



OLMS Fact Sheet

Office of Labor-Management Standards

The U.S. Department of Labor's Office of Labor-Management Standards (OLMS) administers and enforces most provisions of the *Labor-Management Reporting and Disclosure Act (LMRDA)*. The LMRDA was enacted to ensure basic standards of democracy and fiscal responsibility in private sector labor organizations. Unions representing U.S. Postal Service employees are also subject to the LMRDA. Federal employee unions are subject to similar standards under the *Civil Service Reform Act of 1978* and the *Foreign Service Act of 1980*.

OLMS also protects mass transit employees under the *Federal Transit Law*. In addition, OLMS administers *Executive Order 13496*, which requires government contracts and subcontracts to include an employee notice clause requiring non-exempt federal contractors and subcontractors to post notices informing their employees that they have certain rights related to union membership and use of union dues and fees under federal law.

What are the major provisions of the LMRDA?

- “Bill of Rights” for union members
- Requirements for reporting and disclosing financial information and administrative practices
- Requirements for reporting and disclosure by employers, labor relations consultants, union officers and employees, and surety companies, when they engage in certain activities
- Rules for establishing and maintaining trusteeships
- Standards for conducting fair elections of union officers
- Safeguards for protecting union funds and assets

How does OLMS ensure compliance with the LMRDA?

OLMS ensures compliance with the provisions of the LMRDA in four ways:

1. Public Disclosure of Reports

Unions subject to the LMRDA must file with OLMS an initial information report (Form LM-1) and copies of their constitution and bylaws. In addition, unions must file annual financial reports (Form LM-2, LM-3, or LM-4). Employers, labor relations consultants, union officers and employees, and surety companies are required to file reports under certain circumstances. All of these reports are public information and are available from OLMS.

In addition, at www.unionreports.dol.gov, you can view, print, and order reports filed by unions, employers, and labor relations consultants, and search the union annual financial reports for key data items.

2. Compliance Audits

To audit local unions, OLMS employs a streamlined audit approach called the Compliance Audit Program (CAP), which uses specialized records review and investigative techniques to verify LMRDA compliance. A companion program, the International Compliance Audit Program (I-CAP), is used to audit national and international unions. CAP and I-CAP allow OLMS to provide compliance assistance to union officials to help them correct problems detected during audits and to help prevent future violations.

3. Investigations

OLMS staff members conduct investigations to detect violations of the LMRDA. Investigations are initiated based on various sources such as complaints from union members, information developed by OLMS as a result of reviewing reports filed, information developed during an OLMS audit of a union's records, information from other government agencies, and information from union officials. Investigations may involve civil matters, such as an election of union officers, or criminal matters, such as embezzlement of union funds.

OLMS initiates investigations of regularly scheduled union officer elections upon receipt of a timely filed complaint from a union member protesting the election. If an investigation discloses violations of the LMRDA which may have affected the outcome of the election, OLMS gives the union an opportunity to correct the violations through voluntary compliance, usually by rerunning the challenged election under OLMS supervision. If warranted, OLMS may take legal action to set aside the challenged election and require a new election under OLMS supervision.

OLMS conducts embezzlement investigations to protect and safeguard union funds and assets. OLMS must refer information it uncovers regarding possible embezzlement violations by union officers or employees to the U.S. Attorney, who decides if criminal prosecution is warranted. Persons who have been convicted of embezzlement or certain other crimes specified by the LMRDA may not hold union office or employment for up to 13 years after the conviction or after the end of imprisonment.

4. Education and Compliance Assistance

OLMS encourages union officials and members, as well as others affected by the LMRDA, to contact the agency to discuss problems, file complaints, or get information about the LMRDA. In addition, OLMS promotes voluntary compliance with the LMRDA by informing union officers and others of their responsibilities and by encouraging union members to exercise their rights. Each year OLMS conducts many educational activities, ranging from one-on-one meetings with union officers to statewide seminars for hundreds of union officials.

The agency also offers assistance to meet the special needs of union members, employers, consultants, and the general public through the following activities:

- Publishes and distributes explanatory pamphlets that emphasize voluntary compliance with the LMRDA and outline the law's requirements.
- Posts compliance assistance information, including frequently asked questions and PowerPoint presentations, on the OLMS Web site at www.olms.dol.gov.
- Conducts seminars and workshops about the law in general or about specific areas such as election procedures or completion of reporting forms required by the LMRDA.

- Works with international union officials to correct or prevent LMRDA violations such as delinquent reporting and inadequate bonding by affiliates.
- Participates in union conventions by providing displays, giving speeches, taking part in panel discussions, and conducting workshops.

How does OLMS protect mass transit employees?

When federal funds are used to acquire, improve, or operate a transit system, federal law requires protection of the rights of affected mass transit employees. OLMS ensures that fair and equal arrangements are in place before the Federal Transit Administration can release funds to grantees.

The requirement to protect mass transit employees is contained in the *Federal Transit Law*, Section 5333(b) of Title 49 U.S. Code (formerly Section 13(c) of the *Federal Transit Act*). The law requires the following employee protection arrangements:

- Preservation of rights and benefits under existing collective bargaining agreements
- Continuation of collective bargaining rights
- Protection of individual employees against a worsening of their positions related to employment
- Assurances of employment to employees of acquired transit systems
- Priority of reemployment
- Paid training or retraining programs

Employees who believe they have been adversely affected as a result of federal transit assistance may file a claim. For more information on this topic, contact us at olms-public@dol.gov or call (202) 693-0126.

Office of Labor-Management Standards Field Offices

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For the address and telephone number of our field offices, please consult local telephone directory listings under United States Government, Labor Department, Office of Labor-Management Standards, or view our online organizational listing at <http://www.dol.gov/olms/contacts/lmskeyp.htm>.

OLMS

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