

**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 Assistant Secretary's 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 December 8, 2009, the Secretary of Labor received a complaint alleging violations of Section 458.29 of the Rules and Regulations of the Assistant Secretary issued pursuant to Section 7120(d) of the Civil Service Reform Act of 1978 (CSRA), in the election of officers conducted on August 28, 2009, by American Federation of Government Employees Local 3320 in San Antonio, Texas.

Pursuant to Section 458.50 of the Rules and 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 Rules and Regulations in that the local improperly ruled a candidate ineligible to run for office and discriminated with respect to its membership list when an incumbent candidate used the local's list to send two campaign mailings and did not offer the list to other candidates.

Apprised of these findings, the American Federation of Government Employees agreed that the local's next regularly scheduled election of officers and alternate delegate would be conducted under the supervision of the Chief of the Division of Enforcement, in accordance with Section 458.29 of the Rules and Regulations of the Assistant Secretary. The agreed upon remedial election was concluded on August 17, 2010. It is, therefore,

DETERMINED, that there is probable cause to believe that violations of Section 458.29 of the Rules and Regulations occurred which may have affected the outcome of the election conducted by American Federation of Government Employees Local 3320 on August 28, 2009, 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 August 17, 2010.

Therefore, enforcement proceedings under Section 458.66 of the Rules and Regulations of the Assistant Secretary to set aside the election conducted on August 28, 2009 are not warranted.

Signed this 23rd day of September, 2010.

Patricia Fox
Chief, Division of Enforcement

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



September 28, 2010

Dear |||||:

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

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



September 28, 2010

Mr. Phillip Aguirri, President
American Federation of Government Employees Local 3320
AFGE Local 3320
106 South St. Mary's Street, Suite 405
San Antonio, Texas 78205

Dear Mr. Aguirri:

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

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



September 28, 2010

Mr. John Gage, National President
National President
AFGE
80 F Street, NW
Washington, DC 20001

Dear Mr. Gage:

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

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure