



APR 07 2010

LM File No. 542-663

Laura Weaver, Treasurer
American Federation
of Government Employees
Council of Prison Locals, Local 404
P.O. Box 271
Beaver, WV 25813

Dear Ms. Weaver:

This is in response to your continuing hardship exemption request for American Federation of Government Employees, Council of Prison Locals, Local 404, LM File Number 542-663, for the fiscal year ending December 31, 2009. Your request dated March 25, 2010 was received by the Office of Labor-Management Standards (OLMS) on April 5, 2010. A continuing hardship exemption request requires the requesting union to demonstrate that it cannot file Form LM-2 electronically without undue burden or expense.

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

You have in the past filed Form LM-3, but due to a settlement received for the bargaining unit at FCI Beckley, you are required to file a Form LM-2 for your 2009 fiscal year. Barring any unforeseen circumstances, you will be filing Form LM-3 for your 2010 fiscal year. You have completed Form LM-2 and attempted to obtain digital signatures for yourself and for your president. Your application for digital signature was denied because IdenTrust was unable to verify your phone number and address. IdenTrust has requested certified copies of your phone bill and business license for verification. Your local does not have a phone line (you have an extension provided to you by your agency), and you are not required by the State of West Virginia to have a business license so you are unable to comply with IdenTrust's request.

OLMS grants your continuing hardship exemption request for filing the Form LM-2 electronically for the fiscal year ending December 31, 2009, based on the information provided, as you have specified the period for which you requesting the exemption, the reason for the request, and the extent of the burden placed upon your union by the electronic filing requirements, as a result of the circumstances facing your union.

You also detailed the attempts that you have taken to file electronically. Please have both officers sign your completed hardcopy Form LM-2 report and mail it to the OLMS Division of Reports, Disclosure and Audits at the following address:

U.S. Department of Labor
Office of Labor-Management Standards
Division of Reports, Disclosure and Audits
200 Constitution Avenue, NW, Room N-1519
Washington, DC 20210-0001

If you have any further questions about filing the 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