

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

DETERMINATION

Determination of a Complaint Filed under Section 7120(d) of the Civil Service Reform Act of 1978 (5 U.S.C. 7120(d)), Section 458.29 of the Standards of Conduct Regulations (29 CFR 458.63), and the incorporated applicable sections of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. §§ 481-83)

On August 8, 2023, the Secretary of Labor received a complaint alleging violations of Section 7120(d) of the Civil Service Reform Act, Section 458.29 of the Standards of Conduct Regulations, and the incorporated applicable sections of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) in the regularly scheduled election of officers conducted on May 5, 2023, by AFGE Council 246 in St. Albans, New York.

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 Council 246 failed to follow its Constitution in violation of section 401(f) of the LMRDA (29 U.S.C. § 481(f)) in that (1) AFGE Council 246 failed to establish a Credentials Committee to verify locals' and delegates' eligibility to participate in the convention, as required by Article VI, Sections 5-6 of the AFGE Council 246 Constitution, and (2) AFGE Council 246 allowed delegates to participate in the election even though the local unions they represented had not paid their per capita taxes to AFGE Council 246 as required by Article VI, Section 1, and Article XIII, Section 2, of the AFGE Council 246 Constitution.

Apprised of these findings, AFGE Council 246 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 April 10, 2024. 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 Council 246 on May 5, 2023, 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 April 10, 2024.

Therefore, enforcement proceedings under Section 458.66 of the Regulations to set aside the election conducted on May 5, 2023, are not warranted.

Signed May 31, 2024.



Tracy L. Shanker
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



May 31, 2024



Dear [REDACTED]:

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

Sincerely,



Tracy L. Shanker
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



May 31, 2024

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,



Tracy L. Shanker
Chief, Division of Enforcement

cc: Rushab Sanghvi, Esq.
American Federation of Government Employees, AFL-CIO
80 F Street, NW
Washington, DC 20001

U.S. Department of Labor

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



May 31, 2024

Geddes Scott, President
AFGE Council 246
179-00 Linden Blvd.
St. Albans, NY 11425

Dear Mr. Scott:

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

Sincerely,

[Redacted signature]

Tracy L. Shanker
Chief, Division of Enforcement