

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

**DETERMINATION**

Determination of Complaints 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)) and Section 4117 of the Foreign Service Act of 1980 (22 U.S.C. 4117)

On May 6, 2009, July 14, 2009 and August 22, 2009 the Secretary of Labor received three separate complaints alleging violations of Section 458.29 of the Assistant Secretary's Standards of Conduct Regulations issued pursuant to Section 7120(d) of the Civil Service Reform Act of 1978 (CSRA), in the regularly scheduled election of officers conducted on June 12, 2009, by American Foreign Service Association ("AFSA") in Washington, DC.

Pursuant to Section 458.50 of the Standards of Conduct 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 Standards of Conduct Regulations in that candidates and their supporters used union email address lists and employer email addresses to campaign to AFSA members.

Apprised of these findings, American Foreign Service Association agreed to conduct new nominations and a new election of officers under the supervision of the Chief of the Division of Enforcement, in accordance with Section 458.29 of the Standards of Conduct Regulations. The agreed upon remedial election was concluded on June 2, 2011. It is, therefore,

**DETERMINED**, that there is probable cause to believe that violations of Section 458.29 of the Assistant Secretary's Standards of Conduct Regulations occurred which may have affected the outcome of the election conducted by American Foreign Service Association on June 12, 2009, 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 June 2, 2011.

Therefore, enforcement proceedings under Section 458.66 of the Standards of Conduct Regulations of the Assistant Secretary to set aside the election conducted on June 12, 2009 are not warranted.

Signed this 8th day of July, 2011.

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



July 8, 2011

[REDACTED]

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



July 8, 2011

Ms. Susan Johnson, President  
American Foreign Service Association  
1201 E Street, NW  
Washington, DC 20037

Dear Ms. Johnson:

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

Sincerely,

Patricia Fox  
Chief, Division of Enforcement

Enclosure

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July 8, 2011

[REDACTED]

Dear [REDACTED]

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Sincerely,

Patricia Fox  
Chief, Division of Enforcement

Enclosure

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July 8, 2011



Dear [REDACTED]:

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Patricia Fox  
Chief, Division of Enforcement

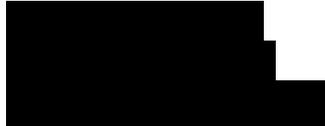
Enclosure

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July 8, 2011



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Sincerely,

Patricia Fox  
Chief, Division of Enforcement

Enclosure