bylaws, Article VII, Section 1(a)(3) governs council elections and states, "the amount of time allowed for nomination and election speeches will be decided by majority vote of the delegates present and will be supervised by the Election Committee."

The Department's investigation disclosed that on August 11, 2012, Election Committee member [REDACTED] made a motion to allow presidential candidates two minutes to address the delegates pursuant to Article VII, Section 1(a)(3). The motion passed 15 to

2. Each candidate had two minutes to address the delegates and was allowed a one-minute rebuttal. The Election Committee reasonably applied its rule concerning nomination speeches equally to all candidates. The Department was able to confirm that similar motions were approved in previous council elections, and are consistent with both the Council 236 Constitution and Bylaws and the AFGE National Constitution. There was no violation of the LMRDA.

For the reasons set forth above, it is concluded that no violation of the LMRDA affecting the outcome of the election occurred. Accordingly, the office has closed the file on this matter.

Sincerely,

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Chief, Division of Enforcement

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