



April 18, 2016



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on November 9, 2015, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA), as made applicable to elections of federal sector unions by 29 C.F.R. § 458.29 and the Civil Service Reform Act of 1978, occurred in connection with the election of officers conducted by Local 54, American Federation of Government Employees (AFGE) on October 7, 2015.

The Department of Labor conducted an investigation of your complaint. As a result of the investigation, the Department has concluded that your complaint is not properly before the Department because you did not comply with the timelines prescribed in the AFGE constitution for filing an appeal with the National Vice President, prior to filing a complaint with Department. Following is an explanation of this conclusion.

The relevant AFGE internal union protest and appeal procedures are set forth in Appendix A, Part III, sections 2 and 3 of the AFGE constitution. Section 2 of the AFGE constitution provides that, in local officer elections, an election protest may be made to the local election committee prior to, during, or within ten days after the election. The election committee must attempt to resolve the protest or render a decision on the protest within 15 days after receipt of the protest. Section 3 of the AFGE constitution provides that, after the election committee has issued its decision or in absence of such a decision, the complainant may file an appeal with the respective National Vice President within 15 days after the date the election committee decision becomes due. The National Vice President's decision is a final determination.

In the present case, Local 54 conducted its nomination meeting on August 13, 2015. A member nominated you [REDACTED] at that meeting, but the election committee determined that you were ineligible to run for office and disqualified you as candidate. You contested your disqualification by filing an undated protest with the election committee. Although the protest was undated, handwritten notations on the protest

indicate that it was received by election committee member [REDACTED] on August 18, 2015. Under section 2 of the AFGE constitution, the election committee's decision concerning your August 18 protest was due no later than September 2, or 15 days after the union's receipt of the protest. It appears that the election committee did not issue a written decision on your protest. Under those circumstances, section 3 of the AFGE constitution provides that an appeal must be made to the National Vice President (NVP) no later than 15 days after the election committee's decision becomes due. In this case, that due date was September 2 and, therefore, an appeal had to be filed with NVP Kelley no later than September 17 to be timely. The investigation showed that your undated appeal to NVP Kelley was received by his office on September 28, 2015, which exceeded the September 17 deadline for filing a timely appeal.

Therefore, you did not comply with the timelines prescribed in the AFGE constitution for filing an appeal with the NVP, prior to filing a complaint with Department, as required by the exhaustion requirement, 29 C.F.R. § 458.63(a)(1). Consequently, your complaint is not properly before the Department and, therefore, is dismissed.

Accordingly, we are closing our file on this matter.

Sincerely,

Sharon Hanley  
Chief, Division of Enforcement

cc: J. David Cox, Sr., National President  
American Federation of Government Employees  
80 F. Street, NW  
Washington, DC 20001

Ozia Scott, President  
AFGE, Local 54  
P.O. Box 52439  
Fort Benning, GA 31995

Beverly Dankowitz, Acting Associate Solicitor  
Civil Rights and Labor-Management Division