

NOTE TO REVIEWER
OMB No. 1215-xxxx

This submission is a request for an emergency information collection. On July 2, 2007, the Department published a revised Form LM-30, Labor Organization Officer and Employee Report. This report is currently a part of an existing collection, as the information requirements of the Labor-Management Reporting and Disclosure Act (LMRDA) are currently approved under OMB # 1215-0188, with an expiration date of September 30, 2011. The currently approved collection includes Forms LM-1, LM-2, LM-3, LM-4, LM-10, LM-15, LM-15A, LM-16, LM-20, LM-21, LM-30, T-1, and S-1.

The Department will publish in the spring 2009 Semi-Annual Regulatory Agenda notice of an intended rulemaking to revise the Form LM-30. The rulemaking is intended to review questions of policy and law surrounding these reporting requirements. The rulemaking will focus on the changes resulting from the 2007 regulatory revision of the Form and instructions. This revision dramatically altered the old Form LM-30 and instructions, which had not substantially changed in over 40 years. Despite the promulgation of the new Form LM-30, fundamental questions regarding the scope and extent of the reporting obligations are unanswered, and litigation challenging some aspects of the form remains pending. Yet, by March 31, 2009, reports for calendar year 2008 must be filed. In light of this uncertainty, the pending regulatory action, the pending litigation and the rapidly approaching filing deadline, the Department has determined that it would not be a good use of resources to bring enforcement actions based upon a failure to use a specific form to comply with the statutory obligation to report certain financial information.

Accordingly, the Department will refrain from initiating enforcement actions against labor organization officers and employees based solely on the failure to file the report required by section 202 of the Labor Management and Reporting Disclosure Act (LMRDA), 29 U.S.C. § 432, using the 2007 form, as long as individuals meet their statutorily-required filing obligation in some manner. The Department will accept either the old Form LM-30 or the new one for purposes of this non-enforcement policy. The Department is seeking this emergency information collection request in order to provide the old Form LM-30 with an OMB control number.

**PAPERWORK REDUCTION ACT
LABOR ORGANIZATION OFFICER AND EMPLOYEE REPORT
SUPPORTING STATEMENT**

A. JUSTIFICATION

1. Congress enacted the Labor-Management Reporting and Disclosure Act (LMRDA), 29 U.S.C. 401 et. seq., to provide for the disclosure of information on the financial transactions and administrative practices of labor organizations, and, under certain circumstances, for reporting by labor organization officers and employees, employers, labor relations consultants, and surety companies. Section 208 of the Act authorizes the Secretary to issue rules and regulations prescribing the form of the required reports and such other rules and regulations (including rules prescribing reports concerning trusts in which a labor organization is interested) as may be necessary to prevent circumvention or evasion of the reporting requirements.

Pursuant to section 208, the Secretary established the Form LM-30 Labor Organization Officer and Employee Report, 29 CFR Part 404, 29 U.S.C. 432. The Form LM-30 requires every labor organization officer and employee (other than an employee performing exclusively clerical or custodial services) to file a Form LM-30 report within 90 days of the end of his/her fiscal year listing and describing certain financial transactions engaged in, and interests held by, the officer or employee or his/her spouse or minor child:

(1) legal and equitable interests, transactions with, and economic benefits from an employer whose employees his/her union represents or seeks to represent; (2) legal and equitable interests in, transactions with, and economic benefits from certain businesses which deal with the business of the employer whose employees the union represents or seeks to represent, or which deal with the union or a trust in which the labor organization is interested; and (3) certain income and other economic benefits received from any employer or labor relations consultant.

The Form LM-30 applies to officers and employees of labor organizations with private sector employees working in interstate commerce within the meaning of sections 3(i) and (j) of the LMRDA, 29 U.S.C. 402(i) and (j), and of labor organizations composed of U.S. Postal Service employees. It does not apply to officers and employees of labor organizations that represent employees of the executive branch agencies of the Federal Government, the Library of Congress, the Government Printing Office, or employees of the U.S. Congress. Form LM-30 filers must ensure the maintenance and retention of supporting records for five years after the required reports are filed.

2. Pursuant to §205 of the LMRDA, the purpose of the Form LM-30 reporting requirements is the public disclosure of financial information for covered labor organization employees and officers, which may reveal potential conflicts of interest between the duties of such officers and employees and their respective labor organizations. The information supplied on the reports is used primarily by 1) labor organization members to self-govern their labor organizations; 2) the Department of Labor and other government agencies to detect improper practices on the part of labor organization officers, employees, and other filers; and 3) the Congress in oversight

and legislative functions. The general public, the media, and researchers may also use the information for their own purposes.

Violations of Title II and Title III LMRDA reporting requirements may be subject to civil action by the Secretary of Labor or may be referred to the Department of Justice for appropriate criminal action. Certain receipts or transactions reported may also involve violations of other Federal laws and may be referred to the Department of Justice for appropriate criminal action.

Since June 2002, an Internet Web site (www.unionreports.gov) makes it possible for anyone to view online Form LM-30 reports for year 2000 and later. Additionally, reports for earlier years can be ordered there.

Copies of every report submitted are also maintained for public inspection, for copying, upon request, at the U.S. Department of Labor, Room N-1519, 200 Constitution Avenue, NW, Washington, D.C. 20210.

- 3.** The Form LM-30 reporting and recordkeeping requirements are not duplicated by any other federal agency or statute. The Form LM-30 requires labor organization officers and employees to report certain payments from employers. Form LM-10 requires employers to report, among other things, certain payments to labor organization officers and employees. This results in some duplicate reporting, a result mandated by Congress in designing parallel reporting schemes to facilitate compliance. See 29 U.S.C. §§ 432, 433.
- 4.** This information collection does not have a significant economic impact on a substantial number of small entities.
- 5.** The LMRDA explicitly sets the frequency of required filings so any change would require a statutory amendment. If the information were collected less frequently OLMS would not have current information available to make the essential public disclosure and to conduct enforcement and oversight activities.
- 6.** The only special circumstance that requires this collection to be conducted in a manner inconsistent with the general guidelines in 5 CFR 1320.6 is that records necessary to verify the required reports must be maintained for at least five years after the report is filed. The five-year retention period is established by the LMRDA (LMRDA Sec. 206, 29 U.S.C. 436).
- 7.** OLMS does not provide any payment or gift to respondents.
- 8.** The contents of the reports filed pursuant to the LMRDA reporting requirements are by law public information. Therefore, no assurances of confidentiality are provided.
- 9.** There is no sensitive information collected on the form.
- 10.** Exhibit 1 details the annualized reporting and recordkeeping burden for the old Form LM-30 and Exhibit 2 details the annualized respondent cost estimates for the old Form LM-30. These numbers are based upon the most recent old Form LM-30 figures available to the Department, including its 2006 submission for a renewal of its information collection report for OMB # 1215-0188.

EXHIBIT 1
ANNUALIZED REPORTING AND RECORDKEEPING BURDEN

Form	Responses	Hours Per Respondent for Reporting	Reporting Burden Hours	Hours per Respondent for Recordkeeping	Recordkeeping Burden Hours	Total Hours
LM-30	1,998	0.50	999	0.17	340	1,339

Note: Some numbers may not add due to rounding.

Exhibit 2 shows estimates of the annualized cost to respondents for the hour burdens for the information collection. Source information for labor organization salaries is taken directly from annual reports filed with OLMS, as used in the Department's 2006 submission for a renewal of its information collection report for OMB # 1215-0188.

EXHIBIT 2
ANNUALIZED RESPONDENT COST ESTIMATES

Form	Responses	Burden Hours	Cost
LM-30	1,998	1,339	\$59,639

Note: Some numbers may not add due to rounding.

11. There are no operation and maintenance costs to respondents or recordkeepers resulting from the collection of information beyond the cost of the burden hours addressed in Item 10. Any capital investments including computers and software that are usual and customary expenses incurred by persons in the normal course of their business are excluded from the regulatory definition of burden as capital investments.

12. Exhibit 3 provides a summary of federal costs associated with the various reporting requirements, as of the most recent ICR approval for OMB # 1215-0188. Since OLMS calculates the Federal costs associated with administering its forms as a whole, it cannot breakdown the Federal cost associated exclusively with the Old Form LM-30. Federal estimated costs include costs for contractors and operational expenses such as equipment, overhead, and printing as well as salaries and benefits for the OLMS staff in the National Office and field offices who are involved with reporting and disclosure activities. These estimates include time devoted to: (a) receipt and processing of reports; (b) disclosing reports to the public; (c) obtaining delinquent reports; (d) reviewing reports, (e) obtaining amended reports if reports are determined to be deficient; and (f) providing compliance assistance training on recordkeeping and reporting requirements.

EXHIBIT 3
ANNUALIZED FEDERAL COST ESTIMATES

National Office	\$4,263,214
Field Offices	<u>\$3,471,991</u>
Total	\$7,735,205

13. OLMS is not seeking an exemption to the display of the expiration date of the OMB approval of the information collection.

14. OLMS is not requesting any exceptions to the certification statement required by the Paperwork Reduction Act. OLMS is able to certify compliance with all provisions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This information collection does not employ statistical methods.