



February 27, 2023

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your August 15, 2022, complaint filed with the Department of Labor (Department), alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the American Federation of Government Employees (AFGE) Local 2145 (Union or Local 2145) delegate election, completed on May 10, 2022.

The Department investigated the complaint. As a result of the investigation, the Department has concluded, with respect to the allegations, that there was no violation of the LMRDA that may have affected the outcome of the election.

You allege that the Local 2145 delegates selected to vote at the AFGE Convention were improperly elected and seated at the Convention. You allege that the local's vote on a motion not to send delegates to the Convention was cast multiple times and that the first vote should have been accepted, which would have resulted in no Local 2145 delegates attending the Convention. You allege that non-members of Local 2145 were allowed to vote on the motion, specifically that [REDACTED] husband, a non-member, was present and allowed to vote.

Section 401(e) of the LMRDA requires unions to hold covered elections in accordance with their validly adopted constitution and bylaws. 29 U.S.C. § 481(e). The Department's interpretive regulation at 29 C.F.R. § 452.128 provides as follows:

A local union may elect fewer delegates than it is permitted under the union constitution as long as the local is allowed to determine for itself whether or not it will send its full quota of delegates to the union convention. The delegates present from a local may cast the entire vote allotted to that local if this is permitted by the constitution and bylaws.

Appendix A, Part I, Section 6(c) of the AFGE Constitution states, “[i]n the election for delegates, members will be afforded the opportunity to determine the number of delegates, up to the full entitlement as provided by the national or council constitution involved.”

The Department’s investigation revealed that a video of the Local 2145 May 10, 2022, meeting and votes on the motion were recorded and posted online. A review of the video revealed that Local 2145 voted three times on whether to send delegates to the Convention. On the first vote, the majority seemed in favor of not sending delegates to the Convention; however, OLMS’ review could not confirm these results and several parties claimed the results were inaccurate. A second vote was therefore called for. The second vote was not completed. A third vote was held, which resulted in 17 votes for the motion and 18 votes against the motion, finding that Local 2145 delegates would attend the Convention. The results of the third vote are consistent with the meeting minutes.

A review of the Local 2145 logbook revealed 37 individual signatures for the May 10, 2022, meeting. To determine if the meeting attendees were members in good standing, the names on the list were compared with the April 12, 2022, dues check-off list and retiree list. At least 35 of the 37 individuals who signed the logbook were members in good standing. [REDACTED], the election committee chair, was not on the dues check-off list or the retiree list, despite the fact that she joined Local 2145 in October 2019. It is unclear why she was not listed on the dues check-off list. She stated that she voted on the motion. [REDACTED] was on the dues check-off list but was listed as insufficient in dues. It appears that he is a member of the union even though he had no pay from which to deduct dues in that pay period. It is unknown whether he voted on the motion. [REDACTED] was the only person with the last name [REDACTED] who signed the logbook.

Although the investigation revealed that non-members may have voted in the delegate election, this violation could not have impacted the outcome of the election. For a violation to be actionable there must be evidence that the violation may have affected the outcome of the election. 29 U.S.C. § 482(c)(2). The investigation revealed that Local 2145 was entitled to 2,512 votes and 10 delegates at the Convention. A review of True Ballot voting records revealed that Local 2145 sent 10 delegates to the AFGE Convention and that those delegates cast 2,512 votes in total. The smallest vote margin in the 42<sup>nd</sup> AFGE National Election was 11,607 votes. Therefore, even if violations did occur at the time Local 2145 was deciding whether to send delegates to the Convention, any such violations could not have affected the outcome of any race. There was no actionable violation of the LMRDA.

You also made allegations that, even if true, would not constitute violations of Title IV of the LMRDA. Accordingly, those allegations were outside the Department's authority to investigate your Title IV complaint.

For the reasons set forth above, the Department concluded that there was no violation of the LMRDA that may have affected the outcome of the election. Accordingly, I have closed the file regarding this matter.

Sincerely,




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Chief, Division of Enforcement

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