

**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 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 March 4, 2024 and March 10, 2024, the Secretary of Labor received complaints alleging violations of Section 458.29 of the Standards of Conduct Regulations (Regulations) issued pursuant to Section 7120(d) of the Civil Service Reform Act of 1978, in the regularly scheduled election of officers conducted on November 14, 2023, by AFGE Local 2876 in Washington, DC.

Pursuant to Section 458.50 of the 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 Regulations in that AFGE Local 2876 used the incorrect zip code on the preprinted ballot return envelopes. This violation may have resulted in voted ballots mailed to the union not reaching the correct post office. The investigation also established that Local 2876 did not maintain a record of the number of ballots mailed to the membership or retain voted ballots that were received after the election.

Apprised of these findings, AFGE Local 2876 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 Regulations. The agreed upon remedial election was concluded on July 19, 2024. It is, therefore,

DETERMINED, that there is probable cause to believe that violations of Section 458.29 of the Regulations occurred which may have affected the outcome of the election conducted by AFGE Local 2876 on November 14, 2023, 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 July 19, 2024.

Therefore, enforcement proceedings under Section 458.66 of the Regulations to set aside the election conducted on November 14, 2023 are not warranted.

Signed August 28, 2024.


Molly Wagoner
Acting Chief, Division of Enforcement

U.S. Department of Labor

Office of Labor-Management Standards
Suite N-5119
200 Constitution Ave., NW
Washington, D.C. 20210
(202) 693-0143



August 28, 2024

Tina Mingo, Vice President
AFGE Local 2876
P.O. Box 2990
Washington, DC 20013

Dear Ms. Mingo:

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

Sincerely,


Molly Wagoner
Acting Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Suite N-5119
200 Constitution Ave., NW
Washington, D.C. 20210
(202) 693-0143



August 28, 2024

Kimberly Warner, President
AFGE Local 2876
P.O. Box 2990
Washington, DC 20013

Dear Ms. Warner

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

Sincerely,



Molly Wagoner
Acting Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Suite N-5119
200 Constitution Ave., NW
Washington, D.C. 20210
(202) 693-0143



August 28, 2024

Mr. Everett Kelley, National President
American Federation of Government Employees, AFL-CIO
80 F Street NW
Washington, DC 20001

Dear Mr. Kelley:

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

Sincerely,



Molly Wagoner
Acting Chief, Division of Enforcement

Enclosure

cc: Rushab Sanghvi, Esq.
American Federation of Government Employees, AFL-CIO
80 F Street, NW
Washington, DC 20001