

**U.S. Department of Labor**

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



October 21, 2014



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), as made applicable to elections of federal sector unions by the Civil Service Reform Act of 1978 (CSRA), 5 U.S.C. § 7120(d) and 29 C.F.R. § 458.26, occurred with respect to a trusteeship imposed by the American Federation of Government Employees (AFGE), over Local 1749, in Del Rio, Texas.

An investigation was conducted by OLMS. After carefully reviewing the investigative findings, we have determined that legal action is not warranted in this case. Therefore, we are 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

cc: Christopher Wilkinson, Associate Solicitor

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October 21, 2014

J. David Cox, National President  
American Federation of Government Employees (AFGE)  
80 F Street, N.W.  
Washington, D.C. 2001

[REDACTED]  
AFGE Local 1749  
P.O. Box 1165  
Del Rio, TX 78841

Dear Messrs. Cox and [REDACTED]:

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), as made applicable to elections of federal sector unions by the Civil Service Reform Act of 1978 (CSRA), 5 U.S.C. § 7120(d) and 29 C.F.R. § 458.26, occurred with respect to a trusteeship imposed by the American Federation of Government Employees (AFGE), over Local 1749, in Del Rio, Texas.

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Sincerely,

Patricia Fox  
Chief, Division of Enforcement

Enclosure

cc: Christopher Wilkinson, Associate Solicitor

Statement of Reasons  
For Dismissing a Complaint  
Concerning the Trusteeship imposed on Local 1749  
American Federation of Government Employees  
in Del Rio, Texas

A member in good standing of the American Federation of Government Employees Local 1749 (Local 1749), filed a complaint on December 10, 2013, with the Secretary of Labor alleging that AFGE National improperly imposed a trusteeship on Local 1749 as the trusteeship was not imposed in accordance with Article IX of the AFGE National Constitution.

The LMRDA allows trusteeships 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 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).

The Department of Labor investigation established that on June 3, 2013, AFGE National imposed a trusteeship on Local 1749 to correct financial malpractice because Local 1749 failed to file the requisite IRS 1099-MISC forms for stipends that executive board members received from union funds. The investigation further revealed that AFGE National lifted the trusteeship on June 3, 2014, following an election of officers on May 24, 2014. Thus, full autonomy has been restored to Local 1749. On July 18, 2014, a Terminal Trusteeship Report Form LM-16 was filed with the Department along with a Report on Selection of Delegates and Officers Form LM-15A.

For the reasons stated above, any questions regarding the use of proper procedures and whether the trusteeship was valid are moot. Accordingly, this matter does not require any further action on the part of the Department and we are closing our file.