



February 5, 2020

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to the complaint you filed with the Department of Labor (Department) on May 15, 2018, alleging that a violation of the election provisions of the Labor-Management Reporting and Disclosure Act of 1959 (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, 5 U.S.C. § 7120, occurred in connection with an officer election held on April 26, 2018, by the National Association of Government Employees (NAGE), Local R14-139 (Local R14-139) in Saint Robert, Missouri.

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to your allegations, that there was a violation of the LMRDA that was remedied by Local R14-139.

You alleged that Local R14-139 violated Article IV, Section 9, of the NAGE Constitution and Bylaws by failing to install you as president following the April 26, 2018 union officer election. Also, you alleged that [REDACTED], NAGE National President, ordered a new election for the position of president and deemed you ineligible to run based on your "past personal history" and inability to be bonded.

The Department's investigation established that Local R14-139 installed the candidates elected in the April 26, 2018 officer election (after the 15-day deadline outlined in the governing document). However, [REDACTED] notified you that you were ineligible to be seated as the president of Local R14-139 based on information from your criminal background check and financial judgments against you. Accordingly, new nominations were conducted and finalized on July 9, 2018. You were nominated for president during the new nominations, but your nomination was denied based on a positive criminal background check obtained by NAGE Federal Director [REDACTED]

The Department's investigation revealed that when you received a copy of the background check documents upon which NAGE relied in rendering its decision, you noticed that the information in these documents was inaccurate because it was regarding a different individual. Consequently, on August 8, 2018, [REDACTED] rescinded his denial of your protest and installed you as president of Local R14-139

based on NAGE Federal Director [REDACTED] recommendation to do so. [REDACTED] stated that she was not aware that the criminal background information provided to her by the Missouri Highway Patrol was inaccurate when the decision was originally made to disqualify you.

Local R14-139's original decision to not seat you as president affected the outcome of the election in that you, as the winning candidate, were not installed as required in Article IV, Section 9, of the NAGE Constitution and Bylaws. Local R14-139's failure to install you violated Article IV, Section 9, of the NAGE Constitution and Bylaws. Furthermore, your disqualification as a candidate in the union-ordered rerun election was based on a background investigation which inaccurately reflected an arrest and misdemeanor conviction. Local R14-139's reversal of its original decision to not install you resulted in your installation as president on August 8, 2018, and cancellation of the new election for president. Thus, your installation as president remedied the violation that occurred when Local R14-139 refused to install you as the winning candidate.

For the reasons set forth above, the Department has concluded that Local R14-139's initial failure to install you as president was a violation of Title IV of the LMRDA. However, that violation was remedied by the National President's decision to install you as president. I have closed the file regarding this allegation. You may obtain a review of this dismissal by filing a request for review with the Director within 15 days of service of this notice of dismissal. A copy of your request must be served on the Chief, Division of Enforcement (DOE), and the union, and a statement of service must be filed with the Director. The request for review must contain a complete statement of facts and the reasons upon which your request is based. *See* 29 C.F.R. § 458.64(c); *see also* 29 C.F.R. § 458.59.

Sincerely,

[REDACTED]
Brian A. Pifer
Chief, Division of Enforcement

cc: David J. Holway, National President
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