



July 26, 2016



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on August 21, 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 the Civil Service Reform Act of 1978, occurred in connection with the election of officers conducted by Local 1793 of the American Federation of Government Employees (AFGE) on April 29, 2015.

The Department has determined that your complaint may not be considered because it was not timely filed with the Department. The following is an explanation of this conclusion.

Before a member of a labor organization may file an administrative complaint with the Department of Labor, the Department's regulations require the member to utilize "the remedies available under the constitution and bylaws of the labor organization and of any parent body." 29 C.F.R. § 458.63. A member who has exhausted those internal union remedies and has received a final decision from the union then has one calendar month within which to file an administrative complaint with the Department.

Part III of Appendix A to the AFGE National Constitution sets forth the internal exhaustion provisions for protesting and appealing elections. Those provisions include the following steps for local officer and delegate elections: A written protest must 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 within 15 days after receipt of the complaint. The complainant may elevate the complaint by appeal, within 15 days of the due date of the election committee's decision, to the National Vice President (NVP). The NVP must issue a decision on the appeal within 30 days after receipt of the appeal. The NVP's decision "shall be the final determination." However, the National President has discretionary authority to review the NVP's decision if the complainant files an appeal within 15 days of receipt or the

due date of the NVP's decision. AFGE National Constitution, Appendix A, part III, sections 2-5 (pp. 46-47).

The election committee issued its decision on your and other members' election protests on May 22, 2015. President Karen Ford-Styer timely appealed the election committee's decision to the NVP. On June 9, 2015, the NVP issued a decision overturning the portions of the election committee's decision that disqualified any Local 1793 members or officers as candidates and the portions of the election committee's decision that were based on the conduct of the election by Elections USA. The NVP stated that he would exercise his authority to oversee the runoff election scheduled for June 18, 2015.

You had notice of the NVP's decision no later than June 18, 2015, when the election committee's rulings were not implemented in the rerun election. You had 15 days from June 18, 2015, to take the final possible step of appeal to the National President. You did not do so by July 3, 2015. As explained above, the NVP's decision was a final decision under the AFGE National Constitution.

Under the Department's regulations, you were required to file your complaint with the Department within one calendar month after exhausting the internal union remedies. The date of exhaustion of internal remedies was no later than June 18, 2015, when you had notice of the NVP's decision overturning the relevant portions of the election committee's decision. You did not file an administrative complaint with the Department by July 18, 2015. Consequently, the Secretary does not have the authority to consider your complaint.

For the reasons set forth above, the Department has concluded that your complaint may not be considered because it was not timely filed. Accordingly, the office has closed the 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

Karen Ford-Styer, President
AFGE Local 1793
3900 Woodland Avenue
Philadelphia, PA 19104

Beverly Dankowitz, Associate Solicitor
Civil Rights and Labor-Management