

The Obligations Of Union Leadership

When it comes to listing the numerous obligations of leadership, the completion of paperwork in a timely manner no doubt does not appear at the top of many lists. However, for officers of local unions, not completing some types of paperwork in a timely manner can lead to both civil and criminal consequences.

I am referring of course to filings required by the Office of Labor-Management Standards (OLMS) within the U.S. Department of Labor, specifically the Form LM-2, LM-3 or LM-4 and the LM-30.

The OLMS is the Federal agency that is responsible for administering and enforcing most provisions of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA). Congress enacted the LMRDA for the stated purpose of ensuring that standards of democracy and fiscal responsibility were maintained by labor organizations representing individuals working in private industry. The LMRDA has a number of major provisions to it, but for the purpose of this message I will focus on two: 1) requirements for reporting and disclosure of financial information and 2) requirements for reporting and disclosure by union officers and employees.

The filing of the Form LM-2, LM-3 or LM-4 satisfies the first of these provisions. Essentially all three of these reports serve the same purpose; it is only the complexity and detail of information that must be provided that is different. Local unions with total annual receipts of \$250,000 or more must file the Form LM-2. Those with lower total annual receipts may file a Form LM-3 or a Form LM-4. All of these Forms are due no later than ninety days of the end of the local union's fiscal year and must be signed by the President and the Treasurer. The Form LM-3 and Form-LM-4 can be submitted in paper form, but the Form LM-2 must be filed electronically and requires electronic signatures.

The second provision has, as it's original purpose to highlight any conflict or potential conflict of interest that may exist for a union officer. This is the Form LM-30, which must be filed within ninety days after the end of the individual's fiscal year, which for almost everyone is the calendar year. Recent changes have greatly expanded the scope of union officers to now include union volunteers, such as shop stewards, if they perform union-related tasks, such as meeting on grievances, during their normal workday without having their pay reduced by the amount of missed hours. Depending on your individual situation, the Form LM-30 can have some potentially complicated legal aspects to it and individuals completing it may at times require some legal advice.

The DOL has stated its intention to vigorously enforce the timely filings of various reports and local union officers are advised to pay strict attention to their obligations. Additional information can be found in the "Local Union Secretary and Treasurer Handbook" and the OLMS Web site at www.dol.gov/esa/olms_org.htm.

2008 SUPPLIES

The local union supplies for 2008 will be mailed at the end of November to those local unions that have submitted their 3rd Quarter Report for 2007 and purchased the appropriate number of per capita stamps.

The number of per capita stamps that must be purchased is equal to the number of members reported on the 1st and 2nd Quarterly Reports for 2007 plus two times the number of members reported on the 3rd Quarter Report for 2007 (to allow for an estimate of the numbers that will be reported on the 4th Quarter Report for 2007). When the 4th Quarter Report for 2007 is submitted in January 2008, an adjustment to balance each local union's account is made if necessary.

PER CAPITA TAX INCREASE

As a reminder, delegates to the 65th Quadrennial Convention voted to increase the per capita tax for local unions by two dollars (\$2.00) effective 1/1/08. Therefore, effective that date, the quarterly per capita will increase to \$44. The per capita for Special Department local unions will remain unchanged.