

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 18 December 2015

CASE NO.: 2013-SOC-00001

In the Matter of

**CHIEF, DIVISION OF ENFORCEMENT,
OFFICE OF LABOR-MANAGEMENT STANDARDS,
U.S. DEPARTMENT OF LABOR,**

Complainant,

v.

**LOCAL 12, AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES,**

Respondent.

JUDGMENT

This case arises under the Title VII of the Civil Service Reform Act of 1978, 5 U.S.C. § 7101 *et seq.*, the Labor-Management Reporting and Disclosure Act, 29 U.S. § 401 *et seq.*, and the Standards of Conduct Regulations issued pursuant to the CSRA, found at 29 C.F.R. Parts 457-459.

On March 15, 2013, the Office of Administrative Law Judges received a complaint from Complainant alleging violations in the conduct of Respondent's February 9, 2012 election of officers. Respondent filed an answer on April 2, 2013. After additional pleadings were addressed, the initial complaint and answer became the operative pleadings. After Complainant filed a motion for summary decision, I issued a Recommended Decision and Order granting Complainant's motion and directing a new, supervised election. Respondent appealed my order to the Administrative Review Board, which affirmed my decision on September 24, 2014. On May 21, 2015, the parties advised that they had settled this matter, and a supervised election was scheduled for October of 2015. I thereafter directed that the parties submit a certification of election the new election was held. On December 2, 2015, Complainant filed an Amended Certification of Election for review, along with a declaration signed by both the Chief and the Director of the Division of Enforcement, Office of Labor-Management Standards.

It appears, pursuant to the Amended Certification of Election and Amended Declaration filed with this Office on December 2, 2015, that the following occurred:

1. Respondent Local 12, American Federation of Government Employees held an election for President, Executive Vice President, Treasurer, Assistant Treasurer,

- Secretary, and Head Steward under the supervision of the U.S. Department of Labor, Office of Labor-Management Standards, which concluded on October 8, 2015;
2. Complainant has filed a Certification of Election certifying the name of the persons who were duly elected.
 3. The Complainant has further certified that the election was conducted in accordance with the provisions of Title IV of LMRDA as made applicable to elections in federal sector unions by 29 C.F.R. § 458.29 and the CSRA, and in conformity with the constitution and bylaws of the Respondent, insofar as is lawful and practicable.
 4. The Declaration of Sharon E. Hanley and Stephen J. Willertz states that an investigation into protests received during the Respondent's October 2015 election found no violations of the Act and that no further protests were received regarding the October 2015 supervised election.

ORDER

Having considered said Certification of Election, it is hereby ORDERED and ADJUDGED:

1. That the persons named in the Certification of Election filed by the Complainant as an attachment to the Complainant's Certification were duly elected to the following posts:
 - President
 - Executive Vice President
 - Treasurer
 - Assistant Treasurer
 - Secretary
 - Head Steward; and
2. That said persons shall serve until the next regularly scheduled election or elections for those posts.

SO ORDERED.

PAUL C. JOHNSON, JR.
District Chief Administrative Law Judge