

NOTE TO REVIEWER
OMB No. 1245-0NEW

This submission is a request for a new information collection (IC) for the proposed revisions to the Form LM-30, Labor Organization Officer and Employee Report.

The Department published revisions to the Form LM-30 on July 2, 2007 (the “2007 Form LM-30”), replacing the longstanding Form LM-30 (“pre-2007 Form LM-30”). The 2007 Form LM-30 is currently part of an existing collection; the information requirements of the Labor-Management Reporting and Disclosure Act (LMRDA), including the 2007 Form LM-30, are currently approved under OMB No. 1245-0003¹, with an expiration date of October 31, 2013. 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, 2007 LM-30, and S-1. The pre-2007 Form LM-30 is part of an existing information collection, OMB No. 1245-0002,² which currently has an expiration date of February 28, 2013, and which consists only of the pre-2007 Form LM-30.

The 2007 revision dramatically altered the pre-2007 Form LM-30 and instructions, which had not substantially changed in over 40 years. Despite the promulgation of the new Form LM-30 in 2007, in early 2009, the Department determined that that the 2007 rule left unanswered fundamental questions regarding the scope and extent of the reporting obligations. Additionally, litigation challenging some aspects of the form remained pending. The Department also published in the Spring 2009 Semi-Annual Regulatory Agenda notice of an intended rulemaking to revise the 2007 Form LM-30. Mindful of the fact that labor organization officers and employees must continue to adhere to LMRDA reporting requirements, but also taking into account the uncertainty created by the pending regulatory action, litigation, and statutorily-imposed filing deadlines, the Department determined that it would not be a good use of resources to bring enforcement actions based upon a filer’s use of the pre-2007 Form LM-30, as opposed to the 2007 Form LM-30.

Accordingly, the Department announced its intention to 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 LMRDA, 29 U.S.C. § 432, using the 2007 form, as long as their statutorily-required filing obligation was met in some manner. As a result, the Department will currently accept either the pre-2007 Form LM-30 or the 2007 Form LM-30.

The Department published a notice of proposed rulemaking (NPRM) on August 10, 2010, seeking to revise the 2007 Form LM-30. 75 FR 48416. The attached final rule effectuates the NPRM to revise the 2007 Form LM-30. The Department is seeking an IC for these revisions to the 2007 Form LM-30, which establishes a revised Form LM-30 (see the attached revised Form LM-30 and instructions). At the time that the revised Form LM-30 is effective and applicable for all Form LM-30 filers (January 1, 2013), the Department will seek to merge the revised Form LM-30 with OMB No. 1245-0003 (all other LMRDA reporting and disclosure forms), will seek to remove the 2007 Form LM-30 and the pre-2007 Form LM-30, and will seek to rescind the ICR for the pre-2007 form (OMB No. 1245-0002). Prior to the effective and applicability date for the revised Form LM-30 of January 1, 2013, the Department will accept either the pre-2007 form, the 2007 form, or the revised form.

¹ Prior to the dissolution of the Employment Standards Administration, the OMB No. for this IC was 1215-0188.

² Prior to the dissolution of the Employment Standards Administration, the OMB No. for this IC was 1215-0205.