



# NATIONAL FEDERATION OF FEDERAL EMPLOYEES

Affiliated with the International Association of Machinists & Aerospace Workers, AFL-CIO

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, DC 20210

**RE: U.S. Department of Labor proposed Rulemaking RIN 1245-AA06**

Dear Mr. Davis,

This letter is in response to the OLMS request for comments concerning the proposal to amend the information collection request process, specifically requiring filers of LM-3 and LM-4 Labor Organization Annual Reports to do so electronically as well as modifying hardship exemptions for LM-2 filers.

NFFE fully supports the intentions of such proposals under the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) and the Paperwork Reduction Act of 1995 which ensure that requested data can be provided in the desired format with minimal burden and that democratic procedures and safeguards within labor organizations are guaranteed through the disclosure of information on financial transactions and administrative practices of labor organizations.

However, NFFE must oppose the OLMS' proposal to mandate that unions submitting LM-3 and LM-4 forms per the LMRDA do so electronically through the web-based Electronic Forms System (EFS). Most of these concerns stem from the lack of access many smaller locals and unions have to the necessary hardware to complete these forms in a safe, timely, and secure fashion.

NFFE is concerned that many of our smaller Lodges, which primarily file LM-4 Labor Organization Annual Reports, do not have private access to the necessary hardware to file such reports electronically through the EFS. These lodges do not have their own computers and would therefore be forced to file the paperwork online through either phones or other personal devices. Other lodges only have computer access when at work in locations with stringent rules about information and internet access. In addition to the same previous point, we also would not want union officers risking their employment because of an unnecessary DOL requirement. While it is certainly reasonable to expect organizations filing LM-2

forms to have access to the necessary equipment and to file online (as is already the case) asking the same from those filing LM-4 and even LM-3 forms may have negative consequences for employees and the information they are sharing.

In the DOL summary, it is asserted that most labor unions have the information technology resources and capacity to file electronically, although no specific data exists regarding the extent to which unions have already embraced the necessary technology to do so. Even if that claim is accurate, we have been told directly that many of our own smaller lodges do not have such technology in place. Forcing them to file electronically would increase their burden in complying and create an incentive not to. The figures provided—that only 40 percent of Form LM-3 unions and only 37 percent of Form LM-4 unions filed electronically in 2014—appear to suggest that our members are not alone in not possessing the necessary technology required to file through the EFS. The majority of unions with the capability to file through the EFS most likely already are. A temporary hardship exemption is also applicable, but this would require the filer to submit a paper report by the required due date while only providing an additional ten business days to file electronically. Two weeks is hardly a reasonable amount of time to attain the means necessary to file electronically and does little to ease the burden on either the local union or the OLMS who still have to process the paperwork.

The provided statement also states that authority for the rule comes from the LMRDA giving the Secretary of Labor the authority—which has been delegated to the OLMS director—to issue, amend, and rescind rules and regulations “necessary to prevent the circumvention or evasion of the reporting requirements.” We struggle to see how such a rule would accomplish this goal. Rather, given an increased burden on certain locals, the rule may dissuade some from complying while providing no extra incentive for current evaders to submit forms given that EFS is already an available option.

NFFE supports the intentions and efforts of these rules and the work OLMS is doing to provide quick, trustworthy information to unions and their members. The EFS and its ability to ‘instantaneously’ relay information can be an important tool in accomplishing these goals. However, we also have concerns given the capability of smaller Lodges and Locals to comply to a requirement to file electronically and online. We would encourage that more work be done to ensure that all unions have the means to file electronically with no additional burden before further action is taken.

Sincerely,

A handwritten signature in black ink, reading "William R. Dougan". The signature is fluid and cursive, with the first name "William" and last name "Dougan" clearly legible.

William R. Dougan  
National President