



February 11, 2011


Dear |||||:

This Statement of Reasons is in response to the complaint that you filed with the United States Department of Labor on November 14, 2010, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA), 29 U.S.C. §§ 481-484, as made applicable to federal sector unions by 29 C.F.R. §458.29 and the Civil Service Reform Act of 1978, 5 U.S.C. §7120, occurred in connection with the election of officers for Local 2018 of the American Federation of Government Employees, (AFGE), completed on July 8, 2010.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded that there was no violation of the Act.

You alleged that an AFGE National Vice President improperly ordered a rerun of the July election. AFGE ordered the rerun after determining that the Local's failure to update its membership mailing list may have resulted in eligible members being denied the opportunity to participate in the election. Specifically, you alleged that the decision to rerun was improper because it was based on a protest by the losing incumbent president who was at least partially responsible for failing to update the Local's mailing list.

The Secretary accords a degree of deference to decisions on internal union election protests providing for the conduct of a new election. Generally, the Secretary will not seek to reverse a union's remedial decision to hold a new election, even if the evidence could be viewed as insufficient to support a decision by the Secretary to sue to overturn the original election, unless it is apparent that the decision was based on the application of a rule that violates the LMRDA; the decision was made in bad faith; or the decision is otherwise contrary to the principles of union democracy embodied in the statute and holding a new election is unreasonable.

In this case, there is no evidence that the AFGE National Vice President ordered the rerun in bad faith. Further, the decision was not contrary to union democracy nor based on the application of a rule violating the LMRDA. Rather, the evidence indicates that AFGE had a sufficient basis – the Local’s failure to update its membership mailing list and resulting possible disenfranchisement of eligible members – for determining to rerun the election. Additionally, the rerun election completed on November 30, 2010, resulted in the same candidates winning. Therefore, even if rerunning the election had been a violation, it had no effect on the outcome of the election.

For the reasons set forth above, the Department has concluded that there was no violation of the Act, and I have closed the file in this matter.

Sincerely,

Patricia Fox  
Chief, Division of Enforcement

cc: John Gage, National President  
American Federation of Government Employees  
80 F Street N.W.  
Washington, DC 20001

AFGE Local 2018  
Post Office Box 6266  
Twentynine Palms, California 92277

Beverly Dankowitz, Acting Associate Solicitor  
for Civil Rights and Labor-Management