

Statement of Reasons for Dismissing a Complaint
Alleging American Federation of Government Employees
Improperly Continued a Trusteeship
on its Subordinate, Local 987, located in Warner Robins, Georgia

A complaint was filed with the Secretary of Labor on April 16, 2018, alleging that the American Federation of Government Employees (AFGE) violated Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 461-466, as made applicable to federal sector unions by 29 C.F.R. §§ 458.26-.28 and the Civil Service Reform Act of 1978, 5 U.S.C. § 7120, when it continued its trusteeship over AFGE Local 987, a subordinate body, for a period longer than 18 months.

The LMRDA allows trusteeships for the purpose of “correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objects of such labor organization.” 29 U.S.C. § 462. A trusteeship established by a parent body “in conformity with the procedural requirements of its constitution and bylaws” enjoys a presumption of validity for 18 months from the date of its establishment. 29 U.S.C. § 464(c). The trusteeship is not subject to attack during this period except by “clear and convincing proof” that the trusteeship was not established or maintained in good faith for a purpose enumerated in section 302 of the LMRDA. *Id.* However, a trusteeship is presumed invalid at the expiration of 18 months, unless clear and convincing proof is provided that the trusteeship’s continuation is necessary for a purpose allowable under the law. *Id.*

Local 987 was placed in trusteeship on August 11, 2016. The Department’s investigation of your complaint confirmed that Local 987 was held in trusteeship for a period longer than 18 months. However, the question of whether the trusteeship extended beyond the statutory limit for an allowable purpose is moot. The Department’s investigation established that AFGE terminated the trusteeship on April 16, 2018, the same date it received your complaint. On April 16, 2018, the AFGE National President sent a memorandum to members of Local 987 announcing the lifting of the trusteeship. During the investigation, the Local 987 president confirmed that a mail ballot election took place on March 3, 2018; new officers were installed on April 9, 2018; and Local 987 has subsequently been operating autonomously. In addition, you do not dispute that the trusteeship has ended. Finally, on October 22, 2018, AFGE filed the LM-16 Terminal Trusteeship Report with the Department.

Accordingly, this matter does not require any further action on the part of the Department. For the reasons set forth above, the file on this matter is closed.



January 2, 2019

[REDACTED]

Dear [REDACTED]

This is to advise you of the disposition of your complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act (LMRDA), as made applicable to federal sector unions by the Civil Service Reform Act, 5 U.S.C. § 7120(d) and 29 C.F.R. § 458.26, occurred with respect to the trusteeship imposed by the American Federation of Government Employees over Local 987, in Warner Robins, Georgia.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards. After carefully reviewing the investigative findings, and after consulting with the Solicitor of Labor, we have determined that legal action is not warranted in this case. We are, therefore, closing our file as of this date. The basis for this decision is set forth in the enclosed Statement of Reasons.

Sincerely,

[REDACTED]

Sharon Hanley
Chief, Division of Enforcement

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

U.S. Department of Labor

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



December 19, 2018

J. David Cox, Sr., National President
American Federation of Government Employees
80 F Street, N.W.
Washington, DC 20001

Marion Leon Williams, President
AFGE Local 987
1764 Watson Boulevard
Warner Robins, Georgia 31099

Dear Msrs. Cox and Williams:

This is to advise you of the disposition of a complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act (LMRDA), as made applicable to federal sector unions by the Civil Service Reform Act, 5 U.S.C. § 7120(d) and 29 C.F.R. § 458.26, occurred with respect to the trusteeship imposed by the American Federation of Government Employees over Local 987, in Warner Robins, Georgia.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards. After carefully reviewing the investigative findings, and after consulting with the Solicitor of Labor, we have determined that legal action is not warranted in this case. We are, therefore, closing our file as of this date. The basis for this decision is set forth in the enclosed Statement of Reasons.

Sincerely,



Sharon Hanley
Chief, Division of Enforcement

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