

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
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 November 30, 2020, the Secretary of Labor received a complaint 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 conducted on October 16, 2020, by AFGE Local 3928 in Lincoln, Nebraska.

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 Local 3928 failed to properly notify one of the two candidates running for the office of USCIS Vice President South that the local had ordered a rerun of his race, or of the deadline to request a campaign mailing in the rerun election.

Apprised of these findings, AFGE Local 3928 agreed to conduct 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 was concluded on April 16, 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 AFGE Local 3928 on October 16, 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, on April 16, 2021.

Therefore, enforcement proceedings under Section 458.66 of the Regulations to set aside the election conducted on October 16, 2020 are not warranted.

Signed June 7, 2021.



Tracy L. Shanker
Chief, Division of Enforcement



May 17, 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



May 17, 2021

Mr. Ruark Hotopp, President
AFGE Local 3928
1301 W Highlands Blvd.
Lincoln, NE 68521

Dear Mr. Hotopp:

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

Sincerely,



Tracy L. Shanker
Chief, Division of Enforcement

Enclosure



May 17, 2021

Dr. Everett Kelley, National President
American Federation of Government Employees, AFL-CIO
80 F Street NW
Washington, DC 20001

Dear Dr. Kelley:

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

Sincerely,



Tracy L. Shanker
Chief, Division of Enforcement

Enclosure