

**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 1, 2010, 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 December 3, 2009, by American Federation of Government Employees (AFGE) Local 2391 in Portland, Oregon.

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 an ineligible candidate who held a management position outside the bargaining unit was allowed to run for office.

Apprised of this finding, AFGE Local 2391 agreed to conduct new nominations, a new election, and installation for the office of 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 September 24, 2010. It is, therefore,

**DETERMINED**, that there is probable cause to believe that a violation 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 2391 on December 3, 2009, but that this violation has been remedied by the new election, conducted in accordance with Section 458.29, under the supervision of the Chief, Division of Enforcement, OLMS, on September 24, 2010.

Therefore, enforcement proceedings under Section 458.66 of the Rules and Regulations of the Assistant Secretary to set aside the election conducted on December 3, 2009 are not warranted.

Signed this 8th day of November, 2010.

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 8, 2010

[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 8, 2010

Mr. Rob Sax, President  
American Federation of Government Employees (AFGE) Local 2391  
620 SW Main Street, Suite 717  
Portland, Oregon 97204

Dear Mr. Sax:

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 8, 2010

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