

Rights and Responsibilities



Under the LMRDA and CSRA

U.S Department of Labor
Office of Labor-Management Standards
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Foreword

The Labor-Management Reporting and Disclosure Act (LMRDA), enacted by Congress in 1959 and amended several times since then, directly affects millions of people throughout the United States. It applies to union members, employers, labor relations consultants, and other persons, as well as to labor organizations (unions) and surety companies.

The Civil Service Reform Act (CRSA) was enacted in 1978 and became effective in January 1979. Title VII of the CSRA governs labor-management relations in the federal government and supersedes Executive Order 11491 (EO 11491), which was issued by the President in 1969 for the same purposes. Like EO 11491 before it, title VII applies to most agencies of the executive branch of the federal government, their employees, and the unions that represent such employees. However, the coverage provisions differ to some extent from those of EO 11491. For a list of specific inclusions to and exclusions from coverage under the CSRA, see *Who is Covered by the Acts* on page 4.

Standards of conduct provisions, formerly set forth in sec. 18 of EO 11491, have been incorporated into the CSRA under sec. 7120. Similar provisions for labor organizations representing members of the Foreign Service in the Department of State and in other agencies are contained in sec. 1017 of the Foreign Service Act of 1980 (FSA), 22 U.S.C. 4117. Regulations pertaining to these provisions have been issued by the Assistant Secretary for Labor-Management Standards (Assistant Secretary). These regulations incorporate many LMRDA provisions, particularly those related to elections of union officers and to reporting, making them applicable to unions subject to the CSRA or FSA. For example, the regulations include provisions on a bill of rights for union members, on the election of union officers, and on the reporting of union finances.

Unions representing postal employees became subject to all LMRDA provisions on July 1, 1971, as a result of the Postal Reorganization Act of 1970, which created the U.S. Postal Service.

This pamphlet is designed to assist those having rights and responsibilities under the LMRDA and the standards of conduct provisions of the CSRA and FSA. It presents general information about the provisions of the acts and should not be construed as an official interpretation of their provisions. Two companion pamphlets are available, which, as their names suggest, provide additional information regarding provisions of the acts: *Reports Required Under the LMRDA and the CSRA* and *Bonding Requirements Under the LMRDA and the CSRA*. Copies of these pamphlets may be obtained from the Office of Labor-Management Standards, its field offices, or online at www.olms.dol.gov.

Overview

The LMRDA was enacted to provide for “the reporting and disclosure of certain financial transactions and administrative practices of labor organizations and employers, to prevent abuses in the administration of trusteeships by labor organizations, to provide standards with respect to the elections of officers of labor organizations and for other purposes.”

Sec. 7120 of the CSRA and section 1017 of the FSA set forth standards of conduct for unions that represent employees of certain agencies of the federal government. These sections provide for filing financial and other reports by unions, for bonding of union officials and employees, and for complying with trusteeship and election standards. A purpose of these sections is to apply to federal government unions “the principles applies to unions in the private sector.”

Provisions of the Acts

The LMRDA, in addition to definitions, findings, and a statement of policy, consists of seven titles.

Title I is called the Bill of Rights of Members of Labor Organizations and sets forth certain basic rights that Congress believed should be guaranteed to union members by federal law. These rights may be enforced by members through private suits in federal district courts. Sec. 104, which sets forth the right to receive or examine collective bargaining agreements, applies not only to union members but also to all nonunion employees covered by collective bargaining agreements. The Secretary of Labor also has been given enforcement responsibilities with regard to sec. 104. These responsibilities are handled by the Department of Labor’s Office of Labor-Management Standards (OLMS).

Titles II through VI deal primarily with the following: reporting by unions, by union officers and employees, by employers, by labor relations consultants, and by surety companies; union trusteeships; union elections; union safeguards and (in title VI) certain miscellaneous provisions. The Secretary of Labor, through OLMS, has varying administrative and enforcement responsibilities under these titles. In addition, titles II through VI contain a number of criminal provisions that involve enforcement responsibilities of the U.S. Department of Justice.

Title VII contains amendments to the Labor Management Relations Act, 1947 (the Taft-Hartley Act), which involve matters administered by the National Labor Relations Board (NLRB), an independent federal agency not part of the Department of Labor. Questions about these amendments should be directed to the NLRB. Contact information is available on the NLRB website at www.nlrb.gov.

The standards of conduct regulations implementing sec. 7120 of the CSRA and sec. 1017 of the FSA (29 CFR 457-459) incorporate many of the provisions of titles I through VI of the LMRDA and make them applicable to covered federal employee unions.

Additionally, the CSRA established a statutory labor-management relations program for employees in the executive branch, as well as employees of the Library of Congress and the Government Printing Office. The act also established the Federal Labor Relations Authority (FLRA), an independent agency not part of the Department of Labor. The FLRA carries out responsibilities in the federal sector roughly parallel to those of the NLRB in the private sector. For example, the determination of appropriate bargaining units; the supervisions or conduct of representation elections; the resolution of negotiability disputes, unfair labor practice complaints, and FLRA jurisdiction are processed in accordance with its regulations (5 CFR 2400 et. seq.). More information about FLRA activities is available on their website at www.flra.gov.

Who Is Covered by the Acts?

Various provisions of the LMRDA apply to the following entities when they are engaged in an industry affecting commerce:

- Labor organizations (unions, except state or local central bodies and unions representing public employees whose employer is any state or political subdivision of a state, such as a county or municipality (postal employee unions are covered by virtue of the Postal Reorganization Act of 1970);
- Officers and employees of such unions;
- Members of such unions;
- Employees who work under collective bargaining agreements, even though they are not union members;
- Employers;
- Labor relations consultants;
- Surety companies;
- Trusts in which a labor organization is interested; and
- Other “persons” as defined in the LMRDA who may be covered by particular provisions of the act.

Under sec. 7120 of the CSRA and the implementing regulations, most agencies of the executive branch of the federal government, their employees, and the unions that represent such employees, are subject to provisions similar to those of the LMRDA.

Title VII contains specific inclusions to and exclusions from coverage. The definition of “agency” includes most executive agencies, as well as certain nonappropriated fund instrumentalities of the armed forces, the Library of Congress, and the Government Printing Office.

Specific agencies excluded from coverage are the General Accounting Office, the Federal Bureau of Investigation, the Central Intelligence Agency, the National Security Agency, the Tennessee Valley Authority, the FLRA, and the Federal Service Impasses Panel. Under the definition of “employee” in title VII, members of the uniformed services are also excluded from coverage.

Sec. 1017 of the FSA extends the same coverage to labor organizations representing members of the Foreign Service in the Department of State and in other agencies.

Note: References to the CSRA later in this pamphlet are intended to include the FSA as well.

Labor Organization Defined

The LMRDA states: “‘Labor organization’ means a labor organization engaged in an industry affecting commerce and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board or joint council so engaged which is subordinate to a national or international labor organization, other than a State or local central body.”

The CSRA defines “labor organization” as “an organization composed in whole or in part of employees, in which employees participate and pay dues, and which has as a purpose the dealing with an agency concerning grievances and conditions of employment.”

It *excludes* from this definition and organization which—

- by its constitution, bylaws, tacit agreement among its members, or otherwise, denies membership because of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or handicapping condition;
- advocates the overthrow of the constitutional form of government of the United States;
- is sponsored by an agency; or
- participates in the conduct of a strike against the government or any of its agencies or imposes a duty or obligation to conduct, assist, or participate in such a strike.

Basic Rights Assured Union Members

Congress determined that certain basic rights should be assured to members of labor unions, and these are listed in title I of the LMRDA as a bill of rights. Existing rights and remedies of union members under other federal or state laws, before any court or tribunal, or under the constitution and bylaws of their unions are not limited by the provisions of title I. Standards of conduct regulations issued under the CSRA have made these rights applicable to members of unions representing employees of covered agencies of the federal government.

Equal rights

All union members have equal rights and privileges in nominating candidates for union office, voting in union elections and referendums, and attending and participating in membership meetings, subject only to reasonable rules and regulations in the union’s constitution and bylaws.

Freedom of speech and assembly

Each union member has the right to meet with other members to express any views, arguments, or opinions, and (subject to established and reasonable union rules for conducting meetings) to express at meetings his or her views on candidates for union office and business that is properly presented at the meetings. However, these rights of members do not impair the right of a union to adopt and enforce reasonable rules defining the responsibility of members to the union and restraining conduct by members that would interfere with the union in carrying out its contracts and other legal responsibilities.

Rights regarding dues, initiation fees, and assessments

Increases in the rates of union dues and initiation fees, and the imposition of assessments, are prohibited unless the procedures contained in the Bill of Rights are followed. Briefly, these are—

In local unions, dues and fees may be raised and assessments imposed only by:

- A majority vote by secret ballot of the members in good standing at a special or regular meeting, after reasonable notice of the proposal has been given; or
- A majority vote of the members in good standing in a secret ballot membership referendum.

In unions other than local unions and federations of national or international unions, dues and fees may be raised and assessments imposed by:

- A majority vote of the delegates voting at a regular convention, or at a special convention for which the affiliated local unions have received 30 days' advance notice. Delegates may cast weighted votes in accordance with the number of members they represent, if the constitution and bylaws of their union so provide;
- A majority vote of the members in good standing voting in a secret ballot membership referendum; or
- A majority vote of the members of the organization's executive board if this authority has been expressly given to the board by the union's constitution and bylaws. This action, however, is effective only until the next regular convention.

Protecting the right to sue

The right of a union member to bring any suit or administrative proceeding (irrespective of whether it is against the union or its officers) or to appear as a witness or communicate with legislators may not be limited by the union. However, a member may be required to pursue, for up to 4 months, reasonable hearing procedures provided by the union before bringing a suit or administrative proceeding against the union or any of its officers. Also, interested employers or associations of employers may not support or participate in union members' suits, proceedings, appearances, or communications unless they so do openly as involved parties.

Safeguards against arbitrary discipline

A union may not discipline, fine, suspend, or expel a member (except for nonpayment of dues) unless it first serves the member with a written list of the specific charges, gives a reasonable time to prepare a defense, and affords a full and fair hearing.

Right to copies of collective bargaining agreements

Every employee (whether or not a union member) is entitled, on request, to receive from a local union a copy of each collective bargaining agreement made by the local which directly affects that person's rights as an employee.

Whenever a parent union makes a collective bargaining agreement which directly affects the rights of members of an affiliated local union, the parent union is required to send a copy of the agreement to the local, which must keep the copy in its principal office. All employees, whether or not union members, affected by such agreement have the right to examine this copy, and the local is required to make it available to them.

If a member or employee believes that a union has violated its duty to furnish or make available copies of collective bargaining agreements, that person may make this known to OLMS or one of its field offices. The Secretary of Labor is empowered to enforce this provision against those unions subject to the LMRDA by bringing suit in a federal district court. The union member may also enforce this right by private suit in a federal district court under sec. 102.

Members of unions subject to the CSRA may enforce this provision by administrative procedures which involve the filing of a complaint with an OLMS office; a hearing before a Department of Labor administrative law judge; the judge's report and recommendation; and a decision and order by the Assistant Secretary. Where a violation of the CSRA is found, the Assistant Secretary, after considering the recommendations of the administrative law judge, may order the violator to cease and desist from such conduct, and require that affirmative corrective action be taken.

Right to be informed about the LMRDA

Unions subject to the LMRDA are required to inform their members of the provisions of the act, including their rights as union members. This requirement does not apply to federal employee unions subject solely to the CSRA.

Enforcement of members' rights

Any member of a union subject to the LMRDA who believes that membership rights (as guaranteed in title I of the act) have been infringed, and who wants appropriate relief which may include an injunction, must bring a civil action in a federal district court. As noted above with respect to collective bargaining agreements, the Secretary also may bring suit to enforce rights granted by sec. 104.

Members of federal employee unions subject solely to the CSRA who believe their rights have been infringed and desire appropriate relief may do so through administrative procedures.

Other Rights Assured Union Members

Other provisions of the LMRDA establish rights of union members which are in addition to those defined in title I. Unless otherwise indicated, these rights are also established by the CSRA.

Rights relating to union reports

The LMRDA requires a union to make available to all its members the information contained in the reports that it must submit to OLMS.

For just cause, union members may examine any books, records, or accounts which may be necessary in order to verify their union's reports. Union members in the private sector may enforce this right by filing suit in a state court of competent jurisdiction or a federal district court. If the member or members secure a judgment in their favor, the court may allow them, in addition, reasonable attorney's fees and costs. Members of unions subject to the CSRA may enforce this right through administrative procedures.

Reports as public information

All reports are public information, and the Secretary may publish any information or data which is obtained from reports submitted under the reporting provisions of the LMRDA or the CSRA.

Any person may examine or purchase copies of such reports. All reports filed with the Secretary are available at the OLMS national office in Washington, DC. Union annual financial reports and employer and labor relations consultant reports filed for year 2000 and later are available online at www.unionreports.gov. Each OLMS field office has duplicate reports for all reporting individuals and organizations within its geographic jurisdiction.

OLMS national and field offices will provide for:

- Inspecting reports on request;
- Furnishing copies of such reports, on request and on payment of service charges of 15 cents for each page for requests over 30 pages; and
- Furnishing copies of reports and documents to state agencies without charge, on request of the governor of the state.

The Secretary may use, for statistical and research purposes, any information and data included in the reports filed under the acts.

Rights of members of unions under trusteeship

The LMRDA lays down a set of ground rules governing the use of trusteeships. Under the act, a trusteeship is defined as "any receivership, trusteeship, or other method of supervisions or control whereby a labor organization suspends the autonomy otherwise available to a subordinate body under its constitution or bylaws."

This definition also applies to unions subject to the CSRA.

A trusteeship may be established and administered only in accordance with the parent union's constitution and by-laws, and only for the following purposes:

- To correct corruption or financial malpractice;
- To assure the performance of collective bargaining agreements or other duties of a bargaining representative;
- To restore democratic procedures; or
- To otherwise carry out the legitimate objects of the unions.

The acts also establish rules with respect to the duration of a valid trusteeship, i.e., a trusteeship is presumed valid for 18 months from the date of its establishment; after this time it is presumed invalid.

Transfer of a trusteeship union's funds to the parent union (outside of normal per capita fees and assessments) is forbidden. The acts bar counting the votes of delegates from trusteeship unions at conventions or other policy-making meetings unless the delegates were elected by the trusteeship union's members through secret ballot.

The acts require the filing of initial, semiannual, and terminal reports by the parent union on the trusteeship and the finances of the unit under trusteeship.

A member whose union is affected by a violation of the trusteeship provisions of the act may file a complaint with OLMS. If, after investigation, OLMS believes a violation has occurred and has not been corrected, it may recommend that the Secretary bring suit for appropriate relief, provided the union is subject to the LMRDA. The identity of the complainant must not be revealed.

A member of a trusteeship union subject to the LMRDA also has the right to sue for violation of the trusteeship provisions (except those dealing with filing of reports), and may bring civil action in a federal district court for appropriate relief, unless a suit in the same matter already has been brought by the Secretary as the result of a member's complaint to the Secretary.

Enforcement of the trusteeship provisions for a trusteeship union subject to the CSRA may be accomplished through administrative procedures.

Right of democratic union elections

The LMRDA and CSRA establish democratic standards for conducting regular elections of union officers and delegates who in turn will elect officers of intermediate bodies, national unions, or international unions. These include the following provisions:

- Use of secret ballots in local union elections;
- Use of secret ballots in electing delegates to intermediate bodies and national or international unions if such delegates nominate or elect officers;
- Reasonable opportunity for members to nominate candidates;
- Right of every member in good standing to be a candidate and to hold office, subject to reasonable qualifications uniformly imposed;
- Right of every member in good standing to vote for or otherwise support candidates of his or her choice, without being subject to penalty, discipline, or improper interference or reprisal;
- At least 15 days' notice of election by mail at his or her last known home address;
- Right of all candidates to have an observer at each polling and ballot counting location;
- Vote tally counted and published separately for each local union voting in a referendum election of a superior body;
- Overall conduct of elections according to a union's constitution and bylaws where they are consistent with the LMRDA or CSRA;
- Use of adequate safeguards to insure a fair election;
- Preservation of election records for at least 1 year after the election;

- Compliance by unions and officers with all reasonable requests to distribute campaign literature at a candidate's expense. Bona fide candidates who are members of unions subject to the LMRDA may enforce this right by bringing suit in federal district court prior to an election. Bona fide candidates who are members of unions subject to the CSRA may enforce this right by filing a complaint with OLMS or one of its field offices to initiate administrative procedures;
- Prohibition against discrimination for or against any candidate with respect to the use of membership lists. Bona fide candidates who are members of unions subject to the LMRDA may enforce this right by bringing suit in federal district court prior to an election. Bona fide candidates who are members of unions subject to the CSRA may enforce this right by filing a complaint with OLMS or one of its field offices to initiate administrative procedures;
- Right of every bona fide candidate, once within 30 days prior to an election, to inspect at his or her union's principal office a list of all members subject to a collective bargaining agreement which requires union membership as a condition of employment;
- Prohibition against the use of union funds received from dues or assessments, or employer contributions, to support the candidacy of any person for union office; and
- Elections of officers at least once every 5 years in national and international unions, at least once every 4 years in intermediate bodies, and at least once every 3 years in local unions.

A member of a union subject to either the LMRDA or CSRA who believes a violation of the election provisions has occurred may file a complaint with OLMS. However, the member first must have invoked the remedies available under the union's constitution and bylaws.

If the member receives an unfavorable final decision within 3 months after invoking available internal union remedies, he or she may file a complaint with the Secretary within 1 month after the decision was received. If the member does not receive a final decision within 3 months, he or she may—

- file a complaint with the Secretary within 1 month after the 3-month period has elapsed; or
- wait until all available union remedies have been exhausted before filing a complaint, even though this may take more than 3 months.

When an unfavorable final decision is received, the member has 1 month after receiving the decision in which to file complaint. The failure to file a complaint within these time frames will block any possibility of an OLMS investigation.

OLMS investigates all timely complaints made by a member whose union is subject either to the LMRDA or the CSRA. Where there is "probable cause to believe" that a violation of the LMRDA has occurred, which may have affected the outcome of the election and has not been remedied, the Secretary shall, within 60 days, bring civil action in a federal district court to invalidate the challenged election and direct a new election.

The procedures for remedying violations of the election provisions of the CSRA differ from the LMRDA procedures. Under the CSRA, there is no 60-day time limit within which enforcement proceedings must be instituted. Rather, OLMS may initiate enforcement action at any time.

When a member's complaint is about an election that has been held already, this method of challenging that election takes the place of all other methods that previously may have been available. Before an election is conducted, however, a member of a union subject to the LMRDA may bring suit to enforce existing rights and remedies under the union's constitution and bylaws and to force the union to comply with reasonable requests to distribute campaign literature, or to refrain from discrimination in favor of or against any candidate with respect to the use of lists of members.

The election requirements of the LMRDA and CSRA apply only to regular elections. They would not apply, for instance, to procedures for selecting interim leaders in elections to fill vacancies in offices.

The LMRDA also contains provisions dealing with the removal of officers of local unions subject to the act who have been found guilty of serious misconduct. They provide the Secretary with the authority to take certain actions if a member of a local union complains that his or her union does not have adequate procedures in its constitution and bylaws for the removal of such officers. The Department of Labor has issued a regulation establishing procedures for determining whether a union's constitution and bylaws are adequate for the removal of such local union officers. When a union has failed to correct removal procedures which have been determined by the Secretary to be inadequate, or where serious misconduct is evident and the union's procedures have not been followed, the regulations provide for holding a hearing and a secret ballot vote on removal under the Secretary's supervision if ordered by a federal court.

The removal procedure does not apply to federal employee unions subject solely to the CSRA. However, such unions are required to have an adequate officer removal procedure in their constitution and bylaws, and to follow those procedures when necessary. If their constitution and bylaws do not contain provisions for removing officers found guilty of serious misconduct, the unions must follow a procedure which meets the standards of the Department's regulations.

The LMRDA election provisions are discussed in more detail in the publication, *Electing Union Officers* and in the Department's general statement concerning the election provisions under the LMRDA, *Election of Officers of Labor Organizations* (29 CFR 452).

Freedom from discipline for exercising rights

No union, union official, or union employee may fine, suspend, expel, or otherwise discipline any member of the union for exercising any of the rights to which the member is entitled under the LMRDA or CSRA. A member of a union subject to the LMRDA who is disciplined in violation of this prohibition may bring a civil action in a federal district court for appropriate relief.

If a member of a union subject to the CSRA is disciplined in violation of this prohibition, the member may seek relief through administrative procedures.

Freedom from force or violence in exercising rights

Under the LMRDA it is a criminal offense for any person to use force or violence, or threats of force or violence, against members of unions subject to the act to interfere with their exercise of rights under the act. Penalties provided are a fine of not more than \$1,000 or imprisonment for not than 1 year, or both.

It is a violation of the CSRA for any officer, representative, or employee of a union subject to the act to use or threaten to use force or violence against union members for the purpose of interfering with or preventing the exercise of rights to which they are entitled under the act. Enforcement is through administrative procedures.

Safeguards for Labor Organizations

In addition to creating certain basic rights of union members, the LMRDA and CSRA establish safeguards for the protection of union funds and property.

What are an officer's financial duties?

The LMRDA and CSRA impose a fiduciary (position of trust) obligation on union officers, business agents, organizers, shop stewards, and other key administrative employees. The acts provide that, taking into account the special problems and functions of unions, such persons must:

- Hold money and property solely for the benefit of their union and its members;
- Manage, invest, and disburse funds and property only as authorized by the union's constitution and bylaws or proper resolution of its governing body;
- Refrain from financial or personal interests which conflict with those of their union; and
- Account to their union for any profits received from transacting union business.

How are fiduciary duties enforced?

If it is discovered that an officer or a union subject to the LMRDA has violated his or her fiduciary duties, any member has the right to request the union or its officers to bring suit for damages, to secure an accounting from the officer who allegedly violated his or her trust in handling union funds or property, or to get other appropriate relief. A member may bring such a suit when the union, its governing board, or its officers fail to take steps to correct the alleged wrongdoing within a reasonable time after the member requested them to do so. The member must obtain permission from a state court of competent jurisdiction or a federal district court before suit may be brought against the official on behalf of the union.

Permission to sue will be granted if it is shown that there is reasonable cause for bringing the suit. The member can ask for damages, an accounting, or other appropriate relief for the union. If the suit results in a recovery, the court may set aside a part of this recovery to compensate the member for reasonable attorney's fees and for other necessary expenses incurred in connection with the suit.

Members of unions subject to the CSRA who believe a union officer has violated fiduciary duties may seek appropriate relief through administrative procedures.

In addition, the LMRDA makes it a felony for any person to embezzle, steal, or unlawfully and willfully abstract or convert to his or her own use, or the use of another, any monies, funds securities, property, or other assets of a union of which that person is an officer or employee. Violators are subject to fines up to \$10,000 or imprisonment up to 5 years, or both.

This criminal provision does not apply to federal employee unions subject solely to the CSRA. However, embezzlement is also normally a state crime, and offenders may be prosecuted under applicable state law.

Who must be bonded?

Every officer, agent, shop steward, and other representative and employee who handles funds or other property of a union subject to the acts which has property and annual receipts exceeding \$5,000, or of a trust in which a labor organization is interested, is required to be bonded to provide protection against loss by reason of acts of fraud or dishonesty by such person directly or through connivance with others. This protection against "fraud or dishonesty" covers such things as larceny, theft, embezzlement, forgery, misappropriation, wrongful abstraction, wrongful conversion, willful misapplication or any other fraudulent or dishonest acts resulting in financial loss.

A "trust in which a labor organization is interested" is any trust, fund, or organization which the union established or to which it appoints governing officials, if a primary purpose of the trust, fund, or other organization is to provide benefits for members of the union or their beneficiaries.

The bond must be written by a corporate surety company in which no union or its representatives have a direct or indirect interest, and which holds a grant of authority from the Secretary of the Treasury as an acceptable surety on federal bonds. (A list of such companies may be obtained from OLMS.) However, the Secretary of Labor may exempt a union from placing its bond through a surety company on the approved list if the union can establish that its alternate arrangements would provide the required protection at comparable cost or less.

The amount of the bond must be at least 10 percent of the amount of funds or other property handled by the official and his or her predecessor in the preceding fiscal year, with a maximum bond of \$500,000.

Placement of a bond through an agent or broker in which a union or its representatives have an interest is forbidden by the acts.

Members of unions subject to the LMRDA who willfully violate the bonding provisions of the act may be punished by fines up to \$10,000 or imprisonment up to 1 year, or both. These penalties do not apply to members of unions subject solely to the CSRA. However, such members may enforce their bonding provisions through administrative procedures.

The 1965 amendment to the LMRDA added a requirement that every surety company which issues any bond required by the LMRDA or the Welfare and Pension Plans Disclosure Act (WPPDA) must file annual reports with OLMS on its bond experience under each act. The employee Retirement Income Security Act of 1974 (ERISA) repealed the WPPDA and amended the LMRDA surety company reporting requirements by changing all references from WPPDA to ERISA.

What restrictions apply to loans and payments of fines?

The acts prohibit unions from making loans to any officer or employee under which the officer or employee owes more than \$2000. The LMRDA also prohibits a union or employer from paying the fine of any officer or employee of a union subject to the act who has been convicted of willfully violating the LMRDA.

Under the LMRDA willful violations of either of these provisions are punishable by fines up to \$5,000 or imprisonment up to 1 year, or both. These penalties do not apply to officers or employees of unions subject solely to the CSRA. However, members of such unions may enforce the illegal loan provision through administrative procedures.

What restrictions apply to office holding?

A person convicted of any crime specified in the LMRDA is barred for up to 13 years from serving in any of the following positions: as an officer or employee of a union; in any position which involves decision making authority concerning funds or other property of a union; as a consultant to a union; as a labor relations consultant to an employer; as an officer or employee of an employer association; as a officer or executive or administrative employee of an entity which does a substantial part of its business providing goods or services to a union; or in any position which entitles its occupant to share the proceeds of such an entity.

Under certain circumstances the act may allow for a shorter bar period of a least 3 years. The CSRA standards of conduct regulations make the LMRDA convict bar provisions applicable to CSRA unions.

Willful violations of the LMRDA convict bar period are punishable by fines up to \$10,000 or imprisonment up to 5 years, or both. Violations of the CSRA office holding prohibitions may be remedied through administrative procedures in the standards of conduct regulations implementing sec. 7120 of the CSRA.

Power to Investigate

OLMS field offices are given power to investigate violations of the LMRDA, except provisions contained in the Bill of Rights, in a related section prohibiting certain discipline, and in amendments made by the act to other laws.

OLMS field offices also have authority to investigate violations of the standards of conduct provisions of the CSRA, except provisions contained in the Bill of Rights and the provision prohibiting certain discipline. However, the essential facts in such cases are brought out at formal hearings before departmental administrative law judges.

Additional Information

If you would like additional information, assistance or publications concerning LMRDA provisions, please write or visit one of the OLMS field offices, which are located in the following cities:

Atlanta, GA
Baltimore, MD
Birmingham, AL
Boston, MA
Buffalo, NY
Chicago, IL
Cincinnati, OH
Cleveland, OH
Dallas, TX
Denver, CO
Detroit, MI
Grand Rapids, MI
Guaynabo, PR
Honolulu, HI
Houston, TX
Indianapolis, IN
Kansas City, MO
Las Vegas, NV

Los Angeles, CA
Miami, FL
Milwaukee, WI
Minneapolis, MN
Nashville, TN
New Haven, CT
New Orleans, LA
New York, NY
Newark, NJ
Philadelphia, PA
Phoenix, AZ
Pittsburgh, PA
St. Louis, MO
San Francisco, CA
Seattle, WA
Tampa, FL
Washington, DC

To contact our field offices, please consult local telephone directory listings under United States Government, Labor Department, Office of Labor-Management Standards, or view the organizational listing on our website at www.dol.gov/esa/contacts/olms/lmskeyp.htm.