

**U.S. DEPARTMENT OF LABOR
OFFICE OF LABOR-MANAGEMENT STANDARDS
WASHINGTON, DC 20210**

DETERMINATION

Determination of a Complaint 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 December 17, 2015, the Secretary of Labor received a complaint 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 August 19, 2015, by AFGE Council 228 in Washington, DC.

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 AFGE Council 228 failed to provide proper notice of the nomination meeting. In addition Council 228 failed to conduct the election in accordance with the Council 228 Constitution when it used a membership strength voting formula for delegates at the Council 228 Convention.

Apprised of these findings, American Federation of Government Employees agreed to conduct new nominations and a new election of officers 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 April 16, 2018. 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 AFGE Council 228 on August 19, 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 April 16, 2018.

Therefore, enforcement proceedings under Section 458.66 of the Rules and Regulations of the Assistant Secretary to set aside the election conducted on August 19, 2015 are not warranted.

Signed this 22nd day of June 2018.

Sharon Hanley
Chief, Division of Enforcement



June 22, 2018

[Redacted]

Dear [Redacted]:

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

Sincerely,

[Redacted]

Sharon Hanley
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



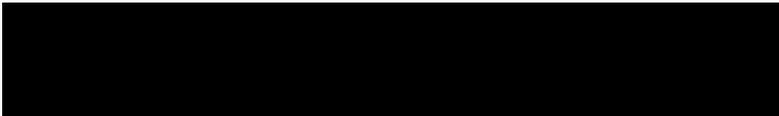
June 22, 2018

Mr. Johnnie Green, President
AFGE Council 228
80 F Street, NW
Washington, DC 20001

Dear Mr. Green:

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

Sincerely,



Sharon Hanley
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



June 22, 2018

Mr. J. David Cox, Jr.
American Federation of Government Employees, AFL-CIO
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,



Sharon Hanley
Chief, Division of Enforcement

Enclosure