

**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))

On February 11, 2015 and February 12, 2015 the Secretary of Labor received complaints alleging violations of Section 458.29 of the Rules and Regulations of the Assistant Secretary issued pursuant to Section 7120(d) of the Civil Service Reform Act of 1978 (CSRA), in the regularly scheduled election of officers conducted on December 1, 2014 and the runoff election conducted on January 12, 2015, by the American Federation of Government Employees, AFGE, AFL-CIO, Local 2028 in Pittsburgh, Pennsylvania.

Pursuant to Section 458.50 of the Rules and 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 Rules and Regulations in that members were denied the right to vote when ballots were not mailed to eligible voters; either, the eligible member's name was left off the mailing label list or a ballot was not forwarded to the member when an address had been provided.

Apprised of these findings, AFGE Local 2028 agreed to conduct a new election for the offices of Executive Vice-President, Chaplain, Chief Steward-Oakland, EEO Officer (runoff candidates only) and Delegate (6 positions) under the supervision of the Chief of the Division of Enforcement, in accordance with Section 458.29 of the Rules and Regulations of the Assistant Secretary. The agreed upon remedial election was concluded on June 16, 2015. It is, therefore,

DETERMINED, that there is probable cause to believe that violations of Section 458.29 of the Rules and Regulations occurred which may have affected the outcome of the election conducted by American Federation of Government Employees, AFGE, AFL-CIO, Local 2028 on December 1, 2014 and January 12, 2015, 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 16, 2015.

Therefore, enforcement proceedings under Section 458.66 of the Rules and Regulations of the Assistant Secretary to set aside the election conducted on December 1, 2014 and January 12, 2015 are not warranted.

Signed this 25th day of August 2015.

Stephen J. Willertz
Acting 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



August 25, 2015

[REDACTED]

Dear [REDACTED]

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

Sincerely,

Stephen J. Willertz
Acting 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



August 25, 2015

Ms. Kathleen Dahl, President
AFGE, Local 228
Post Office Box 38249
Pittsburgh, Pennsylvania 15238-9998

Dear Ms. Dahl:

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

Sincerely,

Stephen J. Willertz
Acting Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

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



August 25, 2015

Mr. J. David Cox, Sr., National President
American Federation of Government Employees
80 F Street, NW
Washington, DC 20001

Dear Mr. Cox:

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

Sincerely,

Stephen J. Willertz
Acting Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

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August 25, 2015

[REDACTED]

Dear [REDACTED]

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Sincerely,

Stephen J. Willertz
Acting Chief, Division of Enforcement

Enclosure