

# 2023 Annual Report



## Office of Labor-Management Standards

U.S. Department of Labor  
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## Introduction

Since the founding of the United States, labor unions have performed an essential function in the American economy by providing a voice for workers in their workplace. Today, unions continue to have a critical impact on American workers and consumers. Unions do this by negotiating and enforcing agreements with employers to promote employee safety, equitable workplace policies, and fair pay. Labor unions advance the economic aspirations of their members, those in the middle class, and those aspiring to reach the middle class. They create equity among diverse communities by closing wage gaps that divide the nation by race, gender, and ethnicity. We have seen labor unions in the forefront of the movement for social justice, promoting benefits for their members – the forty-hour week and overtime pay, retirement security and health insurance, to name just a few – long before these benefits were embodied in national and state law. They continue to lead the way by advancing benefits such as paid family and sick leave for their members, even as those concepts remain elusive as a matter of federal policy. In 2023, the labor movement remains strong, with unions organizing workers at employers and in industries previously not unionized and through historic advancements in wages, benefits and working conditions for workers who have long been represented by unions.

The successful advancement of the Office of Labor-Management Standards (OLMS) mission helps unions achieve their goals for workers. OLMS is tasked with protecting unions and their members by administering the Labor-Management Reporting and Disclosure Act (LMRDA) and related laws. OLMS protects labor organizations and their membership by promoting financial integrity through its compliance audit and criminal enforcement programs. It promotes transparency by requiring and reviewing union, employer, and persuader reports for accuracy and making them available to the public. Finally, OLMS conducts investigations of complaints filed by members concerning regularly scheduled union officer elections and trusteeships to protect the democratic process in the election of labor movement leaders. Unions are strong when they operate democratically, are protected against becoming victims of financial crimes and mismanagement, and are transparent in their operations. OLMS is successful in its mission when strong, democratic, and transparent unions have the full confidence of workers, employers, and policy makers.

By taking regulatory and policy actions, discussing the benefits that labor unions offer, enforcing reporting of anti-union employer conduct, contextualizing labor union enforcement data with employer enforcement data, and modernizing its website so its work may be easily accessed, the OLMS mission strengthens unions, enabling the labor movement to contribute to the hard work of creating greater equity and economic security. While this report for fiscal year 2023 (October 1, 2022 through September 30, 2023), by its very nature, highlights the instances when unions and their officers or

employees fail to live up to the standards set for them, these are the exceptions which prove the rule: the vast and overwhelming majority of unions and their officers and employees do their work exactly as Congress expected them to do.

## The Law

When the LMRDA was enacted in 1959, Congress reiterated what it had found in 1935 when it enacted the National Labor Relations Act, stating that “in the public interest, it continues to be the responsibility of the Federal Government to protect employees’ rights to organize, choose their own representatives, bargain collectively, and otherwise engage in concerted activities for their mutual aid or protection.” To help achieve that end, Congress declared that “it is essential that labor organizations, employers and their officials adhere to the highest standards of responsibility and ethical conduct in administering the affairs of their organizations, particularly as they affect labor-management relations.” The LMRDA primarily promotes union democracy and financial integrity in private sector labor unions through standards for union officer elections and union trusteeships and safeguards for union assets. Additionally, the LMRDA promotes transparency through reporting and disclosure requirements for labor unions and their officials, employers, labor relations consultants, and surety companies. OLMS continues today to protect union members and their right “to organize, choose their own representatives, bargain collectively, and otherwise engage in concerted activities for their mutual aid or protection” by pursuing this important mission through criminal and civil enforcement of the LMRDA.

The major provisions of the LMRDA are, by title:

- Title I: Bill of Rights for union members
- Title II: Requirements for reporting and disclosure by labor unions, union officers and employees, employers, labor relations consultants and surety companies
- Title III: Rules for establishing and maintaining trusteeships
- Title IV: Standards for conducting fair elections of union officers
- Title V: Safeguards for protecting union funds and assets

Unions representing U.S. Postal Service employees became subject to the LMRDA with the passage of the Postal Reorganization Act of 1970.

OLMS also administers provisions of the Civil Service Reform Act of 1978 and the Foreign Service Act of 1980, which extend comparable protections to federal labor unions. In addition, OLMS administers the Department’s responsibilities under the Federal Transit Act by ensuring that fair and equitable arrangements protecting mass transit employees are in place before the release of federal transit grant funds.

OLMS is the front-line agency responsible for safeguarding union assets, promoting democracy by enforcing the LMRDA through its criminal and civil investigations, and creating transparency about employer efforts to persuade workers on how to exercise their rights protected by federal labor laws. Criminal investigations include embezzlement, deprivation of rights by violence, extortionate picketing, willful failure to file reports, destruction of records, filing false reports and fraud related to union elections. They also include prohibition of convicted persons from holding union office or employment or holding any position with an employer or an association of employers in which they

have “specific collective bargaining authority or direct responsibility in the area of labor-management relations.” Civil investigations include violations of the LMRDA involving union election procedures, union, employer, and consultant financial disclosure requirements, and trusteeship standards. OLMS also conducts audits of union finances.

Compliance assistance plays a major role in OLMS enforcement strategy. OLMS has an active compliance assistance program to promote voluntary compliance with the LMRDA by informing union officers and employees as well as employers and employer-consultants of their responsibilities and informing members of their legal rights.

## Summary

This report consists of seven sections, with related tables and charts.

- Section 1 presents key fiscal year (FY) 2023 criminal enforcement and performance results pursuant to LMRDA Title V (financial safeguards for labor organizations) together with noteworthy criminal enforcement actions. A complete listing of Calendar Year (CY) [2023](#) criminal actions is located on the OLMS website along with those for [previous](#) calendar years. It bears noting in this summary that, of the over 200,000 union officers and employees, fewer than 0.025% were convicted for having broken their trust with the members they represent. OLMS’ 2023 experience is consistent with its experience over the last 5 years.
- Section 2 presents key FY 2023 civil enforcement and performance results pursuant to LMRDA Title III (trusteeships) and Title IV (union officer elections) together with noteworthy union officer election case summaries for 2023. A listing of all CY [2023](#) voluntary agreements for OLMS-supervised union officer elections is located on the OLMS website along with those for previous [years](#). Calendar year [2023](#) court actions for election investigations are located on the OLMS website along with those for previous [years](#). Final decision letters in election and trusteeship cases are located on the OLMS website in the [FOIA reading room](#). As with OLMS’ criminal enforcement activities, it bears noting that, of the over 7,000 union officer elections estimated to have taken place in 2023, members filed viable complaints in only 126 elections, and OLMS found a basis for proceeding in only 17 of those. Regarding trusteeships, reports were filed reflecting 75 subordinate bodies (local or intermediate unions) having been placed under trusteeship in FY 2023. OLMS processed 15 trusteeship cases, mostly based on failure to report or deficient reporting, but also based on complaints received. Just one trusteeship investigated was found to be improper, and that case was resolved through voluntary compliance. These FY 2023 results for elections and trusteeships are also consistent with OLMS’ experience over the last 5 years.
- Section 3 presents reporting and disclosure data and related program activity pursuant to LMRDA Title II (reporting requirements). Section 3 also presents key FY 2023 reporting, enforcement and performance results. Reports are available for public disclosure on the [OLMS Online Public Disclosure Room](#).
- Section 4 summarizes grant certification activity pursuant to the section 13(c) program, which ensures fair and equitable arrangements protecting the collective bargaining rights and agreements for mass transit employees, as required by the Federal Transit Act.

- Section 5 provides an overview of the OLMS regulatory initiatives in FY 2023.
- Section 6 briefly describes compliance assistance activities conducted in FY 2023.
- Section 7 discusses OLMS outreach efforts undertaken in FY 2023.

OLMS [Annual Reports for 2004–2022](#) are located on the OLMS website.

## **Program Activities**

### **1. Safeguarding Union Assets**

As part of the effort to protect and safeguard the union funds and assets belonging to hard-working union members, OLMS investigates possible embezzlement from unions and other violations of criminal laws. Union officers, employees, and representatives have a duty to manage the funds and property of the union solely for the benefit of the union in accordance with its constitution. While the vast majority of union officers and employees do their work diligently and without incident, unfortunately criminal violations do sometimes occur and, when they do, the union is the victim. When a union officer or employee violates their position of trust by embezzling or misappropriating union funds or assets, they commit a federal crime punishable by imprisonment or fine, or both and their union and its members are the victims. OLMS is responsible for investigating these crimes.

Further, section 504 of the LMRDA prohibits individuals convicted of certain crimes from holding union office or employment or serving in other specified capacities with both unions and employers. The bar continues for 13 years after conviction or after the end of imprisonment, whichever is later. OLMS is also responsible for investigating violations of section 504 in addition to other violations including embezzlements of union funds and the willful failure to file complete and accurate financial and other reports with OLMS or to maintain records. These investigations may result in legal enforcement actions.

OLMS monitors activities involving union funds to help safeguard such funds from criminal conduct. There are over 20,000 unions that file LM reports with OLMS and, among those unions, approximately 200,000 elected officers and employees. During the past five years, OLMS has opened on average more than 200 criminal investigations per year. Those investigations have led to between 48 and 69 criminal convictions annually, with 57 in FY 2023. While many of those convicted were union officers or employees, others were not. For example, of the 57 convictions reported in 2023, four were employers, vendors, or others whose criminal conduct affected union funds.

OLMS also conducts audits of labor unions, both to detect embezzlements and promote compliance with the LMRDA. This effort extends to every level of labor organizations, from local unions to intermediate bodies, national and international unions. Compliance audit closing letters are located on the [OLMS website](#). Because it is not feasible for OLMS to audit every union, OLMS developed a methodology to direct its auditing resources to unions whose metrics suggest the possibility that there may have been criminal activity, diverting resources from audits of organizations with less potential of criminal activity to other programs. The effectiveness of this methodology is measured by the percent of audits resulting in the opening of a “fallout” criminal case. A higher or lower than

expected fallout rate measures only the “efficiency” of OLMS’ targeting strategies and says nothing (either positively or negatively) about the amount of criminal activity involving union funds.

In 2023, OLMS exceeded its performance goal in this area, achieving a fallout rate of 18.3 percent while the established target was 17.5 percent. Although the methodology discussed above uses data filed in union financial reports to identify the possibility of criminal activity, non-criminal reporting deficiencies and violations were discovered and addressed in more than 65 percent of the audits conducted.

<b>OLMS Performance Goal – Financial Integrity</b>	<b>FY 2023 Target</b>	<b>FY 2023 Results</b>
Percent of Audits Resulting in a Criminal Case	17.5%	18.3%

<b>OLMS Enforcement Statistics – Financial Integrity</b>	<b>FY 2023 Plan</b>	<b>FY 2023 Results</b>
Criminal Investigations Completed	166	155
Indictments	80	39
Convictions	80	57
Compliance Audits Conducted	296	222

Below are summaries of several notable cases resulting from OLMS criminal investigations during FY 2023.

**Former Union Officer Sentenced for Wire Fraud Tied to an Embezzlement of Over \$91,000**

On February 22, 2023, in the United States District Court for the Southern District of Indiana, Matthew Archer, former Secretary-Treasurer of Laborers Local 1325, formerly located in Indianapolis, Indiana, pleaded guilty to two counts of wire fraud for embezzling \$91,951 in union funds and filing false Labor-Management (LM) reports, in violation of 18 U.S.C. 1343. He was then immediately sentenced to five years of probation and 50 hours of community service and ordered to pay \$84,462 in restitution, having previously paid \$9,489. The OLMS investigation found that Archer transferred funds from the union’s bank account into his personal account and transferred union money to pay his personal car loan. To conceal his scheme, Archer overstated how much money was in the union’s bank accounts on union financial disclosure reports, reporting that the union had \$151,000 when it actually had less than \$11,000. In addition, Archer created fraudulent bank statements that overstated how much money the union had and forged the signatures of union auditors on internal union reports.

**Former National Union Employee and Associate Sentenced to Prison for Embezzlement of Over \$500,000**

On March 10, 2023, in the United States District Court for the District of Columbia, Attia Little, a former property services division operations manager for the Service Employees International Union (SEIU), located in Washington, D.C., was sentenced to 24 months in prison followed by 24 months of supervised probation and ordered to pay \$399,450 in restitution. On July 1, 2022, Little pleaded guilty to one count of embezzlement from a labor organization and one count of conspiracy to commit embezzlement from a labor organization, in violation of 29 U.S.C. 501(c) and 18 U.S.C. 371,

respectively. In a related matter, on October 5, 2022, Melba Norris, an associate of Little, was sentenced to six months in prison followed by 24 months of probation and ordered to pay \$37,007 in restitution. On May 5, 2022, Norris also pleaded guilty to one count of embezzlement and one count of conspiracy to embezzle union funds. The joint investigation with Department of Labor's Office of Inspector General found that Little and Norris conspired to embezzle more than \$500,000 from the union through a variety of schemes. Little used her union credit card to purchase personal items including furniture, watches, clothing, personal travel, and party supplies. Little also used her union credit card to pay several fictitious companies she and Norris created. Little's union credit card was also used to purchase more than \$200,000 in gift cards for personal use. Finally, Little used the union travel booking system to obtain discounted airline, hotel, and rental car reservations for family, friends, and associates and, when payments were made to another fake company she created, Little and Norris kept the money.

#### **Former Union Officer Sentenced to Prison for Embezzlement of Over \$74,000**

On April 11, 2023, in the United States District Court for the Southern District of Iowa, James Darin Boatman, former President of United Food and Commercial Workers (UFCW) Local 617, located in Fort Madison, Iowa, was sentenced to two years of imprisonment followed by three years of supervised release and ordered to pay restitution totaling \$74,231. On November 14, 2022, Boatman pleaded guilty to one count of embezzling union funds, in violation of 29 U.S.C. 501(c). The OLMS investigation found that Boatman set up a credit card in the union's name without authorization and used the card for personal expenses, including vacations to Florida, repairs on his personal vehicle, and to pay for personal attorney fees. Additionally, Boatman wrote checks from the union funds to cover personal expenses and to pay himself for unauthorized "lost time" claims. (A lost time claim refers to claims made by union officials for payments from their union as reimbursement for wages for their regular work lost while conducting business for the union.) Boatman concealed his activities by forging the union treasurer's signature on certain checks and falsifying information on union financial disclosure reports.

#### **Former Union Officer Sentenced to Prison for Embezzlement of Over \$95,000 and False Records**

On May 3, 2023, in the United States District Court for the District of Hawaii, Charles Kimo Brown, former Secretary-Treasurer of the International Longshore and Warehouse Union (ILWU) Local 142 Longshore Division, located in Honolulu, Hawaii, was sentenced to 24 months of imprisonment followed by three years supervised release. Brown was also ordered to pay a \$96,000 fine and forfeit \$1,425. On November 1, 2022, following a non-jury trial, Brown was found guilty of two counts of embezzling union funds and two counts of falsifying union records, in violation of 29 U.S.C. 501(c) and 29 U.S.C. 439(c), respectively. The OLMS investigation found that, while he was in union office, Brown embezzled union funds by inflating the number of lost time hours he claimed on vouchers. Brown falsified these wage vouchers 384 times during the 4.5-year period, effectively stealing \$96,000 from his fellow union members.

#### **Former Union Officer Sentenced to Prison for Embezzling Over \$55,000**

On June 6, 2023, in the United States District Court for the Northern District of Illinois, Brent Toppert, former Financial Secretary-Treasurer of Security, Police, and Fire Professionals of America (SPFPA) Local 238, located in Morrison, Illinois, was sentenced to five months in prison followed by six months of home detention and two years of supervised release. Toppert was also ordered to pay a \$5,000 fine. On February 9, 2023, Toppert pleaded guilty to one count of embezzling labor union funds, in violation

of 29 U.S.C. 501(c). The OLMS investigation found that between January 2013 and April 2018, while Toppert was the financial secretary-treasurer, he made several unauthorized withdrawals from SPFPA's bank account, and used the union's funds to pay for personal bills. Toppert had made full restitution of \$55,140 before sentencing.

**Six Former Union Officials Sentenced for Conspiracy to Create False Union Records (Fictitious Ballots to Rig a Dues Vote), including Two Found Guilty at Trial of Embezzlement, Wire Fraud and Conspiracy**

On July 20, 2023, in the United States District Court for the District of Hawaii, Brian Ahakuelo, former Business Manager/Financial Secretary for International Brotherhood of Electrical Workers (IBEW) Local 1260, located in Honolulu, Hawaii, was sentenced to 140 months of imprisonment followed by three years of supervised release. Ahakuelo also was ordered to pay restitution of \$209,391, a forfeiture judgment of \$60,212, and a special assessment of \$6,800. On November 21, 2022, following a 16-day jury trial, Brian Ahakuelo and his wife Marilyn Ahakuelo, the former IBEW 1260 Community Services Director, were found guilty of embezzlement of union funds, wire fraud and conspiracy, in violation of 29 U.S.C. 501(c), 18 U.S.C. 1343 and 371. Brian Ahakuelo was also found guilty of money laundering in violation of 18 U.S.C. 1957. Marilyn Ahakuelo was sentenced to 70 months of imprisonment, three years of supervised release, ordered to pay \$7,967 in restitution, a \$10,000 fine, \$4,692 in forfeiture, and a \$4,600 special assessment.

At trial, the evidence showed that Brian Ahakuelo hired family members at high salaries and authorized the use of union funds for personal purposes, including extravagant travel for himself and those loyal to him. In the case of one family member hired by Brian Ahakuelo, little legitimate work was performed. The evidence at trial also showed that Brian and Marilyn Ahakuelo used union funds to purchase personal trips to the mainland, and that Brian Ahakuelo engaged in self-dealing by using union funds to purchase a truck already owned by Marilyn Ahakuelo while allowing her to continue to use it. When his activities largely depleted the union's coffers, Brian Ahakuelo, with the help of Marilyn Ahakuelo and other union employees, rigged a vote on a resolution to increase membership dues. The voter fraud caused members to pay an additional \$3.7 million in dues over approximately eighteen months.

Four other union employees of IBEW Local 1260 previously pleaded guilty to participating in the conspiracy to create fake ballots in violation of 18 U.S.C. 371, namely, to make and cause to be made false entries in records required to be kept by a labor union, a violation of 29 U.S.C. Section 439(c) of the LMRDA. Their sentencings were done in November and December 2022. Lee Ann Miyamura, former Executive Secretary; Russell Yamanoha, former Communications Director; Daniel Rose, former Business Representative; and Michael Brittain former Assistant Business Manager, were each sentenced to a term of probation of one to two years and a fine of \$5,000 or \$10,000. The sentencings follow a joint investigation with the Internal Revenue Service – Criminal Investigation Division and the State of Hawaii Attorney General's Office.

**Former Union Officer Sentenced to Prison for Interstate Transportation of Stolen Money Connected to a Theft of Over \$200,000 in Union Funds**

On August 2, 2023, in the United States District Court for the Southern District of Illinois, Byron Clemons, Sr., former President of American Federation of State, County and Municipal Employees (AFSCME) Local 124, located in Alton, Illinois, was sentenced to 18 months in prison and 24 months of supervised release. He was also ordered to complete 100 hours of community service and pay \$202,100

in restitution. On April 11, 2023, Clemons pleaded guilty to interstate transportation of stolen money, in violation of 18 U.S.C. 2314. The joint investigation with the Department of Labor's Office of Inspector General found that between February 2021 and January 2022, while Clemons served as the union president, he misappropriated union funds by making unauthorized bank withdrawals from the union's bank account, using the union funds to gamble at casinos and pay personal expenses.

### **Former Union Officer Sentenced to Home Confinement for Embezzling Over \$112,000**

On September 20, 2023, in the United States District Court for the Southern District of Louisiana, Brian Gerald, former Financial Secretary of the United Steelworkers (USW) Local 13-189, located in Bogalusa, Louisiana, was sentenced to six months of home confinement, 60 months of probation, and ordered to pay \$112,594 in restitution. On April 24, 2023, Gerald pleaded guilty to one count of embezzlement from a labor union, in violation of 29 U.S.C. 501(c). The OLMS investigation found that Gerald embezzled USW Local 13-189's funds by making unauthorized ATM cash withdrawals and personal transactions at various vendors using the union's debit card from January 20, 2015, to August 25, 2020.

### **Former Union Employee Sentenced to Prison for Embezzlement of Over \$300,000**

On September 26, 2023, in the United States District Court for the Middle District of Florida, Denise Kovacs, former bookkeeper for Plumbers Local 803, located in Orlando, Florida, was sentenced to 18 months in prison and three years of supervised release. She was also ordered to pay restitution and forfeiture totaling \$304,903. On February 23, 2023, Kovacs pleaded guilty to embezzlement of union funds, in violation of 29 U.S.C. 501(c). The OLMS investigation found that Kovacs embezzled \$43,777 in cash dues payments and made \$261,126 in unauthorized purchases using the union credit card. To conceal her theft, Kovacs altered internal business records, which kept union officials in the dark about her ongoing embezzlement of funds.

## **2. Protecting Union Democracy**

Title IV of the LMRDA establishes standards for conducting democratic and fair union officer elections, such as the frequency and method of election, the right of members in good standing to be candidates, rights of candidates, and member voting rights. While the vast majority of union officer elections are held without protest, OLMS investigates properly filed complaints protesting union officer elections. Before filing a complaint with OLMS, union members must avail themselves of their union's internal protest procedures. If OLMS' investigation reveals a violation of Title IV of the LMRDA that may have affected the outcome of the election, OLMS seeks a voluntary compliance agreement with the union to allow OLMS to supervise a new election. If the union does not voluntarily agree to remedy the violation, OLMS takes legal action seeking to void the challenged election and conduct a new election supervised by OLMS. Under Title III of the LMRDA, the agency also conducts investigations to determine the validity of the imposition or continuation of trusteeships imposed by national unions on subordinate bodies. Trusteeship investigations are conducted upon receipt of a complaint from a member or subordinate body.

OLMS seeks to improve timely resolution of union officer election complaints, which is measured by the average number of elapsed days between OLMS' receipt of a complaint and OLMS' resolution. The timely resolution of complaints is an important objective, as it removes the uncertainty and disruption that might arise from a claim that an election was not fair. As seen from the chart below, in



FY 2023 OLMS was not able to achieve its elapsed time performance goal of 65 days. Rather the average number of elapsed days to resolve union officer election complaints during the year was 73.7 days. One factor that led to the increased number of days to resolve election complaints was a dramatic increase in the volume of complaints received beyond what was anticipated. This increase strained staffing resources and resulted in the need for additional time to appropriately resolve each case. In addition, a number of the cases were more complex than anticipated. OLMS tracks the number of election investigations and supervised elections, both of which are dependent upon the number of election complaints received by OLMS, since OLMS only has investigative authority when it receives a member complaint. The FY 2023 planning projections in those categories were based on historical averages, among other intelligence. OLMS does not project or estimate the number of lawsuits filed or voluntary compliance agreements obtained in a year, given that the number of these actions is largely out of OLMS' control.

<b>OLMS Performance Goal – Union Democracy</b>	<b>FY 2023 Target</b>	<b>FY 2023 Results</b>
Number of Days to Resolve Election Complaints	65	73.7

<b>OLMS Enforcement Statistics – Union Democracy</b>	<b>FY 2023 Plan</b>	<b>FY 2023 Results</b>
Election Investigations Conducted	87	126
Lawsuits Filed	N/A	5
Voluntary Compliance Agreements Obtained	N/A	12
Supervised Elections Completed	22	13
Trusteeship Investigations	16	22

In FY 2023, OLMS received and investigated 126 election complaints while unions held an estimated 7,000 elections. Although election complaints filed in FY 2023 may have concerned elections held in prior years, the numbers nevertheless indicate that only about 1.2 percent of union elections are the subject of complaints received by OLMS. By the end of FY 2023, OLMS closed 96 election complaint cases without taking action. The cases were closed for a variety of reason, including that the violations investigated did not affect the outcome of certain elections, no violations were uncovered, or complaints were procedurally defective. During the same time, OLMS supervised a total of 13 rerun elections (i.e., elections in cases in which the union agreed to a new election, or a court found that there were violations). Again, timing issues make comparison imperfect, but it is a safe estimate that the number of rerun elections represent about 14.1 percent of the complaints filed and .17 percent of all union elections conducted.

The following highlights some of the most significant OLMS election investigations completed during FY 2023:

**IBT Local 688 Ordered to Conduct New Election Under OLMS Supervision**

In November 2022, the United States District Court for the Eastern District of Missouri granted the Secretary’s motion for summary judgment against International Brotherhood of Teamsters (IBT) Local 688, located in St. Louis, Missouri. The lawsuit sought to nullify the union’s November 2020 election

of officers after OLMS' investigation determined that Local 688 violated Title IV of the LMRDA when it failed to provide proper safeguards to ensure ballot secrecy at multiple polling sites. In granting the Secretary's motion, the Court ruled that a remedial election must be conducted, under the Secretary's supervision, for the offices of president, vice president, recording secretary, secretary treasurer, and three trustees. The supervised election was conducted in March 2023.

#### **UAW Local 7777 Agreed to Hold a New Election Under OLMS Supervision**

In February 2023, OLMS entered into a voluntary compliance agreement with United Auto Workers (UAW) Local 7777, located in Detroit, Michigan. UAW Local 7777 agreed to conduct a new election for the office of trustee (three positions) under OLMS supervision. The investigation concluded that the union failed to mail an election notice to at least 16 members, denied members the right to vote (when polling hours conflicted with a work shift), and permitted ineligible members or nonmembers to vote. The agreement follows an investigation by the OLMS Detroit-Milwaukee District Office. The supervised election was held in June 2023.

#### **Department Filed Suit Against PSOU**

In March 2023, in the United States District Court for the District of Maryland, the Department filed suit against Protective Service Officers United (PSOU), located in Fort Washington, Maryland, seeking to nullify the union's September 2022 election. The complaint alleges that the union violated Section 401(e) of the LMRDA when it failed to mail members a notice of new voting times at all locations, and new voting procedures and location at one worksite. The complaint further alleges that the union failed to provide adequate safeguards to ensure a fair election when it permitted two members to walk the ballot box around a worksite during the first and second shifts, in violation of a union's duty to provide adequate safeguards to ensure a fair election as required by Section 401(c) of the LMRDA. This litigation is pending.

#### **Department Filed Suit Against PPGU Local 1456**

In March 2023, in the United States District Court for the District of New Jersey, the Department filed suit against Port Police and Security Guards Union (PPGU) Local 1456, located in Bayonne, New Jersey, seeking to nullify the union's 2022 election. The complaint alleges that the union violated the requirement, under Section 401(e) of the LMRDA, that every member in good standing shall be eligible to be a candidate when the union enforced a meeting attendance requirement that disqualified 98 percent of the membership from being eligible to run for union office. This litigation is pending.

#### **PPPWU/GCU-IBT Local 406-C Agreed to Hold a New Election Under OLMS Supervision**

In March 2023, OLMS entered into a voluntary compliance agreement with Printing, Packaging and Production Workers Union (PPPWU) (formerly Graphic Communications Conference – International Brotherhood of Teamsters) Local 406-C, located in Farmingdale, New York. The union agreed to conduct a new election and installation for the office of president under OLMS supervision. The investigation concluded that the union failed to mail an election notice to all members at their last known home address not less than 15 days prior to the election. The supervised election was held in July 2023.

#### **AFGE Local 1250 Agreed to Hold a New Election Under OLMS Supervision**

In April 2023, OLMS entered into a voluntary compliance agreement with American Federation of Government Employees (AFGE) Local 1250, located in Phoenix, Arizona. Local 1250 agreed to

conduct new nominations and an election for their officer positions under OLMS supervision. The investigation determined that the union failed to provide a reasonable opportunity to nominate candidates to run for office and failed to follow its own constitution and bylaws during its election. The investigation also found that the union sent the nomination notice with fewer than 10 days for members to submit their nominations and acceptances by U.S. mail so they could be received by the deadline. Additionally, the union refused to accept in-person or hand-delivered nominations and acceptances. The supervised election was held in August 2023.

#### **Farm Labor Organizing Committee Agreed to Hold a New Election Under OLMS Supervision**

In June 2023, OLMS entered into a voluntary compliance agreement with the Farm Labor Organizing Committee (FLOC), located in Toledo, Ohio. FLOC agreed to hold new nominations and a new election for the offices of president, vice president, secretary-treasurer, and four at-large executive board members. The investigation concluded that FLOC failed to provide its members with adequate notice of the election and a reasonable opportunity to vote. The investigation also determined that the location of the polls and the length of time for voting were unreasonable for members who did not live or work close to the polls. The union had held its election in Toledo, Ohio without ensuring that all its members, most of whom work in North Carolina, would be able to take off from work to travel to Toledo to vote. The supervised election will be held by September 2024.

#### **Department Filed Suit Against ILA Local 1408**

In July 2023, in the United States District Court for the Middle District of Florida, the Department filed suit against the International Longshoremen's Association (ILA) Local 1408, located in Jacksonville, Florida, seeking to nullify the union's December 2022 election. The complaint alleges that the union violated LMRDA Section 401(e) when it improperly applied candidate qualifications by making incorrect determinations about whether two nominees were barred from holding union office under Section 504 of the LMRDA; when it disqualified another nominee for non-payment of container royalty fees without having properly notified that nominee that he owed royalty fees; and, when it applied a qualification prohibiting supervisors from running for office without informing members in advance that frequent temporary supervisor assignments would disqualify them from candidacy. This litigation is pending.

#### **Department Filed Suit Against CFER**

In July 2023, in the United States District Court for the Northern District of Illinois, the Department filed suit against the Committee for Fair and Equal Representation (CFER), located in South Holland, Illinois, seeking to nullify the union's January 2023 election. The complaint alleges that the union violated Section 401(e) of the LMRDA when it failed to take any action to correct known bad addresses for undeliverable ballots, denying members the right to vote in the election. The complaint further alleges that the union failed to provide adequate safeguards to ensure a fair election, in violation of Section 401(c), when it failed to give members who received duplicate ballots adequate voting instructions, which resulted in members being denied the right to vote. This litigation is pending.

#### **ARB Denied a Motion to Dismiss Filed by POPA and Ordered the Union to Hold a New Election Under OLMS Supervision**

In August 2023, the United States Department of Labor's Administrative Review Board (ARB) denied a motion filed by the Patent Office Professional Association (POPA), located in Alexandria, Virginia to dismiss the action filed by the Department. The Department's August 2021 lawsuit filed against POPA

sought to nullify the union's November 2020 election for the office of president. The complaint alleged that the union failed to comply with a candidate's reasonable request to distribute campaign literature at the candidate's expense, in violation of Section 401(c) of LMRDA, which was made applicable to federal sector unions by the Civil Service Reform Act of 1978 (CSRA).

In September 2022, the Department of Labor's Office of Administrative Law Judges (OALJ) granted the Department's motion for summary decision and ordered that a supervised election be completed in 120 days. Upon appeal, the ARB issued a decision affirming the OALJ's recommended decision and order for a new supervised election to be held by March 2023. POPA's motion for a stay was denied.

In June 2023, the Federal Labor Relations Authority (FLRA) granted the Department's petition to enforce the ARB decision ordering a new election under the supervision of the Secretary but remanded to the ARB to rule on the election's timing. Upon remand, POPA filed a motion to dismiss the action, alleging that the union had agreed to rerun the election in the context of its next regularly scheduled election, and that further decisions were moot. The ARB disagreed and ordered the election for the POPA office of president to be held by February 2024, under OLMS supervision.

#### **APWU Local 130 Agreed to Hold a New Election Under OLMS Supervision**

In September 2023, OLMS entered into a voluntary compliance agreement with American Postal Workers Union (APWU) Local 130, located in Indianapolis, Indiana. Local 130 agreed to hold new nominations, if necessary, and a new election for the offices of clerk craft director A, clerk craft director D, and trustees (three positions). The investigation revealed that some Local 130 candidates used contact information obtained through their union positions to send campaign text messages to members through an outside company. The supervised election will be held in January 2024.

#### **IBEW Local 53 Agreed to Hold a New Election Under OLMS Supervision**

In September 2023, OLMS entered into a voluntary compliance agreement with International Brotherhood of Electrical Workers (IBEW) Local 53, located in Kansas City, Missouri. The union agreed to conduct a new election and installation for the offices of business manager/financial secretary, and five executive board positions. The investigation concluded that the union failed to provide adequate safeguards to ensure a fair election when it provided unclear voting instructions in the ballot packages mailed to members. The supervised election will be held in January 2024.

### **3. Labor Union and Labor-Management Transparency**

The LMRDA is predicated on the principle that union members, officers, and the public benefit by having access to information about labor unions, their officers and employees, employers, labor relations consultants, and surety companies. To this end, OLMS administers a comprehensive reporting and disclosure program. OLMS also offers compliance assistance sessions for union members and officials on the financial reporting obligations under the LMRDA.

Title II of the LMRDA requires that unions file annual financial reports, known as Labor-Management (LM) Reports (Forms LM-2, LM-3, LM-4, or simplified filings), with OLMS. Unions must also file trusteeship reports (Forms LM-15, LM-16) when they establish supervision or control over a subordinate body. Other entities, such as employers (Form LM-10), labor relations consultants (Forms LM-20, LM-21), union officers and employees (Form LM-30), and surety companies (Form S-1), are also required to file reports under specified circumstances. Reports are available for public disclosure

on the OLMS [Online Public Disclosure Room website](#). OLMS also collects and maintains collective bargaining agreements (CBAs) filed by CBA signatories on a voluntary basis. These CBAs also are located on the [OLMS website](#).

During FY 2023, OLMS continued its “persuader” [initiative](#) to improve disclosure of persuader and surveillance arrangements made between employers and labor relations consultants, as required under the LMRDA. In FY 2022, OLMS obtained a combined 982 Form LM-10 employer reports and Form LM-20 consultant reports disclosing reportable employer-consultant agreements or arrangements. In FY 2023, OLMS again received an increased number of these types of employer and consultant reports, obtaining 999.<sup>1</sup>

OLMS received, processed, and made the following reports publicly available in FY 2023.

<b>OLMS LMRDA Reports Administration</b>	<b>FY 2023</b>
Form LM-1 Labor Organization Information Reports	242
Form LM-2 Labor Organization Annual Reports	4,856
Form LM-3 Labor Organization Annual Reports	9,611
Form LM-4 Labor Organization Annual Reports	6,271
Simplified Labor Organization Annual Reports	1,302
Form LM-10 Employer Reports	530
Form LM-15 Trusteeship Reports (initial, semiannual, and 15A)	379
Form LM-16 Terminal Trusteeship Reports	70
Form LM-20 Labor Relations Consultant Agreement and Activities Reports	761
Form LM-21 Labor Relations Consultant Receipts and Disbursements Reports	108
Form LM-30 Labor Organization Officer and Employee Reports	426
Form S-1 Surety Company Annual Reports	67
<b>Total Reports</b>	<b>24,623</b>

OLMS utilizes a web-based Electronic Forms System (EFS) that filers use to complete and submit LM reports. Implementation of EFS is being conducted in phases. The system allows any of these filers with a web-enabled computer to complete and electronically submit an LM report without any special software or a digital signature. Currently, Form LM-1, LM-2, LM-3, and LM-4 Labor Organization reports, Form LM-10 Employer Report, Form LM-15 initial and semi-annual Trusteeship Reports, Form LM-15A Report on the Selection of Delegates and Officers, and Form LM-16 Terminal Trusteeship Report; Form LM-20 and LM-21 labor relations consultant reports, and Form LM-30 Labor Organization Officer and Employee reports can be filed via EFS. When filing a report, EFS performs calculations for the LM report and completes a form error check prior to submission to

OLMS. EFS also allows unions that maintain electronic accounting records to import financial data from their accounting programs directly into their LM form.

When labor organization annual reports are not filed in a timely manner or the reports filed are deficient, OLMS opens an investigation to obtain compliance. When reports due from employers, labor relations consultants, and union officers and employees are not timely or properly completed, OLMS also pursues delinquent and deficient reports from these entities. These investigations are known as “Special Reports” cases. Consistent with our renewed focus on timely and accurate filing of employer and consultant reports, OLMS obtained more persuader reports this year than it has in a decade. We planned to complete 109 Special Report investigations seeking such reports in 2023 and completed 100.

During FY 2023, 100 percent of Form LM-2, LM-3, and LM-4 filers submitted their annual reports via EFS, which has increased timely and accurate filing. Additionally, 100 percent of, LM-10, LM-20, LM 21, and LM-30 reports were filed electronically, representing increases in electronic filing in these areas over last year. In 2023, OLMS exceeded its performance goal by increasing the percentage of all LM reports filed electronically to 99.6 percent. OLMS tracks the numbers of delinquent and deficient reports and special reports cases completed.

<b>OLMS Performance Goal – Reporting and Disclosure</b>	<b>FY 2023 Target</b>	<b>FY 2023 Results</b>
Percent of Reports Filed Electronically	91%	99.6%

<b>OLMS Enforcement Statistics – Reporting and Disclosure</b>	<b>FY 2023 Plan</b>	<b>FY 2023 Results</b>
LM-2/3/4 Delinquent Reports Cases Completed	1,598	1,329
LM-2/3/4 Deficient Reports Cases Completed	232	192
Special Reports Cases Completed	109	100

During FY 2023, OLMS had success reducing the number of labor organizations on a “chronic delinquency” watch list. A union is chronically delinquent if it is late filing its report three years in a row. To prevent chronic delinquency, OLMS reaches out to unions who have filed late in the previous two years. These are the unions most in danger of becoming chronically delinquent. The goal was to remove 338 unions from the list by assisting them to file on time. By year’s end, OLMS had removed 652 filers from the chronic delinquency watch list.

#### **4. Employee Protections**

OLMS also administers responsibilities under federal transit law by ensuring that fair and equitable arrangements protecting mass transit employees are in place before the Federal Transit Authority releases of federal transit assistance to state and local transit authorities. When federal funds are used to acquire, improve, or operate a transit system, federal law requires that arrangements must be made to protect the rights of affected mass transit employees. These arrangements must be approved by OLMS

before the U.S. Department of Transportation's Federal Transit Administration can release funds to mass transit employers.

In FY 2023, OLMS certified employee protections for 1,837 federal transit grants. OLMS certified 98 percent of grants within a 45-day timeframe, well under the 60 days permitted by OLMS guidelines (29 CFR § 215). Pursuant to 29 CFR § 215.7, OLMS notified unions and the public of 390 rural grants, to which the FTA applied the Special Warranty Arrangement. More information about employee protections under federal transit law can be found on the [OLMS website](#).

## 5. Regulatory Initiatives

On July 28, 2023, OLMS promulgated a [final rule](#) of a revision to the Form LM-10 Employer Report. The revision requires employers who are required to file Form LM-10 concerning efforts to persuade or surveil employees to: (a) identify via a checkbox on that Form whether the employees they are persuading or surveilling work on a federal contract or subcontract, and, if so, (b) disclose their General Services Administration (GSA)-provided Unique Entity Identifier, and (c) name the Federal agency holding the contract. The transparency created by these revisions better informs workers in making determinations regarding the exercise of their rights to organize and bargain collectively and the public regarding the attitude of federal contractors toward worker organizing.

## 6. Compliance Assistance

In FY 2023, OLMS undertook the following initiatives as part of a comprehensive compliance assistance program to educate unions, union officials, employers, and consultants about the LMRDA:

- OLMS continued its program of structured, nationwide compliance assistance seminars, but sought to reduce the number of sessions while increasing attendance through enhanced recruitment. The goal of this program is to provide an opportunity each year for the officers of every labor organization to attend a compliance assistance seminar. The content of the compliance assistance seminar is similar throughout the country so that every officer in attendance benefits from the same material. In 2023, OLMS conducted 116 compliance assistance seminars, an increase from 100 in FY 2022. In total, OLMS provided formal compliance assistance events to 4,409 participants and recorded 12,984 contact hours (i.e., the number of participants multiplied by the number of hours of instruction).
- OLMS responded to all requests for compliance assistance seminars. OLMS also received and responded to hundreds of requests for information and policy interpretations.
- In FY 2010, OLMS began working with the nation's most prominent international and national unions through the Voluntary Compliance Partnership (VCP) initiative, leveraging their resources to improve the compliance performance of their over 16,000 affiliates. During FY 2023, the VCP program included 47 partner national or international unions. VCP added three new union partners at the end of the year and will officially welcome them to the program in FY 2024. VCP continued to solidify its platform as a national compliance assistance effort focused on improving timely reporting, bonding coverage, accurate and complete reporting including the submission of union constitutions and bylaws, and the implementation of financial safeguards to prevent unions from becoming victims of financial fraud. VCP is a strategic leadership effort that requires executive

level involvement from OLMS and officer level involvement from the union, which helps to drive compliance throughout the labor-management community by providing tools, information, and assistance. The overall late-filing rate for unions under the VCP initiative is significantly lower than for non-VCP unions, and the late filing rate decreased again in FY 2022 (the latest available union fiscal year) to 17% overall (14% for VCP unions and 31% for non-VCP unions). OLMS leadership met directly with the presidents and secretary-treasurers of 25 VCP member unions in 2023. In total, OLMS distributed 42 comprehensive annual VCP informational reports, specifically tailored for the different VCP international and national unions.

- OLMS strengthened its Persuader Reporting Orientation Program (PROP), a compliance assistance initiative to inform employers and their representatives about potential reporting obligations under the [LMRDA](#). PROP enables OLMS to contact employers involved in representation elections – and any parties that have notified the National Labor Relations Board (NLRB) of their status as representatives for such employers – to inform them of potential LMRDA reporting requirements. OLMS provides information on where to locate reporting forms and instructions and how to contact OLMS to ask questions or obtain additional information. OLMS also provides a [fact sheet](#) on employer-consultant agreements.
- In FY 2023, OLMS began sending a PROP-type letter to labor unions who were petitioners seeking an NLRB representation election, notifying them of the employer and consultant reporting requirements the employers whose employees they were seeking to represent and encouraging them to submit tips to OLMS concerning potentially delinquent or deficient reports.
- OLMS managed a public email address, enabling it to respond to over 4,000 inquiries and requests in the year.
- OLMS continued its Labor Organization Orientation Program (LOOP), which distributes information letters to newly registered labor organizations. In FY 2023, OLMS expanded LOOP to send letters to non-filing organizations that submitted union representation election petitions with the NLRB, notifying them of the LMRDA’s union reporting and other requirements.

## 7. Outreach

In FY 2023, OLMS continued our initiative to educate workers, unions, policy makers and the public more broadly about OLMS’ work and the important role labor unions play in the modern American economy. These efforts include:

- A redesigned website to better describe the results of OLMS’ enforcement activities in the broader context of the labor movement and the enforcement activities of other Department of Labor worker protection agencies (Wage and Hour Division, Occupational Safety and Health Administration, Mine Safety and Health Administration, Office of Federal Contract Compliance Programs, and Employee Benefits Security Administration).
- Enhancing the website to improve accessibility of employer and consultant information.



- A series of blog posts by the OLMS Director under the website heading “From the Director’s Desk” discussing in a narrative form OLMS’ work and the role of the labor movement in the modern American economy.
- Presentations on varied labor topics (in person and virtually) by the Director to the regulated community.
- Growing a program originally developed in the 1980s and designed to research the benefits of labor-management partnerships. The new Labor-Management Partnership Program (LMPP) spearheads agency-wide and nation-wide initiatives to nurture and advance cooperative labor-management programs. These efforts promote the multifaceted advantages of collective bargaining relationships, shedding light on the economic benefits that accrue when workers have a meaningful voice in the workplace, and fostering equity across various dimensions, including racial, ethnic, ability, and economic. The program is also a resource center for persons interested in building and sustaining labor-management partnerships.
- Assisting the Department in connection with the White House Task Force on Worker Organizing and Empowerment and providing substantive material and support to the Worker Organizing Resource and Knowledge (WORK) Center website, a “one-stop shop” for information and resources on unions and collective bargaining for workers, unions, and anyone interested in unions and collective bargaining.

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<sup>i</sup> January 17, 2024 (revision to page 13 to correct an administrative error involving the number of reports received in FY 2022 and FY 2023)