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August 19, 2015

Andrew R. Davis, Chief of the
Division of Interpretations and Standards
Office of Labor-Management Standards
U.S. Department of Labor
200 Constitution Avenue, NW, Room N-5609
Washington, D.C. 20210

Dear Mr. Davis:

The following comments are submitted on behalf of North America's Building Trades Unions ("NABTU"), which is composed of fourteen national and international labor unions, and 386 state, local, and provincial building and construction trades councils representing more than 2.5 million workers throughout the United States and Canada.

These comments oppose the proposal to amend the information collection request 1245-0003, as well as the Form LM-3 and LM-4 Labor Organization Annual Report instructions, to require filers of such reports to submit the reports electronically.

By definition, filers of LM-3 and LM-4 Reports are small labor organizations. Most of NABTU's affiliated state and local building trades councils file LM-3 or LM-4 Reports. Out of 41 NABTU affiliated state councils, 26 file an LM-3 or LM-4 Report, and 10 of the 26 file by mail.

NABTU also has more than 300 affiliated local councils throughout the United States, which, of course, are smaller organizations than state councils. In a random sample of the NABTU local councils in 10 states, 47 of the 53 local councils filed LM-3 or LM-4 Reports. Of the 47, roughly half filed their LM-3 or LM-4 Reports by mail.

State and local councils are administered primarily, if not exclusively, by union representatives who have other full-time jobs. Requiring these small labor organizations with part-time administrators to file LM-3 and LM-4 reports electronically will place an undue burden on at least some of them that outweighs any potential benefit. And, the proposed

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temporary hardship exemption is not, in fact, an exemption but instead would require the filer to both file by mail and then within 10 business days, also file electronically.

The Department of Labor has not determined “the extent to which unions have already embraced the technology necessary to provide reports in electronic form,” and has noted that significantly less than half of labor organizations that filed LM-3 and LM-4 Reports in 2014 filed the reports electronically. See Information Collection Request; Comment Request, 80 Fed. Reg. 29098 (May 20, 2015). It, therefore, would be more appropriate for the Department of Labor to pursue voluntary compliance by taking steps to encourage labor organizations to file LM-3 and LM-4 Reports electronically, at least until it has determined the extent to which the small labor organizations that file such reports have access to the necessary technology.

Accordingly, NABTU opposes the proposal to amend the information collection request 1245-0003, as well as the Form LM-3 and LM-4 Labor Organization Annual Report instructions, to require filers of such reports to submit the reports electronically.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean McGarvey". The signature is fluid and cursive, with the first name "Sean" and last name "McGarvey" clearly distinguishable.

Sean McGarvey,
President