

**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 January 11, 2011, 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 rerun election of officers conducted on September 10, 2010, by American Federation of Government Employees (AFGE) Local 2109 in Temple, 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 failed to provide members with a reasonable opportunity to nominate candidates, failed to provide proper notice of election, failed to provide adequate safeguards and maintain records, denied members the right to vote, and failed to elect by secret ballot.

Apprised of these findings, AFGE Local 2109 agreed to conduct new nominations and a new election of officers 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 November 29, 2011. 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 Government Employees Local 2109 on September 10, 2010, 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 November 29, 2011.

Therefore, enforcement proceedings under Section 458.66 of the Rules and Regulations of the Assistant Secretary to set aside the election conducted on September 10, 2010 are not warranted.

Signed this 3rd day of January 2012.

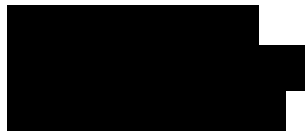
Patricia Fox
Chief, Division of Enforcement

U.S. Department of Labor

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



January 4, 2012



Dear [REDACTED]

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



January 4, 2012

Ms. Clementine Ray, President
AFGE Local 2109
1901 Veterans Memorial Drive
Temple, Texas 76504

Dear Ms. Ray:

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



January 4, 2012

Mr. John Gage, National President
American Federation of Government Employees
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