

U.S. Department of Labor

Office of Labor-Management Standards
Washington, DC 20210



MAR 31 2011

LM File No. 501-858

David L. Boyd, President
AFGE Local 53
1650 Gilbert Street
Norfolk, VA 23511

Dear Mr. Boyd:

This is in response to your request for an extension of sixty (60) days to file a Form LM-2 report for your local, AFGE, Local 53, LM File No. 501-858, for the fiscal year ending December 31, 2010. You also stated that you are planning to file electronically at that time. Your request dated March 30, 2011 was received by the Office of Labor-Management Standards (OLMS) on March 30, 2011. A continuing hardship exemption request requires the requesting union to demonstrate that it cannot file Form LM-2 electronically without undue burden or expense.

Please note that a Form LM-2 filer may request a continuing hardship exemption, which 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.

OLMS cannot grant you a continuing hardship exemption request for filing Form LM-2 electronically for the fiscal year ending December 31, 2010, as you did not provide sufficient information to make a determination. Please note that until you file a Form 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, appearing to read "Andrew R. Davis".

Andrew R. Davis, Chief
Division of Interpretations
and Standards

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