



# OLMS Fact Sheet

## Labor-Management Reporting and Disclosure Act

The *Labor-Management Reporting and Disclosure Act* (LMRDA) grants certain rights to union members and protects their interests by promoting democratic procedures within labor organizations. The LMRDA establishes the following:

- **Bill of Rights for union members**
- **Reporting requirements for labor organizations, union officers and employees, employers, labor-relations consultants, and surety companies**
- **Standards for the regular election of union officers**
- **Safeguards for protecting labor organization funds and assets**

Unions representing federal employees are similarly covered by the implementing regulations of the standards of conduct provisions of the *Civil Service Reform Act*. Unions representing solely state, county, and municipal employees are not covered by either of these laws.

The Secretary of Labor enforces certain provisions of the LMRDA and has delegated that authority to the Office of Labor-Management Standards (OLMS). Other provisions may only be enforced by union members through a private suit in a federal district court. Major provisions of the LMRDA are outlined below.

### Title I – Bill of Rights of Union Members

- Union members have equal rights to nominate candidates for union office, vote in union elections, and participate in union meetings. They may also meet with other members and express any opinions.
- Unions may impose assessments and raise dues only by democratic procedures.
- Unions must afford members a full and fair hearing of charges against them.
- Unions must inform their members about the provisions of the LMRDA.
- Members may enforce Title I rights through a private suit against the union, but may be required to exhaust internal union remedies for up to four months before filing suit.
- Union members and nonunion employees may receive and inspect collective bargaining

agreements. This right may be enforced by the individual or by the Secretary of Labor.

### Title II – Reporting Requirements

- Unions must file information reports, constitutions and bylaws, and annual financial reports with OLMS.
- Officers and employees of labor unions must report any loans and benefits received from, or certain financial interests in, employers whose employees their unions represent and businesses that deal with their unions.
- Employers and labor-relations consultants who engage in certain activities to persuade employees about their union activities or to supply information to the employer must file reports.
- Surety companies that issue bonds required by the LMRDA or the *Employee Retirement Income Security Act* must report data such as premiums received, total claims paid, and amounts recovered.
- The Secretary of Labor has authority to enforce the reporting requirements of the LMRDA.
- The reports and documents filed with OLMS are public information and any person may examine them or obtain copies at OLMS offices or via the OLMS Internet Public Disclosure Room at [www.unionreports.gov](http://www.unionreports.gov).
- Filers must retain the records necessary to verify the reports for at least five years after the reports are filed.
- Unions must make reports available to members and permit members to examine records for just cause.

### **Title III – Trusteeships**

- A parent union that places a subordinate body under trusteeship must file initial, semiannual, and terminal trusteeship reports.
- A trusteeship may only be imposed for the purposes specified in the LMRDA and must be established and administered in accordance with the constitution and bylaws of the labor organization that has imposed the trusteeship.
- A parent union that imposes a trusteeship may not engage in specified acts involving the funds and delegate votes from a trustee union.
- The Secretary of Labor has authority to investigate alleged violations of this Title. A union member or a subordinate labor organization may also enforce the trusteeship provisions except for the reporting requirements.

### **Title IV – Elections**

- Local unions must elect their officers by secret ballot; international unions and intermediate bodies must elect their officers by secret ballot vote of the members or by delegates chosen by secret ballot.
- International unions must hold elections at least every five years, intermediate bodies every four years, and local unions every three years.
- Unions must comply with a candidate's request to distribute campaign material to members at the candidate's own expense and must also refrain from discriminating against any candidate with respect to the use of membership lists. Candidates have the right to inspect a list containing the names and addresses of members subject to a union security agreement within 30 days prior to the election.
- A member in good standing has the right to nominate candidates, to be a candidate subject to reasonable qualifications uniformly imposed, to hold office, and to support and vote for the candidates of the member's choice.
- Unions must mail a notice of election to every member at the member's last-known home address at least 15 days prior to the election.
- A member whose dues have been withheld by an employer may not be declared ineligible to vote or to be a candidate for office by reason of alleged delay or default in the payment of dues.
- Unions must conduct regular elections of officers in accordance with their constitution and bylaws and preserve all election records for one year.
- Union and employer funds may not be used to promote the candidacy of any candidate. Union

funds may be utilized for expenses necessary for the conduct of an election.

- Union members may hold a secret ballot vote to remove from office an elected local union official guilty of serious misconduct if the Secretary of Labor finds that the union constitution and bylaws do not provide adequate procedures for such a removal.
- Union members who have exhausted internal union election remedies or who have invoked such remedies without obtaining a final decision within three calendar months after their invocation may file a complaint with the Secretary within one calendar month thereafter.
- The Secretary of Labor has authority to file suit in a federal district court to set aside an invalid election and to request the court to order a new election under the supervision of the Secretary and in accordance with Title IV.

### **Title V – Safeguards for Labor Organizations**

- Officers have a duty to manage the funds and property of the union solely for the benefit of the union in accordance with its constitution and bylaws.
- A union officer or employee who embezzles or otherwise misappropriates union funds or other assets commits a federal crime punishable by a fine and/or imprisonment.
- Officials who handle union funds or property must be bonded to provide protection against losses.
- A union may not have outstanding loans to any one officer or employee that in total exceed \$2,000.
- A union or employer may not pay the fine of any officer or employee convicted of any willful violation of the LMRDA.
- Persons convicted of certain crimes may not hold union office or employment for up to 13 years after conviction or after the end of imprisonment.

### **Title VI - Miscellaneous Provisions**

- Authority is granted to the Secretary of Labor to investigate possible violations of most provisions of the LMRDA (except those specifically excluded) and to enter premises, examine records, and question persons in the course of the investigation.
- A union or any of its officials may not fine, suspend, expel, or otherwise discipline a member for exercise of rights under the LMRDA.
- No one may use or threaten to use force or violence to interfere with a union member in the exercise of LMRDA rights.

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# OLMS

Office of Labor-Management Standards

U.S. Department of Labor

February 2010

(Revised May 2014; March 2019; June 2023)

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