

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

DETERMINATION

Determination of a Complaint Filed under Title IV
of the Labor-Management Reporting and Disclosure Act of 1959

On February 11, 2021, the Secretary of Labor received a complaint alleging violations of Section 401 of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), in the regularly scheduled election of officers conducted on October 10, 2020, by American Federation of Government Employees (AFGE) District 7 in Washington, D.C.

Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that one candidate used a union cell phone to campaign. The investigation also found that the District 7 Caucus Credentials Committee seated some delegates with incomplete credentials and seated other delegates from locals that had failed to provide proper notice of the delegate election to their members, which resulted in ineligible delegates being permitted to vote. Finally, the investigation found that District 7 failed to elect its officers by secret ballot as required by the AFGE Constitution when it utilized an internet voting system that made it possible to connect some delegates with their votes by analyzing local voting strength and number of delegates. It should be noted that this matter did not implicate the LMRDA's ballot secrecy requirement, as the LMRDA does not require elections of national officers to be conducted by secret ballot as long as the delegates were elected by secret ballot. Rather, the matter represented a violation of the AFGE Constitution, which not only requires delegates to be elected by secret ballot, but also requires delegates to cast secret ballots for national officers.

Apprised of these findings, AFGE agreed to conduct new nominations and a new election of officers under the supervision of the Secretary of Labor, in accordance with Title IV of the LMRDA. The agreed upon remedial election was concluded on November 6, 2021. It is, therefore,

DETERMINED, that there is probable cause to believe that violations of Title IV of the LMRDA occurred which may have affected the outcome of the election conducted by AFGE District 7 on October 10, 2020, but that these violations have been remedied by the new election, conducted in accordance with Title IV of the LMRDA, under the supervision of the Secretary of Labor, on November 6, 2021.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted on October 10, 2020 is not warranted.

Signed January 10, 2022.

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Chief, Division of Enforcement

U.S. Department of Labor

Office of Labor-Management Standards
Suite N-5119
200 Constitution Ave., NW
Washington, D.C. 20210
(202) 693-0143



January 10, 2022

[REDACTED]

Dear [REDACTED]:

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

Sincerely,

[REDACTED]

Chief, Division of Enforcement

Enclosure

U.S. Department of Labor
Office of Labor-Management Standards
Suite N-5119
200 Constitution Ave., NW
Washington, D.C. 20210
(202) 693-0143

Everett Kelley, National President
American Federation of Government Employees
80 F Street NW
Washington, DC 20001-1583

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

Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Suite N-5119
200 Constitution Ave., NW
Washington, D.C. 20210
(202) 693-0143



January 10, 2022

Rushab Sanghvi, Deputy General Counsel
American Federation of Government Employees
80 F Street NW
Washington, DC 20001-1583

Dear Mr. Sanghvi:

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

Sincerely,

A large black rectangular box redacting the signature of the official.

Chief, Division of Enforcement

Enclosure