

U.S. Department of Labor

Office of Labor-Management Standards  
Division of Enforcement  
Washington, DC 20210  
(202) 693-0143 Fax: (202) 693-1343



November 28, 2012

[REDACTED]

Dear [REDACTED]

This is to advise you of the disposition of your complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), occurred with respect to the trusteeship imposed by the American Federation of Government Employees, over Local 2298, Goose Creek, South Carolina.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards. After carefully reviewing the investigative findings, and after consulting with the Solicitor of Labor, we have determined that legal action is not warranted in this case. We are, therefore, closing our file as of this date.

The basis for this decision is set forth in the enclosed Statement of Reasons.

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



November 28, 2012

Mr. J. David Cox  
American Federation of Government Employees  
80 F Street NW  
Washington, D.C. 20001

Dear Mr. Cox:

This is to advise you of the disposition of a complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), occurred with respect to the trusteeship imposed by the American Federation of Government Employees, over Local 2298, Goose Creek, South Carolina.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards. After carefully reviewing the investigative findings, and after consulting with the Solicitor of Labor, we have determined that legal action is not warranted in this case. We are, therefore, closing our file as of this date.

The basis for this decision is set forth in the enclosed Statement of Reasons.

Sincerely,

Patricia Fox  
Chief, Division of Enforcement

Enclosure

Statement of Reasons for Dismissing a Complaint  
Alleging the American Federation of Government Employees  
Improperly Imposed a Trusteeship over its Subordinate  
Local 2298

On December 13, 2011, a complaint was filed with the Secretary of Labor alleging that the American Federation of Government Employees (AFGE) violated Title III of the Labor-Management Reporting and Disclosure Act (LMRDA), as made applicable to federal sector unions by the Civil Service Reform Act of 1978, 5 U.S.C. § 7120, when it imposed a trusteeship over Local 2298, a subordinate body, inconsistent with purposes allowable under section 302 of the LMRDA.

Under section 302 of the LMRDA, a trusteeship shall be established and administered by a labor organization over a subordinate body only in accordance with the constitution and bylaws of the organization which has assumed trusteeship over the subordinate body for the purpose of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objects of such labor organization. Any such trusteeship established by a labor organization in conformity with the procedural requirements of its constitution and bylaws, and authorized or ratified after a fair hearing shall be presumed valid for a period of eighteen months from the date of its establishment and shall not be subject to attack during that period except upon clear and convincing proof that the trusteeship was not established or maintained in good faith for a purpose allowable under section 302 of the LMRDA.

The investigation disclosed that two military facilities, Charleston Air Force Base and Charleston Naval Weapon Station, were merged. Prior to the merger, employees of each base were represented by either Local 2298 or Local 1869. After the merger, Local 2298 requested a hearing before the Federal Labor Relations Authority regarding its bargaining status. AFGE deemed Local 2298's hearing request to be an attempted secession, in violation of the Local 2298 Charter. AFGE imposed a trusteeship on December 1, 2011, under its expedited trusteeship procedures. Article IX, Section 5(b)(4), AFGE Constitution.

The investigation disclosed that AFGE lifted the trusteeship on March 22, 2012. The autonomy of Local 2298 was fully restored at that time. It is therefore not necessary in the instant case to determine whether AFGE met the procedural requirements set forth in its constitution in imposing the trusteeship or whether AFGE's actions fall within one of the protected reasons, under section 304 of the LMRDA, for imposing a trusteeship.

Accordingly, this complaint is dismissed.