

**NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES**

In the Matter of the Emergency Trusteeship of:

Local R1-004  
Local R1-132  
Local R2-062  
Local R3-112  
Local R3-118

Local R3-120  
Local R4-045  
Local R4-068  
Local R4-086  
Local R4-109

Local R4-123  
Local R14-040  
Local IBPO 800

Before  
Steven Douglas, Hearing Officer

**REPORT AND RECOMMENDATIONS OF HEARING OFFICER**

**I. Introduction**

On April 28, 2023, David J. Holway, National President of the National Association of Government Employees (NAGE), issued an Order of Emergency Trusteeship pursuant to Article XII, Section 3(B) of the NAGE National Constitution and By-Laws for the above-referenced local units (the Local Units). *NAGE Exhibit 3*. NAGE had learned of conduct, including administrative mismanagement and failure to otherwise carry out legitimate objects of the union. Because the Local Units had no officers in place and engaged in the same alleged conduct, the matters were consolidated.

In conformance with the requirements of the NAGE National Constitution and By-Laws, Article XII, Section 3(B), a Notice of Hearing and Appointment of Hearing Officer on the Matter of Emergency Trusteeships of the Local Units set a hearing on the Zoom platform for May 18, 2023. *NAGE Exhibit 3*. To allow for member notice and participation, copies of the Trusteeship Order and Hearing notices were mailed to any available last known member address. The documents were also posted on the NAGE website.

The National President, represented by Carisa Carmack, Assistant General Counsel, submitted six (6) exhibits. Glovena Holder, the Trustee, testified concerning the facts surrounding the need for the trusteeships. Two members participated in the hearing and were allowed to make statements per the hearing procedures. As hearing officer, I am to determine whether or not the imposition of the emergency trusteeships was appropriate and, if so, whether or not they should continue.

## **II. Facts**

The Local Units are several locals that fall under the NAGE Federal Division and represent various bargaining units of employees working for federal agencies nationwide. *Testimony of Holder*. The Local Units currently do not have any officers in place and rely on assistance from NAGE at the National level in order to meet their obligations. *Id.* As locals representing federal bargaining units, the Local Units are legally required to file annual financial reports, referred to as LM reports, with the U.S. Department of Labor (DOL). *Testimony of Holder, NAGE Exhibit 6*. LM reports reflect the locals' annual receipts, expenditures, and assets. Several of the Local Units at issue were more than one year behind in their filing requirements. *Testimony of Holder*.

When locals fall into delinquent status, the DOL will reach out to the locals or their parent body, in this case, NAGE National, to attempt to return the locals to compliance. *NAGE Exhibits 4 & 5*. Continued failure to file LM reports could result in administrative or legal action being taken against the Local Units. *Testimony of Holder*. Because there were no local officers in place at the time of the imposition of the Trusteeships, the Local Units could not file their LM reports and had become delinquent. *Id.* In order for the National to file LM reports on behalf of the locals, the National must have administrative control of the locals by placing them in trusteeship. *Id.*

### **III. Analysis**

Article XII, Section 1(B) of the NAGE Constitution and By-Laws provides in part that:

Disciplinary action, up to and including the imposition of trusteeship or the dissolution of the Local Unit, may be taken:

...

(3) When the Local Unit fails in its duty to its membership;

(4) When the Local Unit fails to preserve and protect its assets, fails to meet its legal obligations, or fails in any other duty such that its obligations to the members, the National Union, the International Union, or the Local Unit itself are not being met.

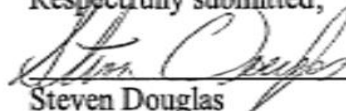
I find that due to the absence of elected local leadership, the Local Units have failed to meet their legal obligations and failed in their duty such that their obligations to their members, the National Union, the International Union, or the Local Units themselves are not being met. By failing to properly file their LM reports, a legal obligation, and reaching a delinquent status of which there was no clear and imminent resolution, the Local Units' conduct violates the NAGE National Constitution and By-Laws warranting the imposition of emergency trusteeships of the Local Units.

### **IV. Conclusion**

The National President's decision to place the Local Units in emergency trusteeship was appropriate for the aforementioned reasons. The trusteeships should continue until such time as the locals may return to self-governance or the need for the trusteeship is resolved.

Date: 7/12/2023

Respectfully submitted,



Steven Douglas  
National Executive Board Member  
Hearing Officer