A/S No. 2000 - 3

UNITED STATES DEPARTMENT OF LABOR
BEFORE THE ASSISTANT SECRETARY
FOR EMPLOYMENT STANDARDS

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In The Matter of

Richard A. LaDieu

Complainant

and

American Federation of Government Employees
Local 1812

Respondent

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Case No. [redacted]

DECISION AND ORDER

This proceeding arose under the standards of conduct provisions of the Civil Service Reform Act of 1978, 5 U.S.C. 7120 (CSRA), and the implementing regulations, 29 CFR Parts 457 - 459, as a result of a complaint filed by Mr. Richard A. LaDieu against the American Federation of Government Employees (AFGE) and AFGE Local 1812. Complainant alleged he was expelled from AFGE and Local 1812 without being afforded a full and fair hearing in violation of 29 CFR 458.2(a)(5), "Safeguards against improper disciplinary action."

Pursuant to the regulations at 29 CFR 458.60, the District Director of the Washington District Office of the Office of Labor-Management Standards (OLMS) found a reasonable basis for the complaint and referred the matter to the Chief Administrative Law Judge of the Department of Labor on July 9, 1997 for a hearing. After a hearing which concluded on April 20,1999, Administrative Law Judge (ALJ) Richard T. Stansell-Gamm issued his Recommended Decision and Order on November 1, 1999, finding that Complainant was expelled from AFGE and AFGE Local 1812 without being afforded a full and fair hearing in violation of 29 CFR 458.2(a)(5).[1] His recommended

[1] He also found that the National AFGE should be dismissed as a Respondent in this case as the National is a mixed union composed of private as well as federal sector members. It is, therefore, subject to the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), as amended, the statute that is applicable to labor organizations in the private sector, rather than the CSRA and its implementing regulations. 29 CFR 451.3(a)(4). The requirements of the CSRA standards of

remedy was to reinstate Complainant to full membership in AFGE and Local 1812 without requiring back dues, prohibit Local 1812 from taking further disciplinary action against Complainant regarding the charges in this case, and require that Local 1812 post a notice to the membership informing them of the results of this proceeding.[2]

Respondent filed exceptions to the Recommended Decision and Order on December 10, 1999, after requesting and receiving an extension of time. Complainant submitted objections to Respondent's exceptions on January 24, 2000 after requesting and receiving an extension of time. I have reviewed the entire record, including the Recommended Decision and Order, the exceptions, and other post-hearing submissions by Complainant and Respondent. I adopt that part of the ALJ's Recommended Decision and Order finding that the National AFGE should be removed as a party.[3] I concur with the ALJ's decision

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conduct follow the principles of the LMRDA, 5 U.S.C. 7120(d), 29 CFR 458.1, but the standards of conduct enforcement procedure is administrative rather than through the courts.

[2] The ALJ's Recommended Decision and Order indicates that Complainant's only requested remedy was reinstatement without back dues. In his post hearing submissions, however, Complainant raised the issue of obtaining attorney fees and other costs. He was advised that although court decisions under the LMRDA have held that such fees and costs are available under the general equity powers of the courts, it has not been definitively resolved as to whether they are permissible under the administrative procedures of the standards of conduct. He was also advised that if he wished to pursue this request, he would, following the principles applicable in the private sector, have the burden of proving that there is authority to award such fees and costs under the standards of conduct, that his request was properly and timely filed, and that the specific fees and costs he requests are warranted; Respondent would, of course, have the opportunity to present its position on these issues prior to the Assistant Secretary's decision as to the appropriate disposition of any such request. However, Complainant has not submitted a formal request for fees or costs or provided any information or analysis necessary to support a claim for fees or costs.

[3] In his post-hearing submissions, Complainant argued that since the National AFGE was removed as a party, the attorneys from the staff of the National AFGE General Counsel's office no longer had standing to file exceptions or otherwise continue to participate in this proceeding. First, the National AFGE is no longer a party to this action. Second, "standing" is defined as a party's right to make a legal claim or seek judicial enforcement of a duty or right. Clearly, standing applies to parties in a proceeding and not to their attorneys. It appears from the record, including the Recommended Decision and Order, that the same National AFGE staff attorneys who represented Local 1812 also represented the National AFGE throughout the proceeding and are familiar with the facts of this case. Although the National is no longer a party, the attorneys for the national may properly continue to represent the local.

In his post-hearing submissions, Complainant also appears to argue that this proceeding is moot because Respondent and the National AFGE have accepted his application for membership. However, Respondent states that although it has provisionally accepted Complainant's application for membership while this matter is pending, it continues its challenge to the Recommended Decision and Order and will revoke the provisional acceptance of Complainant's membership if this Decision and Order upholds Complainant's expulsion. There is no basis for holding that this matter is moot merely on the assertion of one of the parties. Moreover, the parties have not submitted a joint motion to adopt the Recommended Decision and Order or

that Complainant was not afforded a full and fair hearing in accordance with 29 CFR 458.2(a)(5) for reasons set forth in this decision. I also find that Complainant should be reinstated to full membership without having to pay back dues. However, I reject that portion of the ALJ's decision that restricts the Respondent from taking further action on the same charges.

I. BACKGROUND

I adopt the ALJ's detailed discussion of the case background and offer the following summary of the events that preceded Complainant's expulsion fiom AFGE and Local 1812. Complainant served as president of Local 1812 fiom 1990 to 1993. His opponent in the 1992 presidential election was Mr. Ken Kemper. After Complainant resigned in 1993, Vice President Stacey Rose-Blass became acting president and was subsequently elected as president by the membership in 1994. Complainant remained a member of the local's Executive Committee after resigning as president.

Financial problems arose during the early period of Ms. Rose-Blass' tenure as president, including a dispute with the National concerning per capita dues owed since 1990 and back taxes and overdue tax forms owed to the Internal Revenue Service (IRS) for 1991 through 1994. Animosity developed between Complainant and Ms. Rose-Blass concerning responsibility for the local's financial predicament and the strategy for dealing with both the National AFGE and the IRS. In January and June of 1995, Complainant filed charges with the local against Ms. Rose-Blass alleging mismanagement of union funds. Complainant resigned from the local's Executive Committee on February 3,1995 as a result of these disputes. Also in February 1995, Mr. David Schlein, AFGE National Vice President for District 14, began a nearly four month review of the local's financial difficulties to resolve the local's obligations to the National AFGE and the IRS; in addition, an independent audit by a certified public accountant found no evidence of misuse of union funds.

On August 9, 1995, Complainant filed formal charges with the National against Ms. Rose-Blass, holding her responsible for the local's financial predicament. By letter dated August 9, 1995 to the District Director of the OLMS Washington District Office, Complainant also filed a formal complaint against Mr. Schlein, Ms. Rose-Blass, and other unnamed National and local officers alleging, among other things, conspiracy to cover up waste, fraud, and mismanagement of Local 1812. A copy of this complaint was sent to the Federal Labor Relations Authority (FLRA), which administers the other provisions of Title VII of the CSRA, also known as the Federal Labor-Management Relations Statute.

By letter dated August 21,1995, several members of Local 1812, including Mr. Kemper, filed formal charges against Complainant under Article III, section 4 of the local's

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otherwise indicated agreement on the manner in which this matter should be disposed. Consequently, this proceeding is not moot.

constitution and bylaws alleging numerous violations including behavior unbecoming to a union member and failure to properly perform official duties.

On August 30,1995, Complainant submitted to the FLRA, with a copy to the Department of Labor, a Form 21 Decertification of Exclusive Representative requesting decertification of National AFGE and Local 1812. He alleged that the organizations were subject to corrupt influences or influences opposed to democratic principles, and were therefore ineligible for exclusive recognition in accordance with 5 U.S.C. 7111(f)(1). The August 30, 1995 petition and subsequent petition filed November 6, 1995, by Complainant were dismissed by the FLRA for no sufficient showing of interest as required by FLRA regulations. Complainant's second petition was granted limited review but was subsequently denied by the FLRA without prejudice.[4]

By letter dated November 1,1995 to the Local Union Executive Committee, Ms. Rose-Blass presented formal charges against Complainant alleging that the formal submission of the August 30,1995 decertification petition to the FLRA was in violation of Article III, section 4 of the local's constitution and bylaws and Article XVIII, section 2(a) of the National AFGE constitution which states that charges may be preferred against a member for "... advocating, encouraging or attempting to bring about a secession from the Federation of any local or of any member or group of members. Penalty for conviction under this sub-paragraph shall be expulsion."

[4]Under 5 U.S.C. 7111(f)(1), a labor organization that is subject to corrupt influences or influences opposed to democratic principles is prohibited from being accorded exclusive recognition. A similar prohibition is contained in the standards of conduct provision at 5 U.S.C. 7120(a). As the Recommended Decision and Order observes at note 13, page 9, it had been unclear whether the FLRA or the Department of Labor was responsible for enforcing this prohibition. However, in Division of *Military and Naval Affairs (Activity)*, and National Federation of Civilian Technicians *(Petitioner/Labor Organization)* and Association of Civilian Technicians *(Intervenor/Labor* Organization), 53 FLRA No. 17, 53 FLRA 111(1997 WL 370468), June 30, 1997, the FLRA held that it has sole responsibility for determining whether a labor organization is prohibited from exclusive recognition because it is subject to corrupt influences or influences opposed to democratic principles. The FLRA also held that when the specific charge of corrupt and/or undemocratic influences is in the jurisdiction of a government agency or other entity, it will look to that entity's disposition of the charge for guidance in making its determination regarding the labor organization's eligibility for exclusive recognition; for example, it would look to court decisions on cases brought by the Department of Justice under the Racketeer Influenced and Corrupt Organizations Act, Department of Labor actions regarding violations of the standards of conduct, and its own actions on unfair labor practice charges. Finally, the FLRA stated if it is presented with charges that are not in the jurisdiction of a government agency or other entity, it will determine the appropriate procedures of review at that time. *U.S.* Information Agency (Agency) and American Federation of Government Employees, Local 1812, AFL-CIO *(Labor* Organization) and Richard A. La Dieu (Petitioner), 53 FLRA No. 85, December 17,1997, in which the FLRA noted that the Department of Labor had jurisdiction over the matter in this proceeding, which was still pending; it consequently dismissed Complainant's petition without prejudice, stating that it could be refiled pending the Department of Labor determination in this proceeding.

The Executive Committee formed a committee to investigate the June 1995 charge by Complainant against Ms. Rose-Blass, the August 1995 charges by seventeen members against Complainant, and the November 1995 secession charge by Ms. Rose-Blass against Complainant. Due to the government furlough and the resignation of one of its three members, the investigation committee stopped its inquiry after a few meetings without making any determinations. Ms. Rose-Blass then forwarded all the charges to Mr. Schlein. He decided that probable cause existed on the decertification charge against Complainant based on the petition itself, and therefore preferred a charge against Complainant. He did not find probable cause for the other two charges.

In March 1996, the general membership elected members to the trial committee to hear the charge against Complainant. Prior to the trial, there were a number of written communications between the trial committee and Complainant and Complainant's representative, Mr. John Pratt, and at least one meeting. The communications and meeting dealt with Complainant's discovery requests, the trial procedures, Mr. Schlein's participation in the trial as prosecutor, and other matters. One of the four members of the trial committee was Mr. Kemper.

On June 4, 1996, at the beginning of the trial, Mr. Pratt challenged Mr. Kemper's ability to be an impartial trial committee participant, citing his signing of the August 21, 1995 petition charging Complainant with various counts of misconduct. Mr. Kemper offered to resign, but was permitted to serve on the trial committee by the other committee members.

At the trial, the prosecutor argued that the filing of the decertification petition was mandatory grounds for expelling Complainant under Article XVIII, section 2(a) of the National AFGE constitution. Complainant maintained that his intent in filing the decertification petition was not to advocate secession but to obtain an investigation into his allegations of mismanagement of the local union. The trial committee voted 3 to 1 to recommend that Complainant be expelled from the union.

On June 28, 1996, Ms. Rose-Blass conducted the general membership meeting at which the members voted on the trial committee report recommending Complainant's expulsion. Prior to the vote, Mr. Pratt requested an opportunity to address the membership on behalf of Complainant, who was not in attendance. Ms. Rose-Blass denied his request, ruling that Article XVIII, section 7 of AFGE's constitution allows only the accused to make a statement on his behalf to the membership when voting on the trial committee findings. The members voted 41 to 6 with 15 abstentions to expel Complainant. Complainant's subsequent appeals to the National AFGE were denied.

II. DISCUSSION

A. Did AFGE and Local 1812 Fail to Afford Complainant a Full and Fair Hearing in Violation of 29 CFR 458.2(a)(5)?

Section 458.2 (a)(5), Safeguards against improper disciplinary action, states in pertinent part, "No member of any labor organization may be fined, suspended, expelled, or

otherwise disciplined . . . unless such member has been . . . (iii) afforded a full and fair hearing."

The ALJ found that Complainant was denied a full and fair hearing due to Mr. Kemper's presence on the trial committee and the failure to allow Complainant's representative to speak to the membership prior to the expulsion vote. With regard to the first finding, the ALJ determined that Mr. Kemper's participation violated Article XVIII, section 4 of AFGE's constitution which prohibits a union member from serving on a trial committee if he or she was "directly or indirectly involved in the matter which gave rise to the charges upon which the accused is to be tried." The ALJ determined that an indirect link existed in that Complainant claims he filed the decertification petition in an effort to defend himself against the same type of misconduct charges that were filed against him in the August 21,1995 charges signed by Mr. Kemper and other members. Additionally, the ALJ maintained that even if Mr. Kemper's presence on the trial committee was not in violation of AFGE's constitution, his participation in the trial violated basic judicial principles for a fair union disciplinary hearing.

I concur with the ALJ's interpretation of the relevant judicial principles regarding the elements of a "full and fair" hearing and his finding that those principles indicate that Mr. Kemper's presence on the trial committee violated 29 CFR 458.2(a)(5). As noted in the ALJ's Recommended Decision and Order, courts have determined that "an unbiased tribunal" is a fundamental criterion of a "full and fair hearing." See, Falcone v. Dantinne, 420 F.2d 1157,1166 (3rd Cir. 1969) ("an essential element of a fair hearing within the concept of due process of law is the impartiality, *i.e.*, openmindedness, of the trial body"); Curtis v. International Alliance of Theatrical Stage Employees and Moving Picture Mach. Operators Local 125,687 F.2d 1024,1030 (7th Cir. 1982) ("under fundamental notions of procedural due process, the plaintiff clearly had the right to be tried before an impartial tribunal"); Stein v. Mutual *Clerks'* Guild of Muss., Inc., 560 F.2d 486,491 (1" Cir. 1977) ("an unbiased tribunal is a fundamental requisite to a fair hearing") and other cases cited in the Recommended Decision and Order pages 27-28 interpreting judicial principles for the requirements of a fair union disciplinary hearing.[5]

The court decisions referenced by the ALJ which assess the impartiality of a tribunal indicate that it is not necessary to show actual bias or prejudgment on the part of a member of the trial body. Lack of impartiality may also be demonstrated by circumstances that could create a significant risk of actual bias, or where a tribunal member has prejudged the accused before the conclusion of the proceeding, or where a member of the tribunal is involved in the factual issues of the case. Wildberger *v.* American Federation of *GovernmentEmployees*, 86 F.2d 1188,1196 (D.C. Cir. 1996) (must "focus not just on actual bias, but also on circumstances that could create a significant risk of actual bias"); Tincher v. *Piasecki*, 520 F.2d 851,855 (7th Cir. 1975) ("as a matter of fundamental due process, it is inherently improper for a person who has

[5]As noted above, in implementing the standards of conduct requirements the Assistant Secretary is guided by court decisions under comparable provisions of the Labor-Management Reporting and Disclosure Act, as amended (LMRDA). See, 5 U.S.C.7120(d), 29 CFR 458.1.

been charged by an accused in a collateral proceeding to participate as a committee member in the accused's disciplinary hearing"); Feltington v. Moving Picture Machine Operators Union Local 306,605 F.2d 1251,1256 (2d Cir. 1979). See also, *Withrow* v. *Larkin*, 421 U.S. 35 (1975).

As indicated by the ALJ, the record shows Mr. Kemper's presence on the tribunal created a significant risk of actual bias that could undermine the impartiality of the tribunal. From the record, it is apparent that Mr. Kemper had a history of negative dealings with the Complainant. Mr. Kemper and Complainant were political rivals in the 1992 presidential election. Mr. Kemper indicated his continued negative views of Complainant when, during the 1994 election campaign, Mr. Kemper referred to the 1992 election stating that Complainant and his then running mate, Ms. Rose-Blass, sided with management (Recommended Decision and Order at page 6). Mr. Kemper's continued bias against Complainant was evident in his February 7,1995 e-mail wherein he accused Complainant of using union funds in the 1992 political campaign (Recommended Decision and Order at page 8). Mr. Kemper's e-mail also alleged that Complainant spent the local union per capita taxes owed to the National and repeatedly referred to him by the derogatory name "Ladoodoo". Finally, Mr. Kemper was one of the signatories of the August 1995 letter charging Complainant with, among other things, conduct unbecoming to a union member, and incompetence, negligence, or insubordination in the performance of official duties by officers or representatives of a local or council or failure or refusal to perform duties validly assigned.

In view of Mr. Kemper's negative past dealings with Complainant, his presence on the trial committee created a significant risk of actual bias against the Complainant that denied the Complainant the right to a fair hearing, in violation of 29 CFR § 458(a)(5).

Respondent, in its exceptions, argues that the court decisions cited by the ALJ contain egregious facts not present in this case, and that circumstances regarding Mr. Kemper's participation on the trial committee did not rise to the level that would cause a significant danger of bias. However, the principles and guidance provided in the cases referenced by the ALJ indicate that Mr. Kemper's participation in the trial committee did create a serious risk of bias. In Tincher, the court held that it was inherently improper for a member of the union's executive committee who was potentially biased against the accused to participate as a decision maker in a disciplinary hearing. 520 F.2d at 855. Other courts have reached similar conclusions. Myers v. *Affiliated* Property *Craftsmen* Local 44,667 F.2d 817,821 (9th Cir. 1982) (fact that there were additional voting members did not reduce the potential for a denial of a full and fair hearing when there was one prejudiced member); *Falcone*, 420 F.2d at 1167 (the accused did not have a full and fair hearing where "one member of the Trial Board prejudged the case"). See also, Stein, 560 F.2d at 491.

Respondent also argued that Kemper's removal from the trial committee would not have altered the final outcome since the union would more than likely have continued the trial without replacing Kemper resulting in a 2-1 vote sufficient for expulsion. As indicated by the ALJ, it is possible that the union would have replaced Kemper and that the

replacement would have sided with the dissenting member resulting in a different verdict. Moreover, Kemper was a vocal trial committee member and his removal may have changed not only the dynamics of the deliberations but also the final vote.

Finally, Respondent argues that evidence of Mr. Kemper's bias was too long ago to be relevant. I disagree. It was Mr. Kemper who referred to the 1992 presidential election two and three years later in his 1994 and 1995 e-mail messages, apparently continuing to portray the Complainant in a negative light. Mr. Kemper's references to the 1992 election in 1994 and 1995 demonstrated that his criticisms of Complainant were more than exaggerated and robust campaign statements that were no longer relevant. The most compelling evidence of Mr. Kemper's continued bias, was his signing of the charges against Complainant a few months before the trial.

Respondent's exceptions offer no additional evidence or arguments that adequately dispute the finding of the ALJ. I therefore concur with the ALJ's finding that Complainant was denied a full and fair hearing as a result of Mr. Kemper's presence on the trial committee. Therefore, it is not necessary to rule on whether Mr. Kemper's presence was also in violation of Article XVIII, section 7 of the AFGE constitution or whether denying Complainant's representative an opportunity to present a statement on his behalf prior to the general membership expulsion vote was a violation of fundamental due process.

B. Is the Proper Remedy for Complainant's Denial of a Full and Fair Hearing Reinstatement and Prohibition of Future Disciplinary Action on These Charges?

The ALJ stated that the remedies ordered by courts for individuals who have been denied a full and fair hearing in violation of 29 CFR 458.2(a) (5) range from ordering the union to conduct a new disciplinary trial to reinstating the individual to full membership while enjoining further disciplinary action for the activity that was the basis for the expulsion. Here, the ALJ, applying to the instant case the the same remedy used in ***Kuebler v. Cleveland Lithographers & Photo Union Local 24-P***, 473 F.2d 359 (6th Cir. 1973), recommended that Complainant be reinstated to the National AFGE and Local 1812 without back dues penalty and that Respondent be enjoined from further disciplining Complainant for activity that was the basis for his expulsion. The ALJ maintained that a new trial would, "subject all parties to another round of fractious litigation concerning an event several years old."

Respondent contends that, assuming Complainant had been denied a full and fair hearing, the violation could be remedied through a trial de novo.[6] Complainant, in his objections to Respondent's exceptions, agreed with the ALJ's recommendation regarding remedies, indicating that the current AFGE Local 1812 trial committee pool is considerably smaller than the group available in 1996, thereby increasing the possibility of bias if he were subjected to a retrial on the matter before us.

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[6]Respondent cited *Myers* 667 F.2d at 821 and ***Perry v. Milk Drivers' and Dairy Employees' Union Local*** 302,656 F.2d 536,539 (9th Cir. 1981) in support of its argument.

Since Complainant was denied a full and fair hearing before his expulsion from National AFGE and Local 1812 for reasons discussed above, I concur with that part of the ALJ's Recommended Decision and Order which determined that the remedy should include reinstatement to full membership in AFGE and Local 1812, without back dues penalty, and that the membership be given proper notice of the Order.

I disagree with regard to the ALJ's recommendation that Respondent should be prohibited from taking future disciplinary action against Complainant on the charges in this case. All but one of the court decisions referenced in the Recommended Decision and Order in which this issue is addressed indicate that a retrial is an appropriate action available to the union. Feltington, 605 F.2d at 1257; Rosario *v.* Amalgamated Ladies Garment Cutters' Union, Local 10, *ILGWU*, 609 F.2d 1228,1251 2d Cir. 1979); Falcone, 420 F.2d at 1168.

The only case cited by the ALJ in which the union was enjoined from retrying the member on the same charges is readily distinguishable. In Kuebler, 473 F.2d at 362-363 the charge against the member was "meeting with other members and expressing dissatisfaction with the way in which negotiations for settlement of a strike are proceeding." The court found that the nature of these charges violated LMRDA section 101(a)(2), which guarantees members "the right to so meet and discuss without the threat of punishment by the Union," id. at 363. The court therefore permanently enjoined "the Union from taking any steps to punish or retaliate against Appellant either for his exercise of the right of freedom of speech and assembly or other rights guaranteed him by law," *id.* at 364.

It may well be better for all concerned, as the ALJ indicated, to focus on present and future challenges facing the union and refrain from subjecting Complainant to additional disciplinary action based on the charges herein that led to this proceeding. However, I have concluded that it is AFGE Local 1812 and its members who should decide whether Complainant should be subject to future disciplinary action for activity that was the basis for his expulsion in this case. There is general congressional policy to allow unions great latitude in resolving their own internal controversies and where that fails to utilize the agencies of the government before resorting to the courts. Hodgson *v.* Steelworkers, Local 6799,403 U.S. 333,338 (1971); *Wirtz* v. Glass Bottle Blowers, 389 U.S. 463,470 (1967); Calhoon *v.* Harvey, 379 U.S. 134,140 (1964). The congressional concern about minimizing government intrusion in union affairs is even more evident in Title I which bypasses the Secretary of Labor altogether and allows union members to file directly with the district courts after union members have exhausted their internal union procedures. *Crowley* v. Local 82, Furniture and Piano Moving, *Furniture* Store Drivers, Helpers, Warehousemen and *Packers*, 679 F.2d 978 (1st Cir. 1982)(court reconciled Title IV with Title I, and noted that both titles have exhaustion provisions); 29 U.S.C. 411(4). Any future disciplinary action against Complainant would have to be taken in accordance with the safeguards in 29 CFR 458.2(a)(5), including a full and fair hearing before an unbiased tribunal; court decisions under the equivalent provisions of LMRDA section 101(a)(5);

and those provisions of the union's constitution and bylaws that are not inconsistent with the standards of conduct regulations and applicable court decisions.

ORDER

IT IS HEREBY ORDERED, THAT,

1. The National AFGE is dismissed as a respondent in this proceeding.

2. Respondent shall reinstate, without back dues, Complainant Richard A. LaDieu to membership in the AFGE and Local 1812 thereof, effective the date of this Decision and Order.

3. Respondent shall post a copy of the attached notice signed by the President, for thirty (30) days at Local 1812's business office, bulletin boards, and other places where notices to members are customarily posted; and take steps to insure that such notices are not removed, altered, defaced, or covered up by any other material.

4. Respondent shall notify the Assistant Secretary in writing within thirty (30) days from the date of this Decision and Order as to the steps that have been taken to comply herewith.

Dated: May 31, 2000

Washington, D.C.

Bernard E. Anderson
Assistant Secretary

NOTICE TO ALL MEMBERS

OF AFGE LOCAL 1812

PURSUANT TO

A DECISION AND ORDER OF THE

ASSISTANT SECRETARY OF LABOR FOR EMPLOYMENT STANDARDS

and in order to effectuate the policies of

SECTION 7120 OF TITLE 5 OF THE UNITED STATES CODE STANDARDS OF CONDUCT FOR LABOR ORGANIZATIONS IN THE FEDERAL SECTOR

We hereby notify our members that:

We have reinstated Richard A. LaDieu to membership in the American Federation of Government Employees and Local 1812 thereof.

The expulsion of Richard A. LaDieu from union membership pursuant to the trial on June 4 and 5, 1996 and the vote at the June 28, 1996 general membership meeting was unlawful and in violation of his right to a full and fair hearing.

We will not take disciplinary action against Richard A. LaDieu without providing him with the protections and safeguards accorded under the Bill of Rights of Members of Labor Organizations (29 CFR **458.2(a)(5)).**

Dated _____ By _____
(Signature) *(Title)*

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his Notice must remain posted for 30 consecutive days from the date of posting, and must not oe altered, defaced, or covered by any other material.