

US Department of Labor Postpones Due Dates for LM-2 (etc) Reporting & Union Election Deadlines.

From coast to coast, and everywhere in between, Unions and their members are on the frontlines when it comes to COVID-19. Unfortunately, some Unions have had to close their offices, or limit hours, pursuant to state and local “shelter-in-place” orders and social distancing protocols. Nevertheless, Unions continue to be the loudest and most effective voice for the the health, safety, and economic well-being of working people.

As a result of the effects of COVID-19, the Department of Labor (DOL) issued an [Advisory](#) on March 25, 2020, recognizing that Unions may not be able to meet certain requirements under the Labor Management Reporting and Disclosure Act (LMRDA). The Advisory is for Unions that are located in areas affected by COVID-19 and natural disasters, and deals specifically with Union elections and the filing of [required public disclosure reports](#).

Elections.

The DOL’s Advisory states that Unions affected by COVID-19 and natural disasters, or their aftermath, “must make a good faith effort” to hold elections. However, the Advisory recognizes that this may not be possible. Because many Unions are located in areas where “shelter-in-place” orders are in effect or in [designated natural disaster areas](#), some Unions will be unable to hold officer elections. In such circumstances, if a complaint is filed with the DOL regarding a Union’s failure to hold an election, and the failure to hold the election is due to COVID-19, a natural disaster, or their aftermath, the Advisory makes it clear that the DOL will only seek a voluntary compliance agreement with the Union to hold an election in the future, on a certain date, when practicable. If the election is then held in conformance with the agreement, the DOL will not seek any civil enforcement action against the Union.

Required Public Disclosure Reports.

For many Unions this is the time of year when they are preparing their annual LM reports. Although the DOL expects Unions to “make a good faith effort” to file the required public disclosure reports in a timely manner, the DOL Advisory acknowledges the obvious: due to COVID-19 as well as various natural disasters, there are many Unions that will be unable to file their required reports in a timely manner.

If a Union must file their LM report any time prior to June 30, 2020, but is unable to do so as a result of **COVID-19**, then those reports must now be filed by June 30, 2020.

If a Union cannot file their LM report because of **a natural disaster, or its aftermath**, then they must (1) contact the DOL **before** the report is due, (2) describe the circumstances that necessitate additional time, and (3) provide a date by which the report can be submitted.

If you have any questions about the DOL’s Advisory, please contact your labor law counsel.

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