

U.S. Department of Labor

Office of Labor-Management Standards
Division of Interpretations and
Standards
200 Constitution Ave., NW
Washington, D.C. 20210
(202) 693-0123



February 12, 2018

LM File No. 017-701

Mr. Glen Lykens
United Mine Workers of America
Local 9845
1921 Johns Bridge
Langley, KY 41645

Dear Mr. Lykens:

This is in response to your request for a continuing hardship exemption for United Mine Workers of America (UMWA), Local 9845, LM File Number 017-701, for the fiscal year ending December 31, 2017. The Office of Labor-Management Standards (OLMS) received your request on January 24, 2018. A continuing hardship exemption request permits a union to apply in writing for an exemption if the Form LM-4 report cannot be filed electronically without undue burden or expense. The union must specify a length of time for a requested exemption, not to exceed one year. If the Department denies the application for an exemption, the union must file the report in electronic format by the regular due date (90 days of the close of the fiscal year). If the Department grants an exemption, the paper report must be filed by the regular due date and the Department may require the report to be filed electronically at the end of the exemption period.

You based your request upon the following information stated in your letter: that you “do not have access to a computer.” The request did not specify or explain any undue burden and expense that the union would incur if it was required to file electronically. I am therefore denying UMWA Local 9845’s continuing hardship request for FY 17.

OLMS recognizes that electronic filing is new to some labor unions and their officers do not have access to a computer or experience using the OLMS Electronic Forms System (EFS). Initially, if your union does not have computer or internet access, OLMS recommends you make inquiry at the public library closest to your union, the **Floyd County Public Library**, located at **161 North Arnold Avenue, Prestonsburg, KY 41653**. We believe this library offers free internet service and computer access. The library’s phone number is **(606) 866-2981**. See <http://www.fclib.org/>.

Additionally, OLMS has discussed EFS filing issues with the UMWA national office and UMWA District 17, your parent unions, and they are offering assistance to you in electronically preparing and submitting your report. For EFS assistance, please contact the District 17 office at (304) 346-0353 or one of the sub-district offices located nearest your area: Beckley, WV - 304-

252-0611; Castlewood, VA - 276-762-5537; Chapmanville, WV - 304-855-2280; Pikeville, KY - 606-437-7376.

Currently, the UMWA national office is scheduling upcoming training and filing sessions for every region to assist locals in completing the mandatory EFS filing requirements. Please contact your district and sub-district offices to inquiry more on the scheduling of these events.

If you have any further questions about this denial of your request for a hardship exemption, please call 202-693-0123 and reference your organization's LM file number. Additionally, you may contact the OLMS Help Desk at 1-866-401-1109 (toll free) for technical electronic filing questions, such as those involving your PIN or signature. Further, you can also contact the OLMS Cincinnati-Cleveland District Office at (513) 684-6840. EFS information is available on the OLMS website at: www.dol.gov/olms.

Sincerely,

Andrew R. Davis, Chief

cc: Larry King, Chief, Division of Reports, Disclosure & Audits
OLMS Cincinnati-Cleveland District Office