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FORM LM-30 LABOR ORGANIZATION OFFICER AND EMPLOYEE REPORT

GENERAL INSTRUCTIONS

I. WHY FILE

The Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA or Act), requires public disclosure of certain financial transactions and financial interests of labor organization officers and employees and their spouses and minor children. See 29 C.F.R. 404.1-404.9 (reports by officers and employees of labor organizations). The purpose of disclosure, among other things, is to publicly identify an actual or potential conflict between the personal financial interests of a union officer or employee (sometimes referred to as a *filer* in these instructions) and his or her obligations to the union and its members. *Labor organization, labor organization officer, labor organization employee*, and other important terms are defined in Part III of these instructions (pages 9-13).

The LMRDA establishes basic rights of union members, including equal voting rights, freedom of speech and assembly, and other essential safeguards for union democracy, among other protections; establishes financial reporting and disclosure requirements for unions, union officers and employees, employers, and labor relations consultants; regulates union trusteeships; details procedural requirements for the conduct of union officer elections; and establishes a fiduciary duty on union officers, employees, and other representatives.

Pursuant to Section 202 of the LMRDA, and subject to certain exceptions, every labor organization officer or employee (other than an employee performing exclusively clerical or custodial services), who has, directly or indirectly, held any legal or equitable interest in, received any payments from, or engaged in any transactions or arrangements (including loans) with certain employers or businesses or labor relations consultants during the officer or employee's fiscal year must file a detailed report with the Secretary of Labor (Secretary). See Part II of these instructions for a detailed discussion of the types of financial matters that must be reported. You are not required to file a report

unless you or your spouse or minor child held a reportable interest, received a reportable payment, or engaged in a reportable transaction or arrangement during the reporting period. As discussed in Part II, you are not required to report insubstantial payments or gifts, as there defined.

The Department's Office of Labor-Management Standards (OLMS) has developed a comprehensive program to assist with LMRDA compliance, including the completion of the Form LM-30. Much of the information is available on the OLMS Web site: www.olms.dol.gov. For additional contact information, see the final page of these instructions.

The reporting requirements of the LMRDA and of the regulations and forms issued under the Act relate only to the public disclosure of specified transactions and interests. The reporting requirements do not address whether such transactions and interests are lawful or unlawful. The fact that a particular transaction or interest is or is not required to be reported is not indicative of whether it is or is not subject to any legal restriction; this must be determined by provisions of law other than those prescribing the reports. Failure to file a required report may subject an individual to civil or criminal penalties, or both. See Part VII of these instructions at page 13.

II. WHO MUST FILE AND WHAT MUST BE REPORTED

As described in more detail below, you must file Form LM-30 if at any time during your past fiscal year:

- (1) You were an officer or employee of a labor organization (other than an employee performing exclusively clerical or custodial services) as defined by the LMRDA, and
- (2) You or your spouse or your minor child, directly or indirectly, held any legal or equitable interest, received any payments, or engaged in any transactions or arrangements (including loans) of the types described in these instructions.

See pages 19 to 21 of these instructions for the text of Section 202 and other relevant provisions of the

LMRDA and the Labor Management Relations Act (LMRA).

Minor child. Interests held by, payments received by, and transactions and arrangements involving a *minor child* must be reported until the child turns 21. If the child reaches the age of 21 during the fiscal year, disclosable matters must be reported for that portion of the fiscal year before the child's 21st birthday. If you are divorced during your fiscal year, disclosable interests and transactions for your spouse must be reported for that portion of the fiscal year prior to your divorce.

Insubstantial payments and gifts. You do not have to report any payments or gifts totaling \$250 or less from any one source and payments or gifts valued at \$20 or less do not need to be included in determining whether the \$250 threshold has been met. For example, if you receive from an employer two gifts worth \$20 each and two restaurant meals worth \$150 each, you need only keep records of the restaurant meals, and report your receipt of this \$300 value. However, a filer may not use the exception to hide the receipt of a series of payments or gifts purposely set at \$20 or less to avoid reaching the \$250 reporting threshold. For example, a filer would have to report his or her receipt of individual tickets worth \$20 or less to all of a professional baseball team's home games that are provided before each game rather than given as a complete package at the start of the season.

Widely-attended gatherings. You also do not have to report the benefits, such as food and entertainment, you received while in attendance at one or two widely-attended receptions, meetings or gatherings in a single fiscal year for which an employer or business has spent \$125 or less per attendee per gathering. You do not have to include the value of those gatherings in determining whether the \$250 threshold has been met for the employer or business providing the meeting or gathering. However, if you attend three or more such widely-attended gatherings provided by an employer or business, you must count the value of all such events.

A gathering is widely attended if a large number of persons are in attendance and the attendees include union officers and employees and a substantial number of individuals with no relationship to a union or a section 3(l) trust of the union (see definition of *trust in which a labor organization is interested* at D16 on page 13). For a gathering to qualify as widely attended, those individuals with a relationship to a union must be treated the same as others when the employer or business advertises or distributes invitations for the event and must be treated alike at the event.

Getting Started

If you are an officer or employee of a labor organization (other than an employee performing exclusively clerical or custodial services) as defined by the LMRDA, review the following descriptions of the types of interests, payments, transactions, and arrangements that you must report on Form LM-30. Each description is followed by a list of specific exceptions to that reporting requirement and examples illustrating the requirement. (Please note that the exceptions and examples below apply only to the specific type of transaction where they are listed.)

Reportable Interests in, Payments from, and Transactions and Arrangements with Employers

(1) An Employer Whose Employees Your Labor Organization Represents or is Actively Seeking to Represent

You must complete Form LM-30 if you or your spouse or your minor child, directly or indirectly:

- held a stock, bond, security, or other interest, legal or equitable, in such an employer; or
- derived any income or any other benefit with monetary value (including reimbursed expenses) from such an employer; or
- received a loan from, or made a loan to, such an employer; or
- engaged in any other business transaction or arrangement with such an employer that was not a purchase or sale of goods or services in the regular course of business at prices generally available to any employee of the employer.

See definitions of *labor organization* at D10 on page 11; *actively seeking to represent* at D1 on page 9; *directly or indirectly* at D7 on page 11; *legal or equitable interest* at D13 on page 13; *income* at D9 on page 11; *benefit with monetary value* at D3 on page 10; *arrangement* at D2 on page 10.

Exceptions to the Above Reporting Requirements Relating to an Employer

Whose Employees Your Labor Organization Represents or is Actively Seeking to Represent

You are not required to report:

- Payments or gifts totaling \$250 or less from any one source (payments or gifts valued at \$20 or less do not need to be included in determining whether the \$250 threshold has been met, but a series of payments or gifts designed to circumvent the \$20 threshold must be reported).

In calculating whether the \$250 threshold has been met for a particular employer or business, you do not have to include payments or gifts, such as food and entertainment, received while in attendance at one or two widely-attended receptions, meetings or gatherings in a single fiscal year for which an employer or business has spent \$125 or less per attendee per gathering.

- Holdings of, transactions in, or income from, bona fide investments in (1) securities traded on a securities exchange registered as a national securities exchange under the Securities Exchange Act of 1934 (including the American Stock Exchange, Boston Stock Exchange, Chicago Board Options Exchange, Chicago Stock Exchange, International Securities Exchange, NASDAQ, National Stock Exchange, New York Stock Exchange, Pacific Exchange, and Philadelphia Stock Exchange); (2) shares in an investment company registered under the Investment Company Act of 1940, or (3) securities of a public utility holding company registered under the Public Utility Holding Company Act of 1935,
- Holdings of, transactions in, or income from, bona fide investments in securities other than those described in the preceding bullet that are of insubstantial value or amount and occur under terms unrelated to your status in a labor organization. Holdings or transactions involving \$1,000 or less and receipt of income of \$100 or less in any one security shall be considered insubstantial.
- Payments and benefits received as a bona fide employee of the employer. This exception does not apply to loans or to transactions involving interests in the employer. For example, if the employer has a program in which bona fide

employees may sell their stock in the company, this exception would not apply. See definition of *bona fide employee* at D4 on page 10.

Examples

Example 1

You are a union officer and truck driver who is paid for ten days, or 80 hours, of work by the employer, every two weeks even though you drive a truck nine days, or 72 hours, and spend the tenth day of the pay period (8 hours) handling union member grievances or other union-related work. If this arrangement is *not* set forth in a collective bargaining agreement, you must report all of the income and benefits received from the employer for union work. If the arrangement is set forth in a bona fide collective bargaining agreement, you do not have to report because such payments are only reportable if you receive more than 250 hours of union-leave/no-docking payments per year. See definition of *bona fide employee* at D4 on page 10 and *labor organization employee* at D11 on page 12.

Example 2

You are an officer of a union that represents Widget Company employees. To help prepare for your retirement, you purchase 5,000 shares of Widget Company stock that is traded on NASDAQ, a registered national stock exchange. You need not report the shares under the exception for bona fide investments in such securities.

Example 3

You are an officer of a union that represents Cident Company employees. Your wife owns 5,000 shares of Cident Company stock that Cident's CEO gave her on Mother's Day two years ago. This stock is traded on the NYSE, a registered national stock exchange. You must report the holding of the shares. Because it was received as a gift, the exception for bona fide investments in such securities does not apply.

Example 4

You are a full-time officer of a union that represents employees of several different employers. One of the employers pays your expenses on a trip with management officials to a plant in another part of the country to view new equipment that the

employer is considering purchasing. You must report the travel expenses.

Example 5

You are an employee of a union that represents actors. You own a production company whose employees are represented by your union. You must report your interests in the production company.

Example 6

You are an employee of a union and your spouse works as a producer for a dinner theater that employs actors represented by your union. Your spouse works 40 to 50 hours a week producing shows and is paid a yearly salary. You do not have to report this salary because the payments are received by your spouse as a bona fide employee of the theater company. See definition of *bona fide employee* at D4 on page 10.

Example 7

You are a union officer and you receive payments under an ERISA-qualified pension plan. The payments relate to your past employment with an employer whose employees your union represents. These payments are received as a bona fide employee of the employer, thus you do not have to report these payments. See definition of *bona fide employee* at D4 on page 10.

Example 8

You are a union officer and after the beginning of the fiscal year, your employer gives you stock options permitting you to purchase stock at a preferred rate in a new business enterprise your employer is launching. Three weeks before the end of your fiscal year, you exercise the options to purchase the stock and then immediately sell it to realize a gain of \$25,000. These transactions must be reported.

Example 9

You are a union employee and your minor child receives 100 shares of stock as a high school graduation gift from an employer whose employees your union represents. She immediately sells it to assist with college expenses. Both transactions, the gift and the sale, must be reported.

Example 10

You are a union officer, and you hold an ownership interest in the business of an employer whose employees your union represents and for whom you work. You own this interest pursuant to an investment plan in which all employees participate under the same terms. This is a payment or benefit received as a bona fide employee and the interest is not reportable. In this

fiscal year, you sell this interest to the employer. The sales transaction is reportable.

Example 11

You are a union officer and your spouse receives a loan from an employer whose employees your union represents. The loan must be reported.

Example 12

You are a union employee. Your spouse is a partner of a package delivery company. The company receives a loan from Easy Credit Limited that was arranged with the assistance of an employer whose employees your union is actively seeking to represent. The loan and the arrangement for assistance must be reported.

Example 13

You are an officer of an international union affiliated with a local union that represents employees at an automobile plant. The employer permits you to participate in an executive purchase plan under which management executives are permitted to purchase vehicles produced by the employer at a discount and at a low interest rate. The transaction must be reported.

Example 14

You are an employee of a union that represents employees at Acme Warehouse. At your request, Acme allows your neighbor to store his company's inventory at a rate below the customary storage rate. Your neighbor, in turn, shows his gratitude by allowing you to use his luxury box at a sporting event. You must report this arrangement. See definition of *arrangement* at D2 on page 10.

Example 15

You are an officer of an international union and are a member of the board of directors of an employer whose employees your union represents. You receive directors' fees and reimbursed expenses. You must report these payments.

Example 16

You are a union steward and worked 300 hours on union business during the year and received your regular income and benefits from your employer in accordance with the no-docking provision in the collective bargaining agreement. You must report all the income and benefits you received from the employer for the work performed on the union's behalf.

(2) Payments of Money or Other Thing of Value from Certain Other Employers or a Labor Relations Consultant to Such an Employer

You must file Form LM-30 if you or your spouse or your minor child received, directly or indirectly, any payment of money or other thing of value (including reimbursed expenses) from an employer or a labor relations consultant to an employer that:

- is in competition with an employer whose employees your labor organization represents or is actively seeking to represent; or
- is a *trust in which your labor organization is interested*, as defined in section 3(l) of the LMRDA (see definition at D16 on page 13); or
- is a not-for-profit organization that receives or is actively and directly soliciting (other than by mass mail, telephone bank, or mass media) money, donations, or contributions from your labor organization; or
- is a labor union that (1) has employees your union represents or is actively seeking to represent, (2) has employees in the same occupation as those represented by your union; (3) claims jurisdiction over work that is also claimed by your union; (4) is a party to or will be affected by any proceeding in which you have voting authority or other ability to influence the outcome of the proceeding; or (5) has made a payment to you for the purpose of influencing the outcome of an internal union election; or
- has interests in actual or potential conflict with the interests of your labor organization or your duties to your labor organization.

Exceptions to the Reporting Requirements Relating to Certain Other Employers or a Labor Relations Consultant to Such an Employer

You are not required to report:

- Bona fide loans, interest or dividends from national or state banks, credit unions, savings or loan associations, insurance companies, or other bona fide credit institutions, if such loans, interest or dividends are based upon the financial institution's own criteria and made on terms unrelated to your status in a labor organization. This exception does not apply to national or state banks, credit unions, savings or loan associations, insurance companies, or

other bona fide credit institutions that constitute a "trust in which your labor organization is interested."

- Pension, health, or other benefit payments to you, your spouse, or minor child from a trust that are provided pursuant to a written specific agreement covering such payments.
- Any payments from your labor organization or from a labor organization affiliated with your labor organization.
- Payments of the kinds referred to in Labor Management Relations Act (LMRA) Section 302(c), as summarized below and set forth in full on pages 20-21, and payments your spouse or minor children receive as compensation for, or by reason of, their service to their employer:

(1) any money or other thing of value payable by an employer to
a) an employee acting openly for the employer in matters of labor relations or personnel administration, or
b) any officer or employee of a labor organization who also is an employee or former employee of such employer, as compensation for or by reason of, his service as an employee of such employer;
(2) money or other thing of value payable in satisfaction of a judgment, arbitral award, settlement or release of any claim in the absence of fraud or duress;
(3) with respect to the sale or purchase of an item at the prevailing market price in the regular course of business;
(4) with respect to deductions in payment of labor union dues from wages by written assignment;
(5) with respect to money or other thing of value paid to a trust fund established by the representative of an employer's employees for the sole benefit of these employees, their families and dependents for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity or insurance to provide the foregoing, or unemployment benefits or life insurance, disability and sickness insurance, or accident insurance;
(6) with respect to money or other thing of value paid by any employer to a trust fund established by the representative of the

employer's employees for the purpose of pooled vacation, holiday, severance or similar benefits, or defraying costs of apprenticeship or other training programs;

(7) with respect to money or other thing of value paid by any employer to an individual or pooled trust fund for providing scholarships for the benefit of employees, families, and dependents, child care centers, or financial assistance for employee housing;

(8) with respect to money or other thing of value paid by any employer to a trust for defraying the costs of legal services; or

(9) with respect to money or other thing of value paid by any employer to a labor-management committee.

- Payments or gifts totaling \$250 or less from any one source (payments or gifts valued at \$20 or less do not need to be included in determining whether the \$250 threshold has been met, but a series of payments or gifts designed to circumvent the \$20 threshold must be reported).

In calculating whether the \$250 threshold has been met for a particular employer or business, you do not have to include payments or gifts, such as food and entertainment, received while in attendance at one or two widely-attended receptions, meetings or gatherings in a single fiscal year for which an employer or business has spent \$125 or less per attendee per gathering.

Examples

Example 1

You are a union officer representing employees of TriWireFire, Inc., an employer in the telecommunications industry. An employer, WhyWire, Inc., which markets services in competition with TriWireFire, gives you a gift of a ski trip worth more than \$250. You must report the trip and its value.

Example 2

You are a union officer and you receive payments pursuant to the terms of an ERISA qualified pension plan. You do not have to report these payments.

Example 3

You are a local union president and a trustee of a trust in which your labor organization is interested. You must report payments from the trust, including reimbursed expenses, for your service as a trustee, except in the unusual situation where you as a trustee are also considered an employee of the trust.

Example 4

You are an employee of a union. Each year your union holds an annual workers' summer school at a private university whose space and services are rented by the union. You go to the summer school as an instructor and bring your wife and two minor children. At no extra charge to you, the university provides accommodations for you, your wife, and minor children, rather than the single room typically provided instructors. The use of the additional space and its fair market value must be reported.

Example 5

You are an officer of Local Union ABC. You receive a gift of high-end consumer electronics from a sales representative of HealthCare PrePaid, Inc., a not-for-profit health insurance company. Local Union ABC pays \$125,000 annually in premiums to this health insurance company in return for its extending insurance coverage to the union members. You must report the value of the consumer electronics.

(3) Payments from any Employer or a Labor Relations Consultant to any Employer for the Following Purposes:

- Not to organize employees;
- To influence employees in any way with respect to their right to organize;
- To take any action with respect to the status of employees or others as members of a labor organization;
- To take any action with respect to bargaining or dealing with employers whose employees your labor organization represents or is actively seeking to represent; or
- To influence the outcome of an internal union election.

There are no exceptions to reporting these types of payments.

Examples

Example 1

You are an officer of a national union. Your spouse is hired as a senior executive of an employer on the understanding that your union will not seek to organize that employer. Your spouse receives a salary, medical, disability, and life insurance, use

of a company car, and a paid membership to a private club. You must report the salary and the monetary value of the other benefits your spouse receives from the employer.

Example 2

You are a local union president. An employer outside of the jurisdiction of your local hires your 20-year old daughter for a summer job on the understanding that you will seek to have your members go on strike against an employer who is one of its competitors. You must report the payments your daughter receives from this employer.

Reportable Payments and Interests from Businesses

You must complete Form LM-30 if you, your spouse, or your minor child, directly or indirectly, held an interest in, or received any income or other benefit with monetary value (including reimbursed expenses) from a business (for example, a vendor or a service provider) that meets any of the following conditions:

- a substantial part of its business consists of buying or selling or otherwise dealing with an employer whose employees your labor organization represents or is actively seeking to represent (*substantial part* is defined as 10% or more at D15 on page 13); or
- any part of its business consists of buying or selling or otherwise dealing with your labor organization; or
- any part of its business consists of buying or selling or otherwise dealing with a trust in which your labor organization is interested.

Special Note: A “business” here is a vendor of goods or provider of services. A payment from a business may be reportable whether or not the business employs employees or otherwise meets the definition of “employer.”

Exceptions to Reportable Payments and Interests from Businesses

You are not required to report:

- Holdings of, transactions in, or income from, bona fide investments in (1) securities traded on a securities exchange registered as a national securities exchange under the Securities Exchange Act of 1934 (including the American Stock Exchange, Boston Stock Exchange, Chicago Board Options

Exchange, Chicago Stock Exchange, International Securities Exchange, NASDAQ, National Stock Exchange, New York Stock Exchange, Pacific Exchange, and Philadelphia Stock Exchange); (2) shares in an investment company registered under the Investment Company Act of 1940, or (3) securities of a public utility holding company registered under the Public Utility Holding Company Act of 1935,

- Holdings of, transactions in, or income from, bona fide investments in securities other than those described in the preceding bullet that are of insubstantial value or amount and occur under terms unrelated to your status in a labor organization. Holdings or transactions involving \$1,000 or less and receipt of income of \$100 or less in any one security shall be considered insubstantial.
- Payments or gifts totaling \$250 or less from any one source (payments or gifts valued at \$20 or less do not need to be included in determining whether the \$250 threshold has been met, but a series of payments or gifts designed to circumvent the \$20 threshold must be reported.)

In calculating whether the \$250 threshold has been met for a particular employer or business, you do not have to include the benefits, such as food and entertainment, received while in attendance at one or two widely-attended receptions, meetings or gatherings in a single fiscal year for which the employer or business spent \$125 or less per attendee per gathering.

See the definitions of *dealing* below at D6 on page 11, *labor organization* at D10 on page 11, and *substantial part* at D15 on page 13.

Examples

Example 1

You are a union officer. You own a small machine parts business from which you receive \$50,000 in annual income. The employer of the employees your union represents purchased a large quantity of

machine parts from your business. The employer's purchases represented 10% of the total receipts of your machine parts business that year. You must report your interest in the machine parts business, the \$50,000 in income you received from the business.

Example 2

You are an officer of an international union. Your wife owns an accounting firm that pays her an annual salary. Last year, 20% of the receipts of her firm were from an employer whose employees are represented by a local union that is subordinate to your international union. You must report your wife's interest in the accounting firm, her salary from the firm, and the dealings between her business and the employer.

Example 3

You are a union officer and part owner of a copier supply company. Your union represents employees of employers A, B, and C. Last year 3% of the company's receipts were from employer A, 2% were from employer B, and 4% were from employer C. You do not have to report because less than 10% of the company's receipts were from employers whose employees your union represents.

Example 4

You are a union officer and a trustee to a plan established to provide benefits for the union members. An investment firm seeking to provide financial services to the plan hosts you on a week-long golfing trip in the Outer Banks of North Carolina. You must report the value of the trip, as well as the nature of the relationship sought by the investment firm with the plan.

Example 5

You are an officer of an international union and you receive sporting event season tickets, and multiple restaurant meals, from an attorney who appears on, or wishes to appear on, a list of "designated legal counsel." The union uses this list to recommend lawyers to the union members for representation in workers' compensation or other matters. You must report the value of the gifts and the nature of the relationship between the lawyer and the union.

Example 6

You are an employee of a union that has a collective bargaining agreement with trade

show contractors. You were a seasonal employee of a company that received 15% of its receipts last year from leasing fork lifts to these contractors. You must report your income received from the company and the dealings between the company and the contractors.

Example 7

You are an officer of a district council. Your spouse owns and operates a small catering business, which provides her an annual salary and reimburses her for business-related expenses. Your council purchases catering services from your spouse's business during the fiscal year. You must report your spouse's ownership interest in the catering business, the salary and reimbursed expenses that she received from the business, and its dealings with the union.

Example 8

You are a business manager of a local union. You work on a contract basis for a plumbing supply company that sold tools and other supplies to the union and its training funds. You must report the payments you received from the plumbing supply company, and the company's dealings with the union and the training funds.

Example 9

You are an officer of a national union. You and your spouse own a printing company that prints the union newsletters for a local union of the same national union. You must report your and your spouse's ownership interest in the printing company and the company's dealings with the local.

Example 10

You are an officer of a joint board and run a snow plowing business that provides you with an annual income of \$20,000. A subordinate local contracted with the business to plow the parking lot of its meeting hall. You must report your interest in the snow plowing business, the \$20,000 in income and the business's dealings with the local.

Example 11

You are an employee of a national union. Your wife works for a travel agency that handles all the travel arrangements for the national union. Your wife receives income

from the travel agency. You must report your wife's income from the travel agency and the dealings between the travel agency and the union.

Example 12

You are the president of a local union and your 19-year old son works for a business that produces customized t-shirts, caps, and jackets. Your local union buys logo items from this business. You must report your son's income received from this business and the dealings between the business and the union.

Example 13

You are a business representative of a local union that represents shipyard workers. You and two other business representatives own a company that does medical testing of local members, which is paid for by a health benefit plan that is a trust in which your local is interested. The company also provides medical insurance coverage for you and your spouse. You must report your interest in the medical testing company, the medical coverage for you and your spouse, and the dealings between the testing company and the health benefit plan.

Example 14

You are the president of a local union and own a building, which has numerous tenants, including your local. Your ownership interest and income received from the operation of the building and the dealings between you and the union must be reported.

Example 15

You are a national union president and a trustee of a jointly administered health care trust that insures union members through a health insurance company. Premiums for insurance coverage of union members are paid by the trust to the health insurance company. You are a member of the board of directors of the health insurance company, which pays you annual directors' fees and reimburses expenses for your attendance at board meetings. (To comply with other legal requirements, you recuse yourself from all decisions by the trust concerning the health insurance company.) As the health insurance company is doing business with a trust in which your union is interested, you must report your annual directors' fees and reimbursed expenses. The dealings between the health insurance company and the trust must also be reported.

Example 16

You are an officer of a national union and your spouse works as an associate for a law firm that represents a local union that is affiliated with your national union. You are not required to report payments and other financial benefits received by your spouse as a bona fide employee of a business or employer involved with a lower level of your labor organization. However, if the firm represents the national union, you must report your spouse's income and the firm's dealings with the national union.

Example 17

You are a union officer and director of a registered investment company that offers investment opportunities to unions or trusts in which unions are interested. Your union has invested several thousand dollars in fixed income or equity funds managed by the company. You receive no gratuities, compensation, or reimbursement for your duties as a director, but you are insured against personal liability for your actions as a director under a policy paid for by the investment company. You must report the payment, and the dealings between the investment company and the union.

III. DEFINITIONS

For purposes of completing Form LM-30, the following definitions apply:

D1. *Actively seeking to represent* means that a labor organization has taken steps during the filer's fiscal year to become the bargaining representative of the employees of an employer, including but not limited to:

- Sending organizers to an employer's facility;
- Placing an individual in a position as an employee of an employer that is the subject of an organizing drive and paying that individual subsidies to assist in the union's organizing activities;
- Circulating a petition for representation among employees;
- Soliciting employees to sign membership cards;
- Handing out leaflets;
- Picketing; or
- Demanding recognition or bargaining rights or obtaining or requesting an employer to

enter into a neutrality agreement (whereby the employer agrees not to take a position for or against union representation of its employees), or otherwise committing labor or financial resources to seek representation of employees working for the employer.

Where a filer's union has taken any of the foregoing steps, the filer is required to report a payment or interest received, or transaction conducted, during that reporting period.

Note: Leafleting or picketing, such as purely "informational" or "area standards" picketing, that is wholly without the object of organizing the employees of a targeted employer will not alone trigger a reporting obligation. For example, if a union pickets a sporting goods retailer solely for the purpose of alerting the public that the retailer is selling goods that are made by children working in oppressive conditions in violation of accepted international standards, the picketing would not meet the "actively seeking to represent" standard.

D2. Arrangement means any agreement or understanding, tacit or express, or any plan or undertaking, commercial or personal, by which the filer, spouse, or minor child will obtain a benefit, directly or indirectly, with an actual or potential monetary value.

Note: The term "arrangement" is very broad and covers both personal and business transactions, including an unwritten understanding. For example, if during the reporting period an employer's representative offered a union officer a job with the employer, the officer must report the offer unless he or she rejected it. A standing job offer must be reported because it carries the potential of monetary value to the filer. Another example of a situation requiring a report is when an employer provided insider information about a stock or other investment opportunity, unless the filer rejected the advice and took no steps to act on it.

D3. Benefit with monetary value means anything of value, tangible or intangible. It includes any interest in personal or real property, gift, insurance, retirement, pension, license, copyright, forbearance, bequest or other form of inheritance, office, options, agreement for employment or property, or property of any kind. You do not need to report pension, health, or other benefit payments from a trust to you, your spouse, or minor child that are provided pursuant to a written specific agreement covering such payments.

D4. Bona fide employee is an individual who performs work for, and subject to the control of, the employer.

Note: A payment received as a bona fide employee includes wages and employment benefits received for work performed for, and subject to the control of, the employer making the payment, as well as compensation for work previously performed, such as earned or accrued wages, payments or benefits received under a bona fide health, welfare, pension, vacation, training or other benefit plan, leave for jury duty, and all payments required by law.

Compensation received under a "union-leave," or "no-docking" policy is not received as a bona fide employee of the employer making the payment. Under a union-leave policy, the employer continues the pay and benefits of an individual who works full time for a union. Under a no-docking policy, the employer permits individuals to devote portions of their day or workweek to union business, such as processing grievances, with no loss of pay. Such payments are received as an employee of the union and thus, such payment must be reported by the union officer or employee unless they (1) totaled 250 or fewer hours during the filer's fiscal year and (2) were paid pursuant to a bona fide collective bargaining agreement. If a filer must report payments for union-leave or no-docking arrangements, the filer must enter the actual amount of compensation received for each hour of union work. If union-leave/no-docking payments are received from multiple employers, each such payment is to be considered separately to determine if the 250-hour threshold has been met. For purposes of Form LM-30, stewards receiving union-leave/no-docking payments from an employer or lost time payments from a labor organization are considered employees of the labor organization.

D5. Bona fide investment means personal assets of an individual held to generate profit that were not acquired by improper means or as a gift from any of the following: (1) an employer, (2) a business that deals with the filer's union or a trust in which the filer's union is interested, (3) a business a substantial part of which consists of dealing with an employer whose employees the filer's union

represents or is actively seeking to represent, or (4) a labor relations consultant to an employer.

D6. *Dealing* means to engage in a transaction (bargain, sell, purchase, agree, contract) or to in any way traffic or trade, including solicitation for business.

Note: The term “traffic or trade” includes not only financial transactions that have occurred but also the act of soliciting such business. Thus, for example, potential vendors or service providers attempting to win business with a union will be considered to be “dealing” with the union to the same extent as vendors who are already doing business with the union. Potential vendors must engage in the active and direct solicitation of business (other than by mass mail, telephone bank, or mass media). A business that passively advertises its services generally and would provide services consumed by, for example, a union would not meet this test. The potential vendor must be actively seeking the commercial relationship. Under certain circumstances, the payment itself will be evidence of the solicitation of business, such as a potential vendor who treats a union official to a golf outing and dinner to discuss the vendor’s products.

D7. *Directly or indirectly* means by any course, avenue, or method. *Directly* encompasses holdings and transactions in which the filer, spouse, or minor child receives a payment or other benefit without the intervention or involvement of another party. *Indirectly* includes any payment or benefit which is intended for the filer, spouse, or minor child or on whose behalf a transaction or arrangement is undertaken, even though the interest is held by a third party, or was received through a third party.

Note: Filers must disclose any benefits received by them (or their spouse or minor child) from a third party where the third party is acting on behalf, or at the behest, of an employer or business that would have to report the benefit if they provided it directly to the filer (or their spouse or minor child). The following examples show the difference between “direct” and “indirect”:

- You are employed by XYZ Widgets and also serve as the president of the local union representing XYZ Widgets employees. In a recent conversation with the XYZ Widgets human resources manager, you mention that you are placing your 15 year-old daughter in a private school. The XYZ Widget

Company sends you a check for \$1,000 with a note saying “Good luck with the new school!” You have received a direct benefit.

- You are employed by XYZ Widgets and also serve as the president of the local union representing XYZ Widgets employees. In a recent conversation with the XYZ Widgets human resources manager, you mention that you are placing your daughter in a private school. You receive a letter from your daughter’s new school stating that she has received a \$1,000 scholarship through a donation by the XYZ Widget Company. You have received an indirect benefit.

D8. *Filer/Reporting Person/You* mean any officer or employee of a labor organization who is required to file Form LM-30.

Note: These terms are used synonymously and interchangeably throughout the instructions and when referring to reportable interests, income, arrangements or transactions these terms include interests, income, arrangements or transactions involving the union officer’s or employee’s spouse or minor child.

D9. *Income* means all income from whatever source derived, including, but not limited to, compensation for services, fees, commissions, wages, salaries, interest, rents, royalties, copyrights, licenses, dividends, annuities, honorarium, income and interest from insurance and endowment contracts, capital gains, discharge of indebtedness, share of partnership income, bequests or other forms of inheritance, and gifts, prizes or awards. See *benefit with monetary value* at D3 above at page 10.

D10. *Labor organization* means the local, intermediate, or national or international labor organization that employed the filer, or in which the filer held office, during the reporting period, and, in the case of a national or international union officer or an intermediate union officer, any subordinate labor organization of the officer’s labor organization. Item 6 of Form LM-30 identifies the relationships between employers and “your labor organization” or “your union” that trigger a reporting requirement. Item 7 of the Form LM-30 identifies the direct and indirect relationships between a business (such as a goods vendor or a service provider) and “your labor organization” that trigger a reporting requirement.

The terms “your labor organization” and “your union” mean:

a. For officers and employees of a local labor organization

Your local labor organization.

b. For officers of an international or national labor organization

Your national or international labor organization and all of its affiliated intermediate bodies and all of its affiliated local labor organizations

But note: A national or international union officer does not have to report payments from or interests in businesses that deal with employers represented by, or actively being organized by, any lower level of the officer’s labor organization. Such officers are also not required to report payments and other financial benefits received by their spouses or minor children as bona fide employees of a business or employer involved with a lower level of the officer’s labor organization.

c. For employees of a national or international labor organization

Your national or international labor organization.

d. For officers of intermediate bodies

Your intermediate body and all of its affiliated local labor organizations.

But note: An officer of an intermediate body does not have to report payments from or interests in businesses that deal with employers represented by, or actively being organized by, any lower level of the officer’s labor organization. Such officers are also not required to report payments and other financial benefits received by their spouses or minor children as bona fide employees of a business or employer involved with a lower level of the officer’s labor organization.

e. For employees of an intermediate body

Your intermediate body.

D11. *Labor organization employee* means any individual (other than an individual performing exclusively custodial or clerical services) employed by

a labor organization within the meaning of any law of the United States relating to the employment of employees.

Note: An individual who is paid by the employer to perform union work, either under a “union-leave” or “no-docking” policy, is an employee of the union for reporting purposes if the individual performs services for, and under the control of, the union.

For purposes of Form LM-30, stewards receiving union-leave/no-docking payments from an employer or lost time payments from a labor organization are considered employees of the labor organization.

D12. *Labor organization officer* means any constitutional officer, any person authorized to perform the functions of president, vice president, secretary, treasurer, or other executive functions of a labor organization, and any member of its executive board or similar governing body. An officer is (1) a person identified as an officer by the constitution and bylaws of the labor organization; (2) any person authorized to perform the functions of president, vice president, secretary, or treasurer; (3) any person who in fact has executive or policy-making authority or responsibility; and (4) a member of a group identified as an executive board or a body which is vested with functions normally performed by an executive board.

Note: Under this definition, an officer includes a trustee appointed by the national or international union to administer a local union in trusteeship. If you are a trustee elected or appointed by the local union to audit and/or hold the assets of the union, you may or may not be a union officer, depending on your union’s constitution and other factors. If you serve in your union in any capacity and you are unsure if your position is an officer position, you are likely an officer of a labor organization if any one of the following applies:

- Your union’s constitution or bylaws refers to your position as an officer of the union
- Your union’s constitution or bylaws states that your position has the authority to make executive decisions for the union or that you are authorized to perform the functions of president, vice president, secretary, treasurer, or other constitutionally designated officer
- Your union’s annual Form LM-2 or

Form LM-3 lists your position as an officer of the union

- In your position, you serve on your union's executive board or similar governing body

D13. *Legal or equitable interest* means any property or benefit, tangible or intangible, which has an actual or potential monetary value for the filer, spouse, or minor child without regard to whether the filer, spouse, or minor child holds possession or title to the interest. See definition of *income* at D9 above on page 11 and *benefit with monetary value* at D3 on page 10.

For example:

- You are an officer of a union. You and your spouse jointly own an accounting business that provides tax services to a number of clients, including your union. You hold a legal interest in the company providing services to your union.
- You are an officer of a union. You form a tax preparation business with two partners and put your share of the business in your wife's name. The business prepares tax returns and LM reports for your union. You hold an equitable interest in a business that deals with your union.

D14. *Minor child* means a son, daughter, stepson, or stepdaughter less than 21 years of age.

D15. *Substantial part* means 10% or more. Where a business's receipts from an employer(s) whose employees the filer's labor organization represents or is actively seeking to represent constitute 10% or more of its annual receipts, a substantial part of the business consists of dealing with this employer(s).

D16. *Trust in which a labor organization is interested* means a trust or other fund or organization (1) which was created or established by a labor organization, or one or more of the trustees or one or more members of the governing body of which is selected or appointed by a labor organization, and (2) a primary purpose of which is to provide benefits for the members of such labor organization or their beneficiaries. The term "section 3(l) trust" is used in the instructions as a shorthand reference to such trusts.

There are additional selected LMRDA definitions at the end of these instructions.

IV. WHEN TO FILE

You must file Form LM-30 within 90 days after the end of your fiscal year. If, however, you were an officer or

employee for only a portion of your fiscal year, you may limit your report to that portion of the fiscal year.

V. WHERE TO FILE

You must mail the completed Form LM-30 to the following address:

U.S. Department of Labor
Employment Standards Administration
Office of Labor-Management Standards
200 Constitution Avenue, NW, Room N-5616
Washington, DC 20210

VI. PUBLIC DISCLOSURE

Pursuant to the LMRDA, the U.S. Department of Labor is required to make all submitted reports available for public inspection. Union officer and employee reports for the year 2000 and later may be viewed and downloaded from the Office of Labor-Management Standards (OLMS) Web site at <http://www.union-reports.dol.gov>. Copies of reports can also be ordered at the same Web site. Form LM-30 reports may also be examined at, and copies purchased from, the OLMS Public Disclosure Room at:

U.S. Department of Labor
Room N-1519
200 Constitution Avenue, NW
Washington, DC 20210

VII. OFFICER OR EMPLOYEE RESPONSIBILITIES AND PENALTIES

The labor organization officer or employee required to file Form LM-30 must sign the completed report and is personally responsible for its filing and accuracy. Under the LMRDA, this individual is subject to criminal penalties for willful failure to file a required report and/or for false reporting. False reporting includes making any false statement or misrepresentation of a material fact while knowing it to be false, or for knowingly failing to disclose a material fact in a required report or in the information required to be contained in it or in any information required to be submitted with it.

The reporting labor organization officer or employee is also subject to civil prosecution for violations of the filing requirements. Section 210 of the LMRDA (29 U.S.C. 440) provides that "whenever it shall appear that any person has violated or is about to violate any of the provisions of this title, the Secretary may bring a civil action for such relief (including injunctions) as may be appropriate."

information at the top of each continuation page.

The officers and employees responsible for filing Form LM-30 are also subject to criminal penalties for false reporting and perjury under Sections 1001 of Title 18, 1746 of Title 28, and 1621 of Title 18 of the United States Code.

You, your spouse, and minor child and any individuals or entities associated with the reportable interests and transactions may be required to provide additional information to the Department concerning reported or reportable interests.

VIII. RECORDKEEPING

The labor organization officer or employee required to file Form LM-30 is responsible for maintaining records on the matters required to be reported that will provide in sufficient detail the necessary basic information and data from which the documents may be verified, explained or clarified, and checked for accuracy and completeness. These records shall include vouchers, worksheets, receipts, financial and investment statements, contracts, correspondence, and applicable resolutions, in their original electronic and paper formats, and any electronic programs by which they are maintained. Records must be kept available for examination for a period of not less than five years after the filing of the Form LM-30.

IX. COMPLETING FORM LM-30

Read the instructions carefully

OLMS encourages all filers to complete Form LM-30 electronically. Form LM-30 is available on the OLMS Web site at www.olms.dol.gov. You can complete the form electronically or print a copy and complete it manually. If you do not have access to the Internet, you can obtain a blank form from the nearest OLMS field office listed at the end of these instructions, from the OLMS National Office at 202-693-0124, or by calling the DOL toll-free help desk at 1-866-487-2365.

Information Entry. If you are not completing the report electronically, entries should be typed or clearly printed in black ink. Do not use a pencil or any other color ink.

Entering Dollars. In all items dealing with monetary values, report amounts in dollars only; do not enter cents. Round cents to the nearest dollar. Enter a single "0" in the space for reporting dollars if you have nothing to report.

Continuation Pages. If you are completing this report in paper format and there is not enough space to report all the required information and amounts, print and use the continuation pages available online or from the sources listed above. Enter the requested identifying

Form LM-30 PART A

- 1. LM-30 FILE NUMBER** — Enter the five-digit file number that OLMS assigned you if you have previously filed Form LM-30. If you have never filed Form LM-30, leave Item 1 blank. OLMS will notify you of your assigned file number, which should be used on all future reports.
- 2. PERIOD COVERED**--Enter the beginning and ending dates of your fiscal year. Your fiscal year will normally be identical to the dates for which you file Federal income tax returns. Your report should never cover more than a 12-month period. For example, if your 12-month fiscal year begins on January 1 and ends on December 31, do not enter a date beyond the 12-month period, such as January 1 to January 1; this is an invalid date entry. Note that your fiscal year may differ from the fiscal year utilized by your union for filing its annual financial report, Form LM-2, LM-3, or LM-4.
- 3. CONTACT INFORMATION OF REPORTING PERSON** — Enter the following contact information:
 - A – C.** Your full name (first, middle, last name).
 - D – H.** Your complete address where mail should be sent including any building and room number.
 - I.** Your email address. If you do not have an email address or choose not to provide it leave this space blank. Otherwise, enter your email address in the space provided.
- 4. LABOR ORGANIZATION IDENTIFYING INFORMATION** —
 - A – D.** Enter the full name of your labor organization including local number, if any. Enter the complete business address of the labor organization where mail should be sent including any building and room number.
 - E.** Enter your labor organization's OLMS file number. If you cannot obtain the file number, go to <http://www.unionreports.dol.gov> or contact the nearest OLMS field office listed at the end of these instructions.
 - F.** Specify your status in the labor organization by checking the appropriate box indicating whether you are an officer or an employee.
 - G.** State your official position or job title with the labor organization. Official titles include, but are not limited to, president, vice president, secretary, treasurer. Job titles include, but are not limited to, business agent, bookkeeper, office secretary, shop steward.

H. Check "Yes" if you were an officer or employee of the labor organization at the end of the reporting period. Check "No" if you were no longer an officer or employee.

5. **SUMMARY** —The summary must be completed after you have first completed each Part B that you are required to file as discussed below.
- A. Enter the total combined value of all income or other payments reported in Schedule 2, Item F, Column (1) of each Part B.
- B. Enter the total combined value of all assets reported in Schedule 2, Item F, Column (2) of each Part B.
6. **Employer Relationships** – Review the seven types of employers listed in Item 6 on the form and the discussion of the reporting requirements and specific exemptions in Part II of these instructions, pages 1 – 9. Check "yes" in Item 6a if you, your spouse, or minor child had an arrangement or engaged in a transaction with, or held an interest in, or received income or other payment from (including any reimbursed expenses), or made loans to or received loans from, an employer or a labor relations consultant to an employer that meets any of the conditions listed. Check "no" in Item 6a if there are none of the listed relationships to report. If you check "yes" enter the number of employers and consultants with which you have reportable dealings in Item 6b.
7. **Business Relationships** – Review the three types of business relationships listed in Item 7 on the form and the discussion of the reporting requirements and specific exemptions in Part II of these instructions, pages 1 – 9. Check "yes" in Item 7a if you, your spouse, or minor child had an arrangement or engaged in a transaction with, or held an interest in, or received income or other payment from (including any reimbursed expenses), or made loans to or received loans from, a business, such as a goods vendor or service provider, that meets any of the conditions listed. Check "no" in Item 7a if there are none of the listed relationships to report. If you check "yes" enter the number of businesses with which you have reportable dealings in Item 7b.

If the answer to both Item 6a and Item 7a is "no," you are not required to file Form LM-30.

8. **SIGNATURE** — Sign and date the Form LM-30 after you have completed the required number of Part Bs as explained below. Enter the telephone number you use to conduct official business. You do not have to report a private unlisted telephone number.

PART B

You must complete a Part B for each employer (and each labor relations consultant to an employer) and for each business from which you received a reportable payment, loan, or interest (such as stock), or in which you held a reportable interest, or with whom you engaged in a reportable transaction or arrangement, as described in Part II of these instructions. At the top left of each Part B enter your file number. Number each Part B consecutively in the top right corner and indicate the total number being filed. The form does not require the reporting of any personally identifiable information relating to you, your spouse, or your minor child, except as explicitly noted. Do *not* include information such as social security or loan numbers.

For your guidance, Schedules 2, 3, and 4 in Part B contain examples of the types of information that should be reported.

Before completing a Part B, carefully read Part II of these instructions, including the employer and business reporting descriptions, the exceptions, the related examples, and the definitions. (See *also*, LMRDA Section 202 (a)(1)-(a)(6) [29 USC 432(a)(1)-(a)(6)], which is printed at the end of these instructions).

Schedule 1

Employer or Business Identifying Information (All Filers Must Complete)

A. **Legal Name of Employer, Business or Labor Relations Consultant.** Enter the legal name of the employer, business, or labor relations consultant including any alias, trade name, or "Doing Business As" designation, if applicable. This is the entity from which you, your spouse, or your minor child received a reportable payment or loan, or in which you held a reportable interest, or with whom you engaged in a reportable transaction or arrangement. Check the appropriate box for employer, business, or labor relations consultant.

B-D. **Contact Name.** Enter the full name (first, middle, last name) of the contact person at the employer, business, or labor relations consultant to whom mail should be sent.

E-H. **Mailing Address.** Enter the complete address where mail to the employer, business,

or labor relations consultant should be sent including any building and room number.

- I. **Telephone Number.** Enter the work telephone number of the contact person, including the area code.
- J. **Web Site Address.** Enter the Web site address of the employer, business, or labor relations consultant. If the employer, business, or labor relations consultant does not have a Web site, enter "none."
- K. **Continuing Relationship with Employer, Business, or Labor Relations Consultant at End of Reporting Period.** Indicate whether a continuing business or financial relationship existed between you (or your spouse or your minor child) and the employer, business, or labor relations consultant at the end of the reporting period. For example, if you reported salary from a business that sells services to your union, and you were still working for the business at the end of the reporting period, check "yes." If, for example, the employer was one with whom you have no continuing relationship, check "no."

Schedule 2

Filer's Interests In, Payments From, Loans to or From, and Transactions or Arrangements with Employer or Business and Payments from a Labor Relations Consultant (All Filers Must Complete)

- A. **Date.** Enter the date each payment or loan was received, or each transaction was completed. If the reportable event is an arrangement, enter the date the arrangement was made. The date of interests or other holdings should be the date of receipt of the interest.
- B. **Officer, Employee, Spouse, or Minor Child.** Indicate whether the payment, loan, transaction, arrangement or interest was paid to, engaged in, or held by, the officer, employee, spouse or minor child.
- C. **Description of Interest, Payment, Loan, Transaction or Arrangement.** Give a detailed description of the interest, payment, loan, transaction, or arrangement.

Interest. For each interest held, identify the nature of the interest (*for example*, common stock, preferred stock, bonds, options, etc.) Give the total number of shares or other units held during the fiscal year. State the total cost of the acquired

interest, and the manner by which you (or your spouse or your minor child) acquired the interest (*for example*, employee stock purchase plan, purchase on an over-the-counter market, gift, etc.) If the interest was disposed of during the fiscal year, describe the manner by which you (or your spouse or minor child) disposed of the interest (*for example*, sale on market, gift, exchange, etc.)

Payment or Income. Identify the nature of the payment, income, or benefit of monetary value (*for example*, continuing use of an automobile for personal purposes, gift of a computer, payments for services).

Loan. Identify the terms and conditions of the loan. Include the dollar value of the remaining obligation, if any, as of the end of the fiscal year (*for example*, unpaid balance of a loan, rentals due under the lease, amount due under a contract, etc.).

Transaction. Identify the nature of the transaction, the property involved (*for example*, stock, bonds, rental of property located at X address), the terms and conditions of the transaction (*for example*, discount purchase of goods, sale and lease back one year, etc), and names and addresses of intermediate parties involved in any indirect transactions.

Arrangement. Identify the nature of the arrangement and provide sufficient detail to identify the date, persons involved, and information as to conditions, if any, of the arrangement and the anticipated date on which the benefit will be obtained.

Other Thing of Value. Describe the item of value in Item C and indicate its value in Item D.

Describe in detail the nature of the purchases, sales, leases, or other dealings listed. Your report will be deficient if you provide unclear or nonspecific descriptions. If you need additional space to describe the business dealings, use the Additional Information Schedule.

- D. **Value.** If the description in Item C is of income or other payments, enter its monetary value in Column (1). If the description in Item C is of an asset, enter its monetary value in Column (2). Income or other payments, as used here, includes, among other things, salary, bonuses, benefits with monetary value (including reimbursed expenses), gifts, loans, payments of money and other things of value, as well as business transactions and arrangements. See *benefits with monetary value* at D3 on page 10

and *income* at D9 on page 11. Assets include, among other things, stocks, bonds, securities, and other interests and holdings, legal or equitable. See *legal or equitable interest* at D13 on page 13.

Enter the exact value if known or easily obtainable; otherwise, enter a good faith estimate of the fair market value and explain the basis for the estimate on the Additional Information Schedule. The fair market value may be determined by:

- The purchase price
- Recent appraisal
- Assessed value for tax purposes, adjusted to reflect market value if the assessed value is computed at less than 100% of the market value
- The year-end book value of stock that is not publicly traded, the year-end exchange rate of corporate stock, or the face value of corporate bonds or comparable securities
- The net worth of a business partnership or business venture
- The equity value of an individually-owned business or any other recognized indication of value (such as the sale price on the stock exchange at the time of the report or, for transactions, the sale price on the stock exchange at the time of the sale).

If the exact value is not known and cannot be estimated, enter "N/A" and explain the situation on the Additional Information Schedule.

E. Total from Continuation Pages. Enter the total value of income or other payments and the total value of assets from the continuation pages, if any.

F. Total Valuation of Income or Other Payments and Assets. Enter the total value of income or other payments and the total value of assets derived from the employer or business.

Schedule 3

Employer's Relationship with Your Labor Organization (Complete for employers only, that is, if you answered "yes" to Item 6a on page 2)

A. Employer's Relationship with Labor Organization. Check the box (and letter, as appropriate) that describes the nature of the employer's relationship with your labor organization.

B. Details of the Employer's Relationship with Labor Organization. Provide a detailed description of the relationship between the employer and your labor organization. For example, if you checked Box 4, the description might read: "The XYZ Charity received a donation from Local ABC in June 2005"

or Local ABC pays "Health Care PrePaid, Inc., a not-for-profit entity, to provide insurance coverage to its members." Or if you checked Box 5a, the description might read: "The employees of National Union DEF are represented by my union, National Union DEF Staff Union. The two entities are parties to a collective bargaining agreement that is in effect from October 1, 2005 to September 30, 2009." Your report will be deficient if you provide unclear or nonspecific descriptions. If you need additional space to describe the business dealings, use the Additional Information Schedule.

B(1). Value. Enter the monetary value of the relationship described in Item B, if applicable. For example, as for the premium payments paid by the labor organization to HealthCare PrePaid, Inc., as described in Item B, record the \$125,000 in premium payments in the space provided. If there are no payments or transactions with a monetary value, or if you do not know and cannot estimate the value, enter N/A and explain in the Additional Information Schedule.

Schedule 4

Business's Dealings with Union(s), Trust(s), or Employer(s) (Complete for businesses only, that is, if you answered "yes" to Item 7a on page 2)

A. Name of Union, Trust, or Employer. If the business has engaged in buying from, selling or leasing to, or otherwise dealing with your union, with a trust in which your union is interested, or in substantial part with an employer whose employees your union represents or is actively seeking to represent, enter the legal name of each such union, trust, or employer.

B. Union, Trust, or Employer. Indicate whether the entity listed in Item A is a union, trust, or employer.

C. File Number. If the union, trust, or employer has filed reports with OLMS, enter its file number, if known. If you do not have a file number for the union, trust, or employer, enter its complete address in the Additional Information Schedule.

D. Description of Dealings. Describe in detail the nature of the purchases, sales, leases, or other dealings between the business and the union,

trust, or employer listed in Item A. For example, if the business and Union A arranged a payroll service in the amount of \$45,000 for union members, you might describe the dealing as follows: "One payment for payroll services for Union A members." You report will be deficient if you provide unclear or nonspecific descriptions. If you need additional space to describe the business dealings, use the Additional Information Schedule.

- E. **Value.** Enter the exact value of the purchase, sale, lease, or other dealings between the business and the union, trust, or employer listed in Item A, if known or easily obtainable; otherwise, enter a good faith estimate of the fair market value and explain the basis for the estimate in the Additional Information Schedule. The fair market value may be determined by:
- The purchase price
 - Recent appraisal
 - Assessed value for tax purposes, adjusted to reflect market value if the assessed value is computed at less than 100% of the market value
 - The year-end book value of stock that is not publicly traded, the year-end exchange rate of corporate stock, or the face value of corporate bonds or comparable securities
 - The net worth of a business partnership or business venture
 - The equity value of an individually-owned business or any other recognized indication of value (such as the sale price on the stock exchange at the time of the report or, for transactions, the sale price on the stock exchange at the time of the sale).

If the exact value is not known and cannot be estimated, enter "N/A" and explain the situation in the Additional Information Schedule.

Additional Information Schedule

- A. Schedule/Item.** Enter the schedule or item to which the additional information applies.
- B. Additional Information.** Enter the additional information for the schedule or item listed in Column A.

SELECTED SECTIONS AND DEFINITIONS FROM THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959, AS AMENDED (LMRDA) AND THE LABOR MANAGEMENT RELATIONS ACT, 1947, AS AMENDED (LMRA)

LMRDA § 3 [29 U.S.C. §402]. Definitions

For the purposes of titles I, II, III, IV, V (except section 505), and VI of this Act-

(a) "Commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof.

(b) "State" includes any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343).

(c) "Industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor Management Relations Act, 1947, as amended, or the Railway Labor Act, as amended.

(d) "Person" includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, or receivers.

(e) "Employer" means any employer or any group or association of employers engaged in an industry affecting commerce (1) which is, with respect to employees engaged in an industry affecting commerce, an employer within the meaning of any law of the United States relating to the employment of any employees or (2) which may deal with any labor organization concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and includes any person acting directly or indirectly as an employer or as an agent of an employer in relation to an employee but does not include the United States or any corporation wholly owned by the Government of the United States or any State or political subdivision thereof.

(f) "Employee" means any individual employed by an employer, and includes any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice or because of exclusion or expulsion from a labor organization in any manner or for any reason inconsistent with the requirements of this Act.

(g) "Labor dispute" includes any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment,

regardless of whether the disputants stand in the proximate relation of employer and employee.

(h) "Trusteeship" means any receivership, trusteeship, or other method of supervision or control whereby a labor organization suspends the autonomy otherwise available to a subordinate body under its constitution or bylaws.

(i) "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.

(j) A labor organization shall be deemed to be engaged in an industry affecting commerce if it -

(1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended; or

(2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

(4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(5) is a conference, general committee, joint or system board, or joint council, subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection, other than a State or local central body.

(k) "Secret ballot" means the expression by ballot, voting machine, or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a

manner that the person expressing such choice cannot be identified with the choice expressed.

(1) "Trust in which a labor organization is interested" means a trust or other fund or organization (1) which was created or established by a labor organization, or one or more of the trustees or one or more members of the governing body of which is selected or appointed by a labor organization, and (2) a primary purpose of which is to provide benefits for the members of such labor organization or their beneficiaries.

(m) "Labor relations consultant" means any person who, for compensation, advises or represents an employer, employer organization, or labor organization concerning employee organizing, concerted activities, or collective bargaining activities.

(n) "Officer" means any constitutional officer, any person authorized to perform the functions of president, vice president, secretary, treasurer, or other executive functions of a labor organization, and any member of its executive board or similar governing body.[...]

LMRDA § 202 [29 U.S.C. §432]. Report of Officers and Employees of Labor Organizations

(a) Filing; contents of report

Every officer of a labor organization and every employee of a labor organization (other than an employee performing exclusively clerical or custodial services) shall file with the Secretary a signed report listing and describing for his preceding fiscal year--

(1) any stock, bond, **security**, or other interest, legal or equitable, which he or his spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value (including reimbursed expenses) which he or his spouse or minor child derived directly or indirectly from, an employer whose employees such labor organization represents or is actively seeking to represent, except payments and other benefits received as a bona fide employee of such employer;

(2) any transaction in which he or his spouse or minor child engaged, directly or indirectly, involving any stock, bond, security, or loan to or from, or other legal or equitable interest in the business of an employer whose employees such labor organization represents or is actively seeking to represent;

(3) any stock, bond, security, or other interest, legal or equitable, which he or his spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value (including reimbursed expenses) which he or his spouse or minor child directly or indirectly derived from, any business a substantial part of which consists of buying from, selling or leasing to, or otherwise dealing with, the business of an employer whose employees such labor organization represents or is actively seeking to represent;

(4) any stock, bond, security, or other interest, legal or equitable, which he or his spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value (including reimbursed expenses) which he or his spouse or minor child directly or indirectly derived from, a business any part of which consists of buying from, or selling or leasing directly or indirectly to, or otherwise dealing with such labor organization;

(5) any direct or indirect business transaction or arrangement between him or his spouse or minor child and any employer whose employees his organization represents or is actively seeking to represent, except work performed and payments and benefits received as a bona fide employee of such employer and except purchases and sales of goods or services in the regular course of business at prices generally available to any employee of such employer; and

(6) any payment of money or other thing of value (including reimbursed expenses) which he or his spouse or minor child received directly or indirectly from any employer or any person who acts as a labor relations consultant to an employer, except payments of the kinds referred to in Section 186(c) of this title.

(b) Report of certain bona fide investments

The provisions of paragraphs (1), (2), (3), (4), and (5) of subsection (a) of this section shall not be construed to require any such officer or employee to report his bona fide investments in securities traded on a securities exchange registered as a national securities exchange under the Securities Exchange Act of 1934 [15 U.S.C. §78a et seq.], in shares in an investment company registered under the Investment Company Act of 1940 [15 U.S.C. 80a-1et seq.], or in securities of a public utility holding company registered under the Public Utility Holding Company Act of 1935 [15 U.S.C.A. §79 et seq.], or to report any income derived therefrom.

(c) Exemption from filing requirement

Nothing contained in this section shall be construed to require any officer or employee of a labor organization to file a report under subsection (a) of this section unless he or his spouse or minor child holds or has held an interest, has received income or any other benefit with monetary value or a loan, or has engaged in a transaction described therein.

LMRA §302(c) [29 USCS § 186(c)]. Exceptions.

The provisions of this section shall not be applicable (1) in respect to any money or other thing of value payable by an employer to any of his employees whose established duties include acting openly for such employer in matters of labor relations or personnel administration or to any representative of his employees, or to any officer or employee of a labor organization, who is also an employee or former employee of such employer, as compensation for, or by reason of, his service as an employee of such employer; (2) with respect to the payment or delivery of any money or other thing of value in satisfaction of a judgment of any court or a decision or award of an arbitrator or impartial chairman or in compromise, adjustment, settlement, or release of any claim, complaint, grievance, or dispute in the absence of fraud or duress; (3) with respect to the sale or purchase of an article or commodity at the prevailing market price in the regular course of business; (4) with respect to money deducted from the wages of employees in payment of membership dues in a labor organization: Provided, That the employer has received from each employee, on whose account such deductions are made, a written assignment which shall not be irrevocable for a period of more than one year, or beyond the termination date of the applicable collective agreement, whichever occurs sooner; (5) with respect to money or other thing of value paid to a trust fund established by such representative, for the sole and exclusive benefit of the employees of such employer,

and their families and dependents (or of such employees, families, and dependents jointly with the employees of other employers making similar payments, and their families and dependents): Provided, That (A) such payments are held in trust for the purpose of paying, either from principal or income or both, for the benefit of employees, their families and dependents, for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, or unemployment benefits or life insurance, disability and sickness insurance, or accident insurance; (B) the detailed basis on which such payments are to be made is specified in a written agreement with the employer, and employees and employers are equally represented in the administration of such fund, together with such neutral persons as the representatives of the employers and the representatives of employees may agree upon and in the event the employer and employee groups deadlock on the administration of such fund and there are no neutral persons empowered to break such deadlock, such agreement provides that the two groups shall agree on an impartial umpire to decide such dispute, or in event of their failure to agree within a reasonable length of time, an impartial umpire to decide such dispute shall, on petition of either group, be appointed by the district court of the United States for the district where the trust fund has its principal office, and shall also contain provisions for an annual audit of the trust fund, a statement of the results of which shall be available for inspection by interested persons at the principal office of the trust fund and at such other places as may be designated in such written agreement; and (C) such payments as are intended to be used for the purpose of providing pensions or annuities for employees are made to a separate trust which provides that the funds held therein cannot be used for any purpose other than paying such pensions or annuities; (6) with respect to money or other thing of value paid by any employer to a trust fund established by such representative for the purpose of pooled vacation, holiday, severance or similar benefits, or defraying costs of apprenticeship or other training programs: Provided, That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds; (7) with respect to money or other thing of value paid by any employer to a pooled or individual trust fund established by such representative for the purpose of (A) scholarships for the benefit of employees, their families, and dependents for study at educational institutions, (B) child care centers for preschool and school age dependents of employees, or (C) financial assistance for employee housing: Provided, That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice: Provided further, That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds; (8) with respect to money or any other thing of value paid by any employer to a trust fund established by such representative for the purpose of defraying the costs of legal services for employees, their families, and dependents for counsel or plan of their choice: Provided, That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds: Provided further, That no such legal services shall be furnished: (A) to initiate any proceedings directed (i) against any such employer or its officers or agents except in workman's compensation cases, or (ii) against such labor organization, or its parent or subordinate bodies, or their officers or agents, or (iii) against any other employer or labor organization, or their officers or agents, in any matter arising under the National Labor Relations Act, as amended [\[29 USCS §§ 151-](#)

158, 159-169], or this Act; and (B) in any proceeding where a labor organization would be prohibited from defraying the costs of legal services by the provisions of the Labor-Management Reporting and Disclosure Act of 1959; or (9) with respect to money or other things of value paid by an employer to a plant, area or industrywide labor management committee established for one or more of the purposes set forth in section 5(b) of the Labor Management Cooperation Act of 1978.)

LMRDA § 501 [29 U.S.C. 501]. Fiduciary responsibility of officers of labor organizations

(a) Duties of officers; exculpatory provisions and resolutions void

The officers, agents, shop stewards, and other representatives of a labor organization occupy positions of trust in relation to such organization and its members as a group. It is, therefore, the duty of each such person, taking into account the special problems and functions of a labor organization, to hold its money and property solely for the benefit of the organization and its members and to manage, invest, and expend the same in accordance with its constitution and bylaws and any resolutions of the governing bodies adopted thereunder, to refrain from dealing with such organization as an adverse party or in behalf of an adverse party in any matter connected with his duties and from holding or acquiring any pecuniary or personal interest which conflicts with the interests of such organization, and to account to the organization for any profit received by him in whatever capacity in connection with transactions conducted by him or under his direction on behalf of the organization. A general exculpatory provision in the constitution and bylaws of such a labor organization or a general exculpatory resolution of a governing body purporting to relieve any such person of liability for breach of the duties declared by this section shall be void as against public policy.

(b) Violation of duties; action by member after refusal or failure by labor organization to commence proceedings; jurisdiction; leave of court; counsel fees and expenses

When any officer, agent, shop steward, or representative of any labor organization is alleged to have violated the duties declared in subsection (a) of this section and the labor organization or its governing board or officers refuse or fail to sue or recover damages or secure an accounting or other appropriate relief within a reasonable time after being requested to do so by any member of the labor organization, such member may sue such officer, agent, shop steward, or representative in any district court of the United States or in any State court of competent jurisdiction to recover damages or secure an accounting or other appropriate relief for the benefit of the labor organization. No such proceeding shall be brought except upon leave of the court obtained upon verified application and for good cause shown, which application may be made ex parte. The trial judge may allot a reasonable part of the recovery in any action under this subsection to pay the fees of counsel prosecuting the suit at the instance of the member of the labor organization and to compensate such member for any expenses necessarily paid or incurred by him in connection with the litigation.

(c) Embezzlement of assets; penalty

Any person who embezzles, steals, or unlawfully and willfully abstracts or converts to his own use, or the use of another, any of the moneys, funds, securities, property, or other assets of a labor organization of which he is an officer, or by which he is employed, directly or indirectly, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

If You Need Assistance

The Office of Labor-Management Standards has field offices located in the following cities to assist you if you have any questions concerning LMRDA reporting requirements.

Atlanta, GA	Grand Rapids, MI	New Haven, CT
Baltimore, MD	Guaynabo, PR	New Orleans, LA
Birmingham, AL	Honolulu, HI	New York, NY
Boston, MA	Houston, TX	Newark (Iselin), NJ
Buffalo, NY	Kansas City, MO	Philadelphia, PA
Chicago, IL	Las Vegas, NV	Pittsburgh, PA
Cincinnati, OH	Los Angeles, CA	St. Louis, MO
Cleveland, OH	Miami (Ft. Lauderdale), FL	San Francisco, CA
Dallas, TX	Milwaukee, WI	Seattle, WA
Denver, CO	Minneapolis, MN	Tampa, FL
Detroit, MI	Nashville, TN	Washington, DC

Consult local telephone directory listings under United States Government, Labor Department, Office of Labor- Management Standards, for the address and telephone number of the nearest field office. Copies of labor organization annual financial reports, employer reports, labor relations consultant reports, and union officer and employee reports filed for the year 2000 and after can be viewed and printed at <http://www.unionreports.dol.gov>.

Copies of reports for the year 1999 and earlier can be ordered through the Web site. Information about OLMS, including key personnel and telephone numbers, compliance assistance materials, the text of the LMRDA, and related Federal Register and Code of Federal Regulations (CFR) documents, is also available on the Internet at: <http://www.olms.dol.gov>.

For questions on Form LM-30 and/or the instructions, call the Department of Labor's toll-free number at: 1-866-4-USA-DOL (1-866-487-2365) or email olms-public@dol.gov.

If you would like to receive via email periodic updates from the Office of Labor-Management Standards, including information about the LM forms, enforcement results, and compliance assistance programs, you may subscribe to the OLMS Mailing List from the OLMS Web site: <http://www.olms.dol.gov>.