

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

DETERMINATION

Determination of Complaints Filed under Section 458.63 of the
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 March 16, 2020, and May 18, 2020, the Secretary of Labor received complaints alleging violations of Section 458.29 of the Standards of Conduct Regulations (Regulations) issued pursuant to Section 7120(d) of the Civil Service Reform Act of 1978, in the regularly scheduled election of officers that was completed on January 31, 2020, by American Federation of Government Employees Local 2052 in Hopewell, Virginia.


Pursuant to Section 458.50 of the 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 Regulations in that the union failed to provide its members a reasonable opportunity to nominate candidates for two member-at-large officer positions and failed to provide adequate safeguards to ensure a fair election when it included one hand-delivered ballot in the mail ballot tally.

Apprised of these findings, American Federation of Government Employees Local 2052 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 Regulations. The agreed upon remedial election concluded on January 27, 2021. It is, therefore,

DETERMINED, that there is probable cause to believe that violations of Section 458.29 of the Regulations occurred which may have affected the outcome of the election conducted by American Federation of Government Employees Local 2052 on January 31, 2020, 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, and completed on January 27, 2021.

Therefore, enforcement proceedings under Section 458.66 of the Regulations to set aside the election conducted on January 31, 2020, are not warranted.

Signed March 9, 2021.


Tracy L. Shanker
Chief, Division of Enforcement



March 9, 2021

[REDACTED]

Dear [REDACTED]

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

Sincerely,

[REDACTED]

Tracy L. Shanker
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210



March 9, 2021

AFGE Local 2052 Executive Board
22131 Lake Jordan Drive
Petersburg, VA 23803

Dear Local 2052 Executive Board:

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

Sincerely,



Tracy L. Shanker
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210



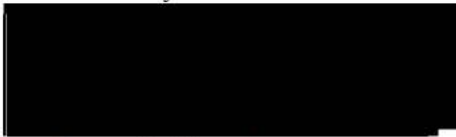
March 9, 2021

Everett B. Kelley, National President
American Federation of Government Employees
80 F Street, NW
Washington, DC 20001

Dear Mr. Kelley:

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

Sincerely,



Tracy L. Shanker
Chief, Division of Enforcement

Enclosure



March 9, 2021

[REDACTED]

Dear [REDACTED]

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

Sincerely,

[REDACTED]

Tracy L. Shanker
Chief, Division of Enforcement

Enclosure