

**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 January 15, 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 29, 2019, by American Federation of Government Employees (AFGE) Local 1045 in Biloxi, Mississippi.

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 AFGE Local 1045 denied members the opportunity to nominate candidates for office when it failed to send nomination notices to retired members and to those who were on leave or worked remotely; denied members a reasonable opportunity to vote when it used an outdated membership address list to send ballot packages and did not send duplicate ballots to four members who had requested them; and failed to provide adequate safeguards when members of the local election committee took ballots home to prepare ballot packages.

Apprised of these findings, AFGE Local 1045 agreed to conduct new nominations and a new election of officers under the supervision of the Chief of the OLMS Division of Enforcement, in accordance with Section 458.29 of the Regulations. The agreed upon remedial election was concluded on August 10, 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 1045 on October 29, 2019, but that these violations have been remedied by the new election, conducted in accordance with Section 458.29, under the supervision of the Chief, OLMS Division of Enforcement, on August 10, 2021.

Therefore, enforcement proceedings under Section 458.66 of the Regulations to set aside the election conducted on October 29, 2019, are not warranted.

Signed September 29, 2021.



Tracy L. Shanker
Chief, Division of Enforcement

U.S. Department of Labor

Office of Labor-Management Standards
Suite N-5119
200 Constitution Ave., NW
Washington, D.C. 20210
(202) 693-0143



September 27, 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
Suite N-5119
200 Constitution Ave., NW
Washington, D.C. 20210
(202) 693-0143



September 27, 2021

John Mechanic, President
American Federation of Government Employees Local 1045
400 Veterans Avenue
Biloxi, MS 39535

Dear Mr. Mechanic:

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

Sincerely,

A large black rectangular redaction box covering the signature area.

Tracy L. Shanker
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Suite N-5119
200 Constitution Ave., NW
Washington, D.C. 20210
(202) 693-0143



September 27, 2021

Everett Kelly, President
American Federation of Government Employees
80 F Street, NW
Washington, DC 20001

Dear Mr. Kelly:

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

Sincerely,



Tracy L. Shanker
Chief, Division of Enforcement

Enclosure