

Statement of Reasons for Dismissing a Complaint
Alleging American Federation of Government Employees
Improperly Continued a Trusteeship
on its Subordinate, Local 987, located in Warner Robins, Georgia

A complaint, dated October 11, 2017, was filed with the Secretary of Labor 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. §§ 461-466, as made applicable to federal sector unions by 29 C.F.R. §§ 458.26-458.28 and the Civil Service Reform Act of 1978, 5 U.S.C. § 7120, when it continued its trusteeship over AFGE, Local 987, a subordinate body. The complaint alleged that the continuation of the trusteeship was inconsistent with the AFGE Constitution and therefore inconsistent with Title III of the LMRDA.

Section 304(c) of the LMRDA, reiterated in 29 C.F.R. § 458.28, provides, in relevant part, that:

a trusteeship established by a labor organization in conformity with the procedural requirements of its constitution and bylaws . . . shall be presumed valid for a period of eighteen months from the date of its establishment and shall not be subject to attack during such period except upon clear and convincing proof that the trusteeship was not established or maintained in good faith for a purpose allowable under section 302.

The Department investigated a prior complaint concerning the validity of this same trusteeship. The Department determined that AFGE, in imposing the trusteeship over Local 987 on August 11, 2016, had an allowable purpose for doing so under the law and followed its constitutional procedures. As explained in the January 11, 2017 statement of reasons dismissing the prior complaint, the Department had no basis for challenging the validity of the trusteeship, which had been in place for fewer than eighteen months.

The instant complaint alleged that the trusteeship over Local 987 should have been lifted by August 11, 2017, twelve months from its imposition, as required under the AFGE Constitution. The investigation confirmed that Article IX, Section 5(b)(7) of the AFGE Constitution provides that “[t]he trusteeship shall end within 12 months.” However, the statutory presumption of validity does not expire until February 11, 2018, and is subject to attack only for the specific reasons set out in the statute. Nothing in the complaint provided any evidence establishing either that the trusteeship was not established in accordance with the AFGE Constitution’s procedural requirements or clear and convincing proof that the trusteeship has not been maintained in good faith for a purpose allowable under section 302. The violation of the 12-month requirement in the Constitution does not, in itself, establish that the statutory standard has been met. Consequently, there is no basis for the Department to seek the lifting of the trusteeship over Local 987 at this time.

For the reasons set forth above, the Department has concluded that there was no violation of Title III of the LMRDA, and the complaint is dismissed.



January 3, 2018

[REDACTED]

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 (LMRDA), as made applicable to federal sector unions by the Civil Service Reform Act, 5 U.S.C. § 7120(d) and 29 C.F.R. § 458.26, occurred with respect to the trusteeship imposed by the American Federation of Government Employees over Local 987 in Warner Robins, Georgia.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards. After carefully reviewing the investigative findings, and after consulting with the Solicitor of Labor, we have determined that legal action is not warranted in this case. We are, therefore, closing our file as of this date. The basis for this decision is set forth in the enclosed Statement of Reasons.

Sincerely,

Sharon Hanley
Chief, Division of Enforcement

cc: Beverly Dankowitz, Associate Solicitor
Civil Rights and Labor-Management Division



January 3, 2018

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

Everett Kelley, Trustee
AFGE Local 987
P.O. Box 51079
Warner Robins, Georgia 31099-1079

Dear Msrs. Cox and Kelley:

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 (LMRDA), as made applicable to federal sector unions by the Civil Service Reform Act, 5 U.S.C. § 7120(d) and 29 C.F.R. § 458.26, occurred with respect to the trusteeship imposed by the American Federation of Government Employees over Local 987 in Warner Robins, Georgia.

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Sharon Hanley
Chief, Division of Enforcement

cc: Beverly Dankowitz, Associate Solicitor
Civil Rights and Labor-Management Division