

**U.S. DEPARTMENT OF LABOR
OFFICE OF LABOR-MANAGEMENT STANDARDS
WASHINGTON, DC 20210**

DETERMINATION

Determination of Complaints 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 March 23, 2015, the Secretary of Labor received complaints 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 November 12, 2014, by AFGE Local 2425 in East Orange, NJ.

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. The investigation revealed that the union was aware of a problem specific to Veteran's Administration (VA) employees where address information connected to bi-weekly VA check-off dues transmissions would override any new address changes made to the AFGE database (known as the "VA Glitch"). AFGE LU 2425 failed to provide proper notice of election as members whose addresses were affected by the VA glitch were not provided with the required notice, and at least 11 members were not sent ballots to their updated addresses despite having provided the union with updated and accurate address information. Additionally, AFGE LU 2425 failed to: 1) provide members the right to vote when it refused to count ballots because the name written on the outside envelope did not match exactly with the name in the membership database and when it refused to count either ballot where a member had returned two ballots; 2) provide adequate safeguards by using a post office box for return ballots that was shared with another local; 3) allow observers the ability to observe the entire tally process when it forced observers to leave the room where the tally was being conducted for at least 15 minutes.

Apprised of these findings, AFGE Local 2425 agreed to conduct a new election for the offices of President and Secretary/Treasurer 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 November 23, 2015 (Run-Off on December 18, 2015). 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 2425 on November 12, 2014, 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 23, 2015 (Run-Off on December 18, 2015).

Therefore, enforcement proceedings under Section 458.66 of the Rules and Regulations of the Assistant Secretary to set aside the election conducted on November 12, 2014 are not warranted.

Signed this 28th day of March 2016.

Sharon Hanley
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 28, 2016

[REDACTED]

Dear [REDACTED]:

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

Sincerely,

Sharon Hanley
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 28, 2016

Ms. Rochelle Baker
AFGE Local 2425
385 Tremont Avenue, Room 3-105
East Orange, NJ

Dear Ms. Baker:

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

Sincerely,

Sharon Hanley
Chief, Division of Enforcement

Enclosure

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



March 28, 2016

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,

Sharon Hanley
Chief, Division of Enforcement

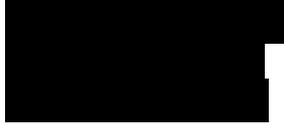
Enclosure

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March 28, 2016



Dear [REDACTED]:

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

Sincerely,

Sharon E. Hanley
Chief, Division of Enforcement

Enclosure