

**Statement of Reasons for Dismissing a Complaint
Alleging the American Federation of Government Employees
Improperly Imposed a Trusteeship over Local 547**

Members in good standing of Local 547, American Federation of Government Employees (AFGE) filed a complaint with the Office of Labor Management Standards (OLMS) on August 3, 2012. Their complaint alleged that a trusteeship imposed on the local did not comply with various requirements of the Civil Service Reform Act (CSRA), 5 U.S.C. § 7120(d), and 29 C.F.R. § 458.26, which provides that “[t]rusteeships shall be established and administered by a labor organization over a subordinate body only in accordance with the constitution and bylaws of the organization which has assumed trusteeship over the subordinate body.”

In addition, an attorney, acting on behalf of a Local 547 member, sent a letter dated November 9, 2012 to OLMS asserting that AFGE did not comply with the requirements for providing notice of a trusteeship hearing as set forth in Article IX, Section 5(b)(5) of the AFGE Constitution. As a result of the OLMS investigation into the matter, AFGE reached an agreement to conduct another trusteeship hearing on March 6, 2013 to remedy the violation of the CSRA, 5 U.S.C. § 7120(d) and 29 C.F.R. § 458.26. Following the attorney’s request to reschedule the hearing, AFGE agreed to a hearing date of April 2, 2013. The second trusteeship hearing took place on that date.

The attorney sent another letter dated June 19, 2013 challenging the trusteeship under CSRA, 5 U.S.C. 7120(d), and 29 C.F.R. § 458.28, which provides that “[i]n any proceeding involving § 458.26, a trusteeship established by a labor organization in conformity with the procedural requirements of its constitution and bylaws and authorized or ratified after a fair hearing . . . shall be presumed valid for a period of 18 months from the date of its establishment.”

On September 9 and 16, 2013, two other Local 547 members filed a complaint alleging that the trusteeship imposed on the local on June 19, 2012 was unlawful because the local had been under trusteeship for more than twelve calendar months in violation of the CSRA, 5 U.S.C. § 7120(d), and 29 C.F.R. § 458.26. Article IX, Section 5(b)(7) of the AFGE Constitution provides that “[t]he trusteeship shall end within 12 months.” *But see* 29 C.F.R. § 458.28 (providing for an 18-month presumption of validity).

AFGE terminated the trusteeship over Local 547 and the local has been acting autonomously since March 20, 2014. Because the trusteeship has been terminated, no further action is necessary and we are closing the file on this matter.



October 2, 2014

[REDACTED]

Dear [REDACTED]:

This is to advise you of the disposition of your complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 461 – 466, as made applicable to elections of federal sector unions by the Civil Service Reform Act of 1978 (CSRA), 5 U.S.C. § 7120(d) and 29 C.F.R. § 458.26, occurred with respect to a trusteeship imposed by the American Federation of Government Employees (AFGE), over Local 547, in Tampa, Florida.

An investigation was conducted by OLMS. After carefully reviewing the investigative findings, we have determined that legal action is not warranted in this case. Therefore, we are closing our file as of this date.

The basis for this decision is set forth in the enclosed Statement of Reasons.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure

cc: Christopher Wilkinson, Associate Solicitor

Mr. Ward A. Meythaler
Merkle, Magri & Meythaler, P.A.
5601 Mariner Street, Suite 400
Tampa, FL 33609

U.S. Department of Labor

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



October 2, 2014

[REDACTED]

Dear [REDACTED]:

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cc: Christopher Wilkinson, Associate Solicitor

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Division of Enforcement
Washington, DC 20210
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October 2, 2014

J. David Cox, National President
American Federation of Government Employees (AFGE)
80 F Street, N.W.
Washington, D.C. 20001

Dear Mr. Cox:

This is to advise you of the disposition of complaints filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 461 – 466, as made applicable to elections of federal sector unions by the Civil Service Reform Act of 1978 (CSRA), 5 U.S.C. § 7120(d) and 29 C.F.R. § 458.26, occurred with respect to a trusteeship imposed by the American Federation of Government Employees (AFGE), over Local 547, in Tampa, Florida.

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