



BENEFIT NEWS BRIEFS

Temporary, Limited Change in Form LM-30 Enforcement Actions

The Office of Labor-Management Standards (OLMS) announced a temporary, limited change in its enforcement efforts concerning Form LM-30 (Labor Organization Officer and Employee Report) reporting. Union officers or employees (except employees performing exclusively clerical or custodial services) must file a Form LM-30, if they or their spouses or minor children have certain interests or dealings related to any employer whose employees are represented by their union or any employer whose employees their union is actively seeking to represent. For more detail on Form LM-30 and the Form LM-30 final regulations, see [Client Bulletin 2007-38](#). This compliance news may be of interest to trustees who are union officers or employees.

According to the OLMS website, <http://www.dol.gov/esa/olms/>, OLMS will publish a Semi-Annual Regulatory Agenda notice of an intended rulemaking to revise the Form LM-30 in the Spring of 2009. The rulemaking is intended to review questions of policy and law surrounding these reporting requirements. The rulemaking will focus on the changes resulting from a 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 distribution 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. Even with these pending issues, according to OLMS, reports for calendar year 2008 must be filed by March 31, 2009. In light of this uncertainty, the pending regulatory action, the pending litigation and the rapidly approaching filing deadline, OLMS 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, **OLMS will refrain from initiating enforcement actions** against union officers and union employees **based solely on the failure to use the 2007 Form LM-30**, as long as individuals meet their statutorily-required filing obligation in some manner.

OLMS will accept either the old Form LM-30 or the new one for purposes of this non-enforcement policy.

Old Form LM-30 Information

Download a blank old Form LM-30 ([PDF](#))

Old Form LM-30 Instructions ([PDF](#)) ([HTML](#))

Fact Sheet: Filing Old Form LM-30 - An Overview of Union Officer and Employee Reporting ([PDF](#)) | ([HTML](#))

[PowerPoint Presentation: Filing Old Form LM-30 - An Overview of Union Officer and Employee Reporting](#) (PowerPoint Show (pps) format - 1MB)

New Form LM-30 Information

Fillable New Form LM-30 ([PDF](#))

Note: Fillable New Form LM-30 supports Adobe versions 6.x and 7. It is not compatible with Adobe 8 at this time.

Instructions for New Form LM-30 ([PDF](#)) ([HTML](#))

Facsimile of New Form LM-30 ([PDF](#))

Fact Sheet: Filing New Form LM-30 ([PDF](#)) ([HTML](#))

[PowerPoint Presentation: Filing New Form LM-30 - An Overview of Union Officer and Employee Reporting](#) (PowerPoint Show (pps) format - 317 KB)

[Frequently Asked Questions About New Form LM-30](#)

* * *

NEWSFLASH!!!!

The DOL has posted the archive of the March 24, 2009 COBRA premium subsidy webcast online. You may access it at: <http://www.dol.gov/ebsa/COBRA.html> - look under the heading *Compliance Webcasts*. If you had previously registered for the webcast, you will use the login you created when registering. Individuals who were unable to register for the prior webcast will need to fill out the registration form to gain access to the archived webcast.

LEGAL DISCLAIMER: Information contained in this publication is not legal advice, and should not be construed as legal advice. If you need legal advice upon which you can rely, you should seek a legal opinion from your attorney.