

**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 February 10, 2014, 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 the regularly scheduled election of officers elected unopposed in November 2013, by American Federation of Government Employees Local 3314 in Buffalo, 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 improperly applied a candidate eligibility requirement and denied a member the right to be a candidate for president.

Apprised of this finding, AFGE agreed to conduct new nominations, a new election and installation for the office of president 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 October 3, 2014. 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 of officers of American Federation of Government Employees Local 3314 who were elected unopposed in November 2013, 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 October 3, 2014.

Therefore, enforcement proceedings under Section 458.66 of the Rules and Regulations of the Assistant Secretary to set aside the election of officers elected unopposed in November 2013 are not warranted.

Signed this 7th day of November, 2014.

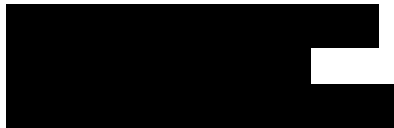
Patricia Fox  
Chief, Division of Enforcement

**U.S. Department of Labor**

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



November 7, 2014



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 7, 2014

Mr. Kevin Foley, President  
American Federation of Government Employees Local 3314  
130 South Elmwood Avenue  
Suite 601, Room 630  
Buffalo, New York 14202

Dear Mr. Foley:

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 7, 2014

Mr. J. David Cox, Sr.  
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,

Patricia Fox  
Chief, Division of Enforcement

Enclosure