

**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 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 June 18, 2013, the Secretary of Labor received a complaint 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 February 16, 2013, by Government Employees (AFGE) Local 3553 in New Orleans, Louisiana .

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 Local 3553: 1.) failed to properly count the votes cast when additional ballots were retrieved from the post office and included in the tally after the ballots were initially tallied 2.) failed to adhere to provisions of the AFGE Constitution and AFGE Election Manual when ballots received after the established deadline were counted as valid ballots. 3.) failed to maintain records when the election committee did not maintain a record of all ballot packages sent to members whose ballots were returned undelivered and to members who requested duplicate ballots.

Apprised of these findings, Government Employees (AFGE) Local 3553 agreed to conduct a new election of officers including president, 1st vice president, 2nd vice president, treasurer, secretary and chief steward under the supervision of the Chief of the Division of Enforcement, in accordance with Section 458.29 of the Rules and Regulations. The agreed upon remedial election was concluded on November 14, 2013. 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 Government Employees (AFGE) Local 3553 on February 16, 2013, 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 November 14, 2013.

Therefore, enforcement proceedings under Section 458.66 of the Rules and Regulations of the Assistant Secretary to set aside the election conducted on February 16, 2013 are not warranted.

Signed this 3rd day of March, 2014.

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, 2014

[REDACTED]

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, 2014

Ms. Ann Fisher, President
Government Employees (AFGE) Local 3553
1601 Perdido Street, Room 3H-115
New Orleans, Louisiana 70112

Dear Ms. Fisher:

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, 2014

Mr. J. David Cox Sr., National President
Government Employees (AFGE) National Union
80 F St 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