

**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 July 24, 2015, 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 regularly scheduled election of officers conducted on April 10, 2015, by American Federation of Government Employees (AFGE) Local 556 in Orlando, Florida.

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 union violated its constitution and bylaws as well as the adequate safeguards provision of the LMRDA inasmuch as the chair of the election committee was also a candidate in the election. While the election chair ultimately withdrew from the race, the fact that the individual carried out election committee functions and had access to voted ballots while a candidate for office undermined the integrity of the election. The investigation also concluded that the local failed to provide proper notice of nominations.

Apprised of these findings, AFGE Local 556 agreed to conduct new nominations, a new election, and installation for the offices of President, Executive Vice President, First Vice President, Secretary-Treasurer, Women's Coordinator, and Fair Practices Coordinator 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 April 6, 2016. 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 AFGE Local 556. 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 April 6, 2016.

Therefore, enforcement proceedings under Section 458.66 of the Rules and Regulations of the Assistant Secretary to set aside the election conducted on April 10, 2015 are not warranted.

Signed this 31st day of May 2016.

Sharon Hanley  
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



May 31, 2016

[REDACTED]

Dear [REDACTED]:

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

Sincerely,

Sharon Hanley  
Chief, Division of Enforcement

Enclosure

**U.S. Department of Labor**

Office of Labor-Management Standards  
Division of Enforcement  
Washington, DC 20210  
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May 31, 2016

Mr. J. David Cox, National President  
American Federation of Government Employees  
80 F Street, N.W.  
Washington, D.C. 20001

Dear Mr. Cox:

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

Sincerely,

Sharon Hanley  
Chief, Division of Enforcement

Enclosure