

**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 April 4, 2014, 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 October 15, 2013, by American Federation of Government Employees (AFGE) Local 3320 in Houston, Texas.

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 failed to provide adequate safeguards to insure a fair election. A candidate was denied a reasonable opportunity to campaign by not being provided requested information about making a campaign mailing to the membership. In addition, employer facilities were used when the former president sent an email to all employees through the government's email system prior to the election which praised the vice president who was succeeding him as president and who was the winning presidential candidate.

Apprised of these findings, AFGE Local 3320 agreed to conduct a new election for president, vice president, and secretary 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 October 7, 2014. 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 3320 on October 15, 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 October 7, 2014.

Therefore, enforcement proceedings under Section 458.66 of the Rules and Regulations of the Assistant Secretary to set aside the election conducted on October 15, 2013 are not warranted.

Signed this 5th day of November, 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



November 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



November 5, 2014

Ms. Marinella Murillo, President
American Federation of Government Employees (AFGE) Local 3320
1301 Fannin Street
Suite 2200
Houston, TX 77071

Dear Ms. Murillo:

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



November 5, 2014

Mr. J. David Cox, Sr.
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

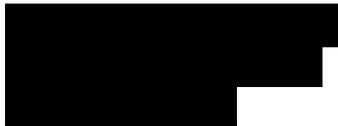
Enclosure

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Washington, DC 20210
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November 5, 2014



Dear [REDACTED]:

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

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure