

**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 August 26, 2011, the Secretary of Labor received a complaint alleging a violation 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 that the regularly scheduled election of officers to be conducted in May 2011, by American Federation of Government Employees (AFGE) Local 1010 in Nederland, Texas, was not conducted.

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 local violated Section 458.29 of the Rules and Regulations in that the local failed to conduct its regularly scheduled election of officers.

Apprised of this finding, AFGE Local 1010 agreed to conduct nominations and an election of officers and delegates 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 17, 2011. It is, therefore,

**DETERMINED**, that there is probable cause to believe that a violation of Section 458.29 of the Rules and Regulations occurred by the failure of American Federation of Government Employees (AFGE) Local 1010 to conduct its regularly scheduled election in May 2011, but that this violation has been remedied by the new election, conducted under the supervision of the Chief, Division of Enforcement, OLMS, on November 17, 2011.

Therefore, enforcement proceedings under Section 458.66 of the Rules and Regulations of the Assistant Secretary with respect to the August 26, 2011 complaint are not warranted.

Signed this 23rd day of December, 2011.

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



December 28, 2011



Dear 

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



December 28, 2011

Mr. Jason Vandehoef, President  
American Federation of Government Employees (AFGE) Local 1010  
P.O. Box 1087  
Nederland, Texas 77627

Dear Mr. Vandehoef:

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



December 28, 2011

Mr. John Gage, National President  
AFGE  
80 F Street, NW  
Washington, DC 20001

Dear Mr. Gage:

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

Sincerely,

Patricia Fox  
Chief, Division of Enforcement

Enclosure