

March 23, 2009

LM File No. 035-785

Mr. Mike Briley, Business Manager
United Association of Journeymen and
Apprentices of the Plumbing and Pipefitting
Industry of the United States and Canada
Local 540
7812 Warwick Blvd.
Newport News, VA 23607

Dear Mr. Briley:

This is in response to your letter dated February 26, 2009, requesting a continuing hardship exemption request for United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local 540, LM File Number 035-785, for an unspecified fiscal year.

You based your request upon the following information stated in your letter:

You are requesting an extension of time to file your Form LM-2 electronically because you recently purchased a new computer with the Vista operating system and have not been able to successfully retrieve the digital signatures necessary to file the Form LM-2 electronically.

A continuing hardship exemption request requires the requesting union to demonstrate that it cannot file Form LM-2 electronically without undue burden or expense. The instructions for applying for a continuing hardship exemption, as detailed in the Form LM-2 instructions and on the Office of Labor-Management Standards (OLMS) Web site, state that "a labor organization may apply in writing for a continuing hardship exemption if Form LM-2 cannot be filed electronically without undue burden or expense." The instructions go on to state:

"The request for the continuing hardship exemption shall include, but not be limited to, the following: (1) the justification for the requested time period of the exemption; (2) the burden and expense that the union would incur if it was required to make an electronic submission; and (3) the reasons for not submitting the report(s) electronically. The applicant must specify a time period not to exceed one year."

Please note also that to request a continuing hardship exemption, the labor organization must apply in writing, and that written application must be received by OLMS at least thirty days prior to the due date of the report, which appears to be March 31, 2009, for Local 21's most recent fiscal year (based upon the Local's previous filing). Additionally, a labor organization may not apply for a hardship exemption for multiple years or an indefinite period. The applicant must specify a time period, but in no case can the time period exceed one year. For additional information regarding hardship exemptions, please refer to the OLMS Web site at:
www.dol.gov/esa/olms/regs/compliance/hardship.htm.

IdenTrust, the issuer of the digital signatures, has corrected the initial problem related to the signatures and Vista. Further, your request for a hardship exemption does not specify a time period for which you are requesting the exemption. OLMS therefore denies your continuing hardship exemption request on behalf of Plumbers Local 540 for filing Form LM-2 electronically, based on the information provided.

For help in digitally signing and submitting your reports, please call the LM Software Support Desk (toll-free) at 1-866-401-1109. If you have additional information that is pertinent to your request, you may provide it for reconsideration no later than March 31, 2009. Any such request may be mailed to the address listed in the Form LM-2 Instructions and on the OLMS Web site, or it may be faxed to 202-693-1340.

Additionally, please contact the IdenTrust help desk directly at 1-888-339-8904 for help in resolving your issues with retrieving your digital signatures.

If you have any further questions about filing Form LM-2 pursuant to the hardship exemption, please call 202-693-0123 and reference your organization's LM file number.

Sincerely,

Andrew R. Davis, Chief
Division of Interpretations
and Standards

cc: Larry King, Chief, Division of Reports, Disclosure & Audits