



March 16, 2022



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on May 21, 2020, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA, or Act), as made applicable to elections of federal sector unions by 29 C.F.R. § 458.29 and the Civil Service Reform Act of 1978 (CSRA), 5 U.S.C. § 7120, occurred in connection with the March 3, 2020 election of union officers conducted by the American Federation of Government Employees Local 2343 (Local 2343).

The Department of Labor (Department) conducted an investigation of your allegations to determine if there was a violation which affected the outcome of the election. As a result of the investigation, the Department has concluded, with respect to the specific allegations, that there was no violation of the Act that may have affected the outcome of the election.

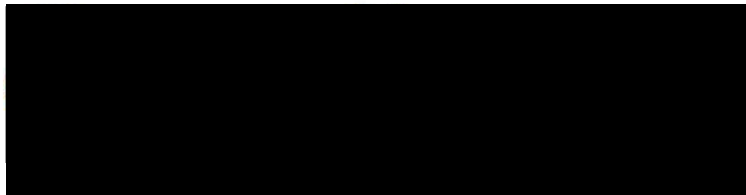
You alleged that Local 2343 violated section 401(e) of the LMRDA by failing to provide adequate notice of the February 4, 2020 nomination meeting. Section 401(e) of the LMRDA requires that members have a reasonable opportunity to nominate candidates prior to an election. 29 U.S.C. § 481(e). The Department's regulations provide that nomination notices "may be given in any manner reasonably calculated to reach all members in good standing and in sufficient time to permit such members to nominate the candidates of their choice." 29 C.F.R. § 452.56. The LMRDA does not require that a union use multiple methods to provide notice of nominations nor does the LMRDA prescribe particular forms of nomination procedures, as long as the notice meets the requirements of section 401(e). 29 U.S.C. § 481(e).

You alleged that the notice of nominations was posted only in the main facility of U.S.P. Marion and that approximately 35 members would not have been able to see the notice because they were detailed outside of the main facility or on military assignment.

The investigation established that Local 2343 drafted a nomination notice that appropriately informed members of the offices to be filled, the time, place and form for submitting nominations, including the procedures for self-nomination, and for nominations in writing. *See* 29 C.F.R. 452.56; *see also* 452.57-59. The investigation also found that some members worked only part-time at the main facility and some did not work there at all. Nevertheless, on January 23, 2020, the election committee posted the nominations notice only in the main facility – in the upper-left corner of the union bulletin board, which was located behind three security checkpoints. The investigation established that 31 members were not assigned to the main facility on a full-time basis where the notice was posted; and, another three members were on active duty military assignment during this period. The notice was therefore not reasonably calculated to inform all members of the upcoming nominations meeting. However, the investigation confirmed that of the 31 members who did not work in the main facility on a full-time basis, 13 worked at least one shift in the main facility on a part-time basis, and one member was a union steward who was aware of Local 2343's nominations schedule. Based on witness interviews, in addition to surveys sent to the 3 members on active duty military assignment, the Department did not identify any individual who was not aware of nominations and would have wanted to nominate or be nominated. Accordingly, the Department's investigation found that, while Local 2343 violated section 401(e) of the LMRDA in that the notice of nominations was not reasonably calculated to reach all members, this violation had no effect on the outcome of the election.

For the reasons set forth above, it is concluded that there was no violation of the LMRDA that may have affected the outcome of the election. Accordingly, the office has dismissed your complaint and closed its file in this matter. You may obtain a review of this dismissal by filing a request for review with the Director of OLMS within 15 days of service of this notice of dismissal. 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. § 458.64(c).

Sincerely,



Chief, Division of Enforcement

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