



March 2, 2020

[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 of 1959 (LMRDA), 29 U.S.C. §§ 461 – 466, as made applicable to federal sector unions by the Civil Service Reform Act of 1978 (CSRA), 5 U.S.C. § 7120(d) and 29 C.F.R. § 458.26-28, occurred with respect to a trusteeship imposed by the American Federation of Government Employees (AFGE), over Local 2192, in St. Louis, Missouri.

Pursuant to Sections 304 and 601 of the LMRDA, the Office of Labor-Management Standards conducted an investigation. After carefully reviewing the investigative findings, and after consulting with the Office of the Solicitor, we have determined that legal action is not warranted in this case. Therefore, we are closing our file as of this date.

The basis for this decision is set forth in the enclosed Statement of Reasons.

Sincerely,

[REDACTED]

Brian A. Pifer  
Chief, Division of Enforcement

Enclosure

cc: Beverly Dankowitz, Associate Solicitor for Civil Rights and Labor-Management

**U.S. Department of Labor**

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



March 2, 2020

Ms. Keena Smith, President  
P.O. Box 8370  
St. Louis, Missouri 63132-0328


Dear Ms. Smith:

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 of 1959 (LMRDA), 29 U.S.C. §§ 461 - 466, as made applicable to federal sector unions by the Civil Service Reform Act of 1978 (CSRA), 5 U.S.C. § 7120(d) and 29 C.F.R. § 458.26-28, occurred with respect to a trusteeship imposed by the American Federation of Government Employees (AFGE), over Local 2192, in St. Louis, Missouri.

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The basis for this decision is set forth in the enclosed Statement of Reasons.

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Brian A. Pifer  
Chief, Division of Enforcement

Enclosure

cc: Beverly Dankowitz, Associate Solicitor for Civil Rights and Labor-Management

U.S. Department of Labor

Office of Labor-Management Standards  
Division of Enforcement  
Washington, DC 20210  
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March 2, 2020

Mr. J. David Cox, Sr., National President  
American Federation of Government Employees  
80 F Street, NW  
Washington, D.C. 20001-1583


Dear Mr. Cox:

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 of 1959 (LMRDA), 29 U.S.C. §§ 461 - 466, as made applicable to federal sector unions by the Civil Service Reform Act of 1978 (CSRA), 5 U.S.C. § 7120(d) and 29 C.F.R. § 458.26-28, occurred with respect to a trusteeship imposed by the American Federation of Government Employees (AFGE), over Local 2192, in St. Louis, Missouri.

Pursuant to Sections 304 and 601 of the LMRDA, the Office of Labor-Management Standards conducted an investigation. After carefully reviewing the investigative findings, and after consulting with the Office of the Solicitor, we have determined that legal action is not warranted in this case. Therefore, we are closing our file as of this date.

The basis for this decision is set forth in the enclosed Statement of Reasons.

Sincerely,

  
Brian A. Pifer  
Chief, Division of Enforcement

Enclosure

cc: Beverly Dankowitz, Associate Solicitor for Civil Rights and Labor-Management

Statement of Reasons for Dismissing a Complaint  
Alleging the Improper Imposition of a Trusteeship on  
American Federation of Government Employees Local 2192

This Statement of Reasons is in response to a complaint filed with the Department of Labor on July 24, 2019, alleging that the American Federation of Government Employees (AFGE) imposed a de facto trusteeship on AFGE Local 2192 in violation of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 461-66, as made applicable to federal-sector labor organizations by 29 C.F.R. § 458.26, and the Civil Service Reform Act of 1978, 5 U.S.C. § 7120. Specifically, the complaint alleged that AFGE imposed a de facto trusteeship for the purposes of removing former Local 2192 president, William Tyler, from office and to gain access to Local 2192's bank accounts.

Consistent with Title III of the LMRDA, section 458.26 of the Department's regulations allows trusteeships for the purpose of "(a) correcting corruption or financial malpractice; (b) assuring the performance of collective bargaining agreements or other duties of a bargaining representative; (c) restoring democratic procedures; or (d) otherwise carrying out the legitimate objects of such labor organization." 29 C.F.R. § 458.26; 29 U.S.C. § 464(c).

The Department's investigation revealed that AFGE initiated an investigation after Local 2192's treasurer, ██████████, filed internal charges against Local 2192 President ██████████ with AFGE National Vice President ██████████. ██████████ raised numerous concerns about the Local 2192 president's financial practices. In March 2019, acting pursuant to AFGE Constitution Article IX, Section 5(d), AFGE President ██████████ suspended Local 2192 President ██████████ from office because he was charged with spending local funds without approval or documentation. Former President ██████████ died in July 2019, before AFGE could conduct a hearing on the charges. No other officers were removed by AFGE, as these charges only addressed ██████████ conduct.

The Department's investigation established that after ██████████ suspension, consistent with the Local 2192 bylaws, the local executive board voted to appoint chief steward ██████████ as the acting vice president, an office which had been vacant. ██████████ stated that since her appointment, she has conducted the business and financial affairs of the local without the interference from the national union.

The Department's investigation included a review of Local 2192's bank statements, check stubs, and check carbons from November 2018 to August 2019. This review did not reveal any unusual activity that would indicate that the AFGE National and/or the District office had removed any funds from the Local's accounts. Furthermore, this review did not reveal any evidence that checks or other transactions were made payable to the National or District offices or their officers and representatives. In addition, the

Department reviewed other financial records from the relevant time period and concluded that there was no evidence that AFGE was in control of Local 2192 funds or inappropriately spending Local 2192's funds.

All of the Local and National officials interviewed by the Department credibly maintained that the Local has retained complete control of its financial and business affairs since former President [REDACTED] suspension and subsequent death. Based on its investigation, the Department concludes that Local 2192 has maintained control of its own financial books and transactions. The Department's investigation did not find any evidence that Local 2192 was not operationally and financially autonomous.

For the reasons set forth above, the Department has concluded that a trusteeship was not imposed upon Local 2192.

Sincerely,

[REDACTED]

Brian A. Pifer  
Chief, Division of Enforcement