

U.S. Department of Labor

Office of Labor-Management Standards
Washington, DC 20210



JAN 28 2011

LM File No. 516-626

Ms. Carolyn C. Wade
Communications Workers of America, AFL-CIO
Local 1040
230 Parkway Avenue
Trenton, NJ 08618-2914

Dear Ms. Wade:

This is in response to your continuing hardship exemption request for Communications Workers of America, AFL-CIO, Local 1040, LM File No. 516-626, for the fiscal year ending September 30, 2010, sent to the Office of Labor-Management Standards (OLMS) New York District Office. A continuing hardship exemption request requires the requesting union to demonstrate that it cannot file Form LM-2 electronically without undue burden or expense.

A continuing hardship exemption, if granted, permits a labor organization to file Form LM-2 in paper format rather than electronically. However, a continuing hardship exemption does not grant an extension of time for filing the required report. If a continuing hardship exemption is granted, the paper report must be submitted by the required due date. Section 207(b) of the Labor-Management Reporting and Disclosure Act requires that a union's annual financial report must be filed within 90 days after the end of the union's fiscal year. The Department of Labor does not have the authority to grant an extension of the due date.

Please note that a labor organization may apply for a continuing hardship exemption if Form LM-2 cannot be filed *electronically* without undue burden or expense. 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.

Your request for a continuing hardship exemption was based upon the following information stated in your letter:

Your treasurer who prepares your local's Form LM-2 has become seriously ill and you are unable to meet the filing deadline.

OLMS grants your continuing hardship exemption request for filing Form LM-2 electronically for the fiscal year ending September 30, 2010 until February 28, 2011, based upon the information you provided. Please note that until you file a hardcopy LM-2 report your fiscal year 2010 report is delinquent.

If you have any further questions, please call 202-693-0123 and reference your organization's LM file number.

Sincerely,

A handwritten signature in cursive script that reads "Andrew R. Davis".

Andrew R. Davis, Chief
Division of Interpretations
and Standards

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