

**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 22, 2013, by AFGE Local 1917 in New York, New York.

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 union denied eligible members the right to vote in the mail ballot election when ballots hand-delivered to the designated election mailing house were not included in the ballot tally; improperly denied a member in good standing the right to be a candidate when it removed 2nd Vice President Candidate [REDACTED] name from the ballot; and, failed to provide adequate safeguards to ensure a fair election when the ballot packages sent to voters did not contain secret ballot envelopes to ensure voter secrecy.

Apprised of these findings, the AFGE National Union agreed to conduct new nominations for the office of 2nd Vice President, and a new election for the office of 2nd Vice President and Fair Practices Coordinator 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 May 22, 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 AFGE Local 1917 on February 22, 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 May 22, 2014.

Therefore, enforcement proceedings under Section 458.66 of the Rules and Regulations of the Assistant Secretary to set aside the election conducted on February 22, 2013 are not warranted.

Signed this 2nd day of September 2014.

A solid black rectangular redaction box covering the signature of Patricia Fox.

Patricia Fox
Chief, Division of Enforcement



September 2, 2014

[REDACTED]

Dear [REDACTED]:

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

Sincerely,

[REDACTED]

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



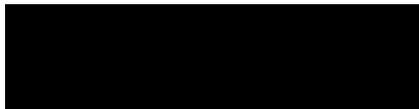
September 2, 2014

Mr. Stephen Weekes, President
AFGE Local 1917
26 Federal Plaza
New York, New York 10008

Dear Mr. Weekes:

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



September 2, 2014

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,

[Redacted Signature]

Patricia Fox
Chief, Division of Enforcement

Enclosure