

CASE DIGEST: *U.S. DOL, Off. of Labor Mgmt. Standards, Div. of Enf't, Tracy Shanker, Chief, 73 FLRA 573 (2023)*

The Department of Labor's Administrative Review Board found that the Union violated the Labor-Management Reporting and Disclosure Act by failing to comply with a Union member's reasonable request to distribute campaign literature in support of his candidacy for Union president. Since the Union's violation may have affected the outcome of the Union's presidential election, the Board ordered the Union to reconduct the election under Department of Labor supervision. As the Union did not reconduct the election within the Board-established timeframe, the Petitioner filed an enforcement petition with the Authority.

The Authority affirmed the Board's decision, finding that it was not arbitrary and capricious, or in manifest disregard of the law. However, the Authority found it was unable to enforce the Board's direction to hold an election by a particular date, because that date had passed. Accordingly, the Authority remanded to the Board for consideration of a remedy that accounts for the changed circumstances of the case.

*This case digest is a summary of a decision issued by the Federal Labor Relations Authority, with a short description of the issues and facts of the case. Descriptions contained in this case digest are for informational purposes only, do not constitute legal precedent, and are not intended to be a substitute for the opinion of the Authority.