



January 13, 2014



Dear [REDACTED]:

This is to advise you of the disposition of the complaint filed with the Secretary of Labor alleging a violation of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) with regard to the trusteeship imposed by the American Federation of Government Employees in Washington, DC.

Pursuant to Sections 304(a) and 601 of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), as made applicable to federal sector unions by 29 C.F.R. §458.26 and the Civil Service Reform Act of 1978, 5 U.S.C. §7120, an investigation was conducted by the Office of Labor-Management Standards. Following review of the investigative findings by this office and the Office of the Solicitor, Division for Civil Rights and Labor-Management, a decision has been made that those findings do not provide a basis for action by the Department.

A statement of reasons setting forth the basis for this decision is enclosed.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure

cc: Christopher Wilkinson, Associate Solicitor for Civil Rights Labor-Management

U.S. Department of Labor

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



January 13, 2014

J. David Cox, National President
American Federation of Government Employees, AFL-CIO
80 F Street, NW
Washington, DC 20001

Dear Mr. Cox:

This is to advise you of the disposition of the complaint filed with the Secretary of Labor alleging a violation of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) with regard to the trusteeship imposed by the American Federation of Government Employees in Washington, DC.

Pursuant to Sections 304(a) and 601 of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), as made applicable to federal sector unions by 29 C.F.R. §458.26 and the Civil Service Reform Act of 1978, 5 U.S.C. §7120, an investigation was conducted by the Office of Labor-Management Standards. Following review of the investigative findings by this office and the Office of the Solicitor, Division for Civil Rights and Labor-Management, a decision has been made that those findings do not provide a basis for action by the Department.

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Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure

cc: Christopher Wilkinson, Associate Solicitor for Civil Rights Labor-Management

Statement of Reasons
Dismissing Complaint
Concerning the Imposition of a Trusteeship
Over Local 899 of the American Federation of Government
Employees in Eagan, Minnesota

A member in good standing of the AFGE Local 899 filed a complaint with the United States Department of Labor on August 16, 2013, alleging that the American Federation of Government Employees (AFGE) violated Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. § 401, et seq., as made applicable to federal sector unions by 29 C.F.R. § 458.26-28 and the Civil Service Reform Act of 1978, 5 U.S.C. § 7120, by unjustifiably imposing a trusteeship upon Local 899. For the following reasons, the complaint is dismissed.

Title III of the LMRDA permits parent labor organizations to impose a trusteeship on subordinate bodies for the purposes 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. 29 U.S.C. § 462. A trusteeship established by a parent body in conformity with the procedural requirements of its constitution and bylaws and ratified after a fair hearing is presumed valid for eighteen months from the date of its establishment and is not subject to attack during such period except by 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. 29 U.S.C. § 464(c).

Complainant alleges that AFGE placed Local 899 under trusteeship for an invalid reason based on false information and that AFGE failed to follow proper procedures. The Department conducted an investigation of the allegations. As a result of the investigation, the Department has concluded that the trusteeship was established for a purpose allowable under the LMRDA and in accordance with the AFGE's constitution and bylaws.

The Department's investigation revealed that AFGE National President David Cox removed the Local's president from office in July 2013 for failing to represent members. The suspension letter identifies two instances where the Local president failed to ensure that a response was filed regarding a member's removal and one instance when he failed to file an appeal.

The trusteeship was imposed under the AFGE Constitution's expedited trusteeship procedures (Art. IX, Section 5(b)(4-7)). President Cox appointed a trustee on August 7, 2013 and notified members of the imposition of the trusteeship in a letter dated the

same day. The letter stated that “[t]here has been a confirmed loss of leadership, and there has been a violation of law,” specifically noting that the local had not filed certain required reports with the Department of Labor; had refused to communicate with the District or with Department of Labor regarding requests for financial documents; and that the Local President was suspended for failing to represent the Local’s members. The investigation confirmed the substance of these allegations. A trusteeship hearing was held August 26, 2013, and the hearing panel issued a decision ratifying the trusteeship on September 20, 2013. The Local remains under trusteeship to date.

The evidence establishes that the trusteeship was imposed to assure the performance of collective bargaining agreements or other duties of a bargaining representative, restore democratic procedures, or otherwise carry out the legitimate objects of such labor organization. See *Nat'l Ass'n of Letter Carriers v. Sombrotto*, 449 F.2d 915, 923 (2d Cir.1971)(only one legally permissible purpose is required for a valid trusteeship). Further, AFGE followed its constitutional procedures for establishing the trusteeship. See 29 C.F.R. 458.26. There was no violation of the LMRDA. Accordingly, the Department is closing its file on this matter.