



March 17, 2015

[REDACTED]

Dear [REDACTED]:

This is to advise you of the disposition of your complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 461 - 466, as made applicable to federal sector unions by the Civil Service Reform Act of 1978 (CSRA), 5 U.S.C. § 7120(d) and 29 C.F.R. § 458.26, occurred with respect to a trusteeship imposed by the American Federation of Government Employees (AFGE), over Local 2798, in Washington, DC.

An investigation was conducted by OLMS. After carefully reviewing the investigative findings, we have determined that legal action is not warranted in this case. Therefore, we are closing our file as of this date.

The basis for this decision is set forth in the enclosed Statement of Reasons.

Sincerely,

Patricia Fox,
Chief, Division of Enforcement

Enclosure

cc: Christopher Wilkinson, Associate Solicitor



March 17, 2015

J. David Cox, National President
American Federation of Government Employees, AFL-CIO
80 F Street, NW
Washington, DC 20001

Dear Mr. Cox:

This is to advise you of the disposition of a complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 461 - 466, as made applicable to federal sector unions by the Civil Service Reform Act of 1978 (CSRA), 5 U.S.C. § 7120(d) and 29 C.F.R. § 458.26, occurred with respect to a trusteeship imposed by the American Federation of Government Employees (AFGE), over Local 2798, in Washington, DC.

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Sincerely,

Patricia Fox,
Chief, Division of Enforcement

Enclosure

cc: Christopher Wilkinson, Associate Solicitor

Statement of Reasons
Dismissing a Complaint Concerning the Imposition of a Trusteeship
Over Local 2798 of the American Federation of Government Employees
Washington, D.C.

A member in good standing of the AFGE Local 2798 filed a complaint with the United States Department of Labor on June 18, 2013, alleging that the American Federation of Government Employees (AFGE) violated Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. § 401, et seq., as made applicable to federal sector unions by 29 C.F.R. § 458.26-28 and the Civil Service Reform Act of 1978, 5 U.S.C. § 7120, by unjustifiably imposing a trusteeship upon the Local. For the following reasons, the complaint is dismissed.

Title III of the LMRDA permits parent labor organizations to impose a trusteeship on subordinate bodies for the purposes of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objects of such labor organization. 29 U.S.C. § 462. A trusteeship established by a parent body in conformity with the procedural requirements of its constitution and bylaws is presumed valid for eighteen months from the date of its establishment and is not subject to attack during such period except by clear and convincing proof that the trusteeship was not established or maintained in good faith for a purpose allowable under section 302 of the LMRDA. 29 U.S.C. § 464(c).

Complainant alleged that AFGE improperly placed Local 2798 under trusteeship. The Department conducted an investigation of the allegation. The investigation revealed that AFGE placed Local 2798 in trusteeship on March 5, 2013. On or about May 30, 2013, in accordance with the trusteeship procedures in the AFGE Constitution, a trusteeship hearing panel voted to rescind the trusteeship. On June 7, 2013, in a separate action, AFGE National President suspended the local officers and assigned the former trustee to oversee the Local for the "foreseeable future." The Department, therefore, determined that a de facto trusteeship existed. The eighteen month period of presumed validity was to expire on September 5, 2014. In December 2013, AFGE advised the Department that an election of officers for Local 2798 would be conducted by the end of March 2014.

The Department has confirmed that an officer election was held on March 31, 2014, and the new officers were installed that day.

Because the trusteeship has been lifted and autonomy restored to Local 2798, the validity of the continuing trusteeship is moot. Accordingly, we are closing the Department's file on this matter.