



November 31, 2018



Dear [REDACTED]

This Statement of Reasons is in response to your complaint filed with the Department of Labor on July 25, 2017, alleging that violations of the election provisions of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. § 481, as made applicable to the elections of federal sector unions by 29 C.F.R. § 458.29 and the Civil Service Reform Act of 1978, 5 U.S.C. § 7120, occurred in connection with the officer election held on March 9, 2017, and the runoff election held on April 14, 2017, by Local 2798 (Local), American Federation of Government Employees (AFGE) after a trusteeship was lifted.

The Department of Labor (Department) conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to the specific allegations, that there was no violation of the LMRDA that may have affected the outcome of the election. Following is an explanation of this conclusion.

You alleged that members were not allowed to vote on changes to Local 2798's Constitution and Bylaws that affected how the elections would be conducted. Trustee [REDACTED] stated that she changed Local 2798's Bylaws without membership approval because a membership vote is not required when a local is in trusteeship. However, Article IX, Section 5(b)(3) of the AFGE Constitution states: "When an affiliate in the Federation is under trusteeship, the trustee will ensure that the membership of the affiliate will be involved or participate by ... providing the membership a voice in setting policy" Article XI, Section 3 of the AFGE standard local constitution further states: "Bylaws shall be adopted and amended only after a one-month notice to the local's membership and by two-thirds vote of the members, either present at a membership meeting and voting, with provision for absentee vote; or by mail ballot." Trustee [REDACTED] did not comply with the above referenced requirements of the AFGE National Constitution.

The new Local 2798 Bylaws increased the number of officer positions from four to seven and deleted specific language requiring manual ballot elections to be held. Trustee [REDACTED] acknowledged that the AFGE National Office recommended that additional officer

positions such as Fair Practice Coordinator be included in the amended bylaws. She further acknowledged that she used the standard language found in the AFGE National Constitution to change the method of voting from manual to a mail ballot election.

The Department's investigation established that the January 18, 2017 combined nomination and election notice was mailed to all members and listed the seven positions available for nomination as outlined in the new Local 2798 Bylaws. The positions were: President, Executive Vice President, Treasurer, Secretary, Chief Steward, Local Fair Practice Coordinator, and Local Women's Coordinator. Nominations were made by mail during the period from January 18 to February 3, 2017. To the extent that Trustee [REDACTED] decision to change the election to a mail ballot election and increase the number of officer positions constituted a violation of the LMRDA, there was no effect on the outcome of the election because all Local 2798 members had sufficient notice to nominate members for all of the positions and had an opportunity to vote in the election.

You alleged that no prior notice was given for the swearing in of officers; that not all of the officers were sworn in; and that the membership was not given the opportunity to witness the swearing in and introduction of the newly elected officers. None of these issues involved the conduct of the elections. Consequently, they do not constitute violations of the union officer election provisions of Title IV of the LMRDA.

For the reasons set forth above, the Department has concluded that there was no violation of 29 C.F.R. § 458.29, and I have closed the file regarding this matter. You may obtain a review of this dismissal by filing a request for review with the Director within 15 days of service of this notice of dismissal. A copy of your request must be served on the District Director and the union and a statement of facts must be filed with the Director. The request for review must contain a complete statement of facts and the reasons upon which your request is based. See 29 C.F.R. § 458.59.

Sincerely,

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Chief, Division of Enforcement

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