

**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  
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 October 13, 2020, the Secretary of Labor received a complaint alleging violations of Section 458.29 of the Standards of Conduct Regulations (Regulations) issued pursuant to Section 7120(d) of the Civil Service Reform Act of 1978, in the regularly scheduled election of officers conducted on June 18, 2020 by AFGE Local 96 in St. Louis, Missouri.


Pursuant to Section 458.50 of the 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 Regulations in that Local 96 failed to hold a runoff election for two offices as required by the AFGE Constitution.

Apprised of these findings, AFGE Local 96 agreed to conduct a new election of officers under the supervision of the Chief of the Division of Enforcement, in accordance with Section 458.29 of the Regulations. The agreed upon remedial election was concluded on May 20, 2022. It is, therefore,

**DETERMINED**, that there is probable cause to believe that violations of Section 458.29 of the Regulations occurred which may have affected the outcome of the election conducted by AFGE Local 96 on June 18, 2020, but that these violations have been remedied by the new election, conducted in accordance with Section 458.29, under the supervision of the Chief, Division of Enforcement, OLMS, on May 20, 2022.

Therefore, enforcement proceedings under Section 458.66 of the Regulations to set aside the election conducted on June 18, 2020 are not warranted.

Signed July 19, 2023.



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



July 19, 2023



Dear [REDACTED]:

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

Sincerely,



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



July 19, 2023

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

Dear Dr. Kelley:

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

Sincerely,



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



July 19, 2023

Donna E. Sherrill-McGaughy, President  
AFGE Local 96  
915 North Grand Blvd  
St. Louis, MO 63103

Dear Ms. Sherrill-McGaughy:

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

Sincerely,



Chief, Division of Enforcement