

**U.S. DEPARTMENT OF LABOR
OFFICE OF LABOR-MANAGEMENT STANDARDS
WASHINGTON, DC 20210**

DETERMINATION

Determination of Complaints 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 June 19, 2013, the Secretary of Labor received complaints 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 March 12, 2013, by American Federation of Government Employees (AFGE) Local 3197 in Seattle, Washington.

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 there were not adequate safeguards to insure a fair election and some members were denied the right to vote by not including, in either the election notice or the ballot package, the date by which voted ballots had to be returned in order to be counted. Some members were also denied the right to vote by failing to provide adequate time for them to return their voted ballot. Voted ballots and undeliverable ballots were not properly safeguarded before the tally. No effort was made to resend ballots to members whose ballots were returned as undeliverable and there was no announced duplicate ballot request procedure.

Apprised of these findings, AFGE Local 3197 agreed to conduct a new election with new nominations if needed for the offices of 1st Vice President, Chief Steward, Local Women's Coordinator, and Local Fair Practices Coordinator 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 13, 2014. 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 (AFGE) Local 3197 on March 12, 2013, 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 13, 2014.

Therefore, enforcement proceedings under Section 458.66 of the Rules and Regulations of the Assistant Secretary to set aside the election conducted on March 12, 2013 are not warranted.

Signed this 27th day of March, 2014.

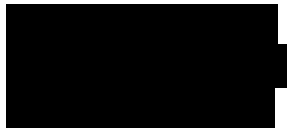
Patricia Fox
Chief, Division of Enforcement

U.S. Department of Labor

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



March 27, 2014



Dear [REDACTED]:

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

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

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



March 27, 2014

Mr. Timothy Strako, President
American Federation of Government Employees (AFGE) Local 3197
1660 South Columbian Way
Seattle, WA 98108

Dear Mr. Strako:

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

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

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



March 27, 2014

Mr. David Cox, National President
AFGE
80 F Street, NW
Washington, DC 20001-1583

Dear Mr. Cox:

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

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure