

**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 September 9, 2019, 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 June 14, 2019, by American Federation of Government Employees Local 31 in Cleveland, Ohio.

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:

1. The union failed to provide notice of election and ensure adequate safeguards when the election notice and instructions for the second balloting did not inform members that the first balloting was cancelled, did not inform members that the ballot used in the first balloting would be void, and did not notify members of the date and time by which ballots were due.
2. Employer funds were used for campaign purposes when a candidate sent a campaign e-mail via an employer-owned e-mail address.
3. The union failed to send notice of the election to the last known home address of its members and denied eligible members the right to vote when the union did not take the reasonable step of forwarding the election notice and ballot package to members whose ballot packages were returned to the union as undeliverable yet bearing a new but expired forwarding address.
4. The union denied candidates the right to have observers present and failed to ensure adequate safeguards when an election committee member periodically opened the post office box containing voted ballots during the balloting period without notifying candidates and their observers.

Apprised of these findings, American Federation of Government Employees Local 31 agreed to conduct 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 February 7, 2020. 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 American Federation of Government Employees Local 31 on June 14, 2019, 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 February 7, 2020.

Therefore, enforcement proceedings under Section 458.66 of the Rules and Regulations of the Assistant Secretary to set aside the election conducted on June 14, 2019 are not warranted.

Signed March 3, 2020.

A solid black rectangular box used to redact the signature of Brian A. Pifer.

Brian A. Pifer  
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



March 3, 2020

[REDACTED]

Dear [REDACTED]

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

Sincerely,

[REDACTED]

Brian A. Pifer  
Chief, Division of Enforcement

Enclosure

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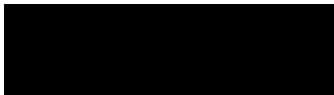
March 3, 2020

Mr. Darryll Bell, President  
American Federation of Government Employees Local 31  
10701 East Boulevard, EUL Suite 6M630  
Cleveland, OH 44106

Dear Mr. Bell:

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

Sincerely,



Brian A. Pifer  
Chief, Division of Enforcement

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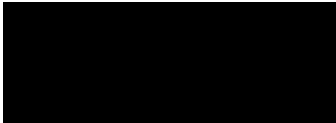
March 3, 2020

Mr. David Borer, General Counsel  
American Federation of Government Employees  
80 F Street, NW  
Washington, DC 20001

Dear Mr. Borer:

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Sincerely,



Brian A. Pifer  
Chief, Division of Enforcement

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March 3, 2020

[REDACTED]

Dear [REDACTED]

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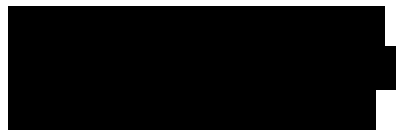
[REDACTED]

Brian A. Pifer  
Chief, Division of Enforcement

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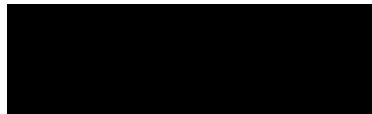
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March 3, 2020

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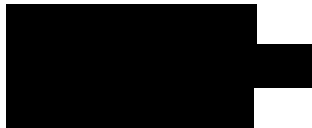


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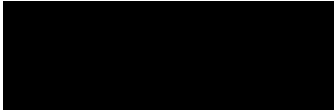
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March 3, 2020

[Redacted]

Dear [Redacted]

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[Redacted]

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Chief, Division of Enforcement

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