

Department of Labor issues guidance to areas affected by hurricanes Harvey and Irma.

On September 15, 2017, the Department of Labor, Office of Labor-Management Standards (OLMS) issues an advisory regarding labor union officer election requirements under Title IV and the reporting requirements of Title II of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA). Due to the evacuation of some areas and the damage inflicted by hurricanes Harvey and Irma, it may be difficult for some unions to conduct officer elections and the filing of required public disclosure documents. The advisory applies only to unions whose principal offices are located in the affected areas.

With regard to officer elections, if a union fails to hold an election, and that failure is attributable to the hurricanes or their aftermath, and if OLMS receives a complaint regarding that failure, OLMS will promptly seek a voluntary compliance agreement with the union. The agreement would require the union to hold the election when practicable on a date certain and OLMS will not seek a civil enforcement action based on the complaint, provided the election is held according to the agreement.

For labor unions affected by the storm that do not file the required public disclosure reports, OLMS will not pursue a civil enforcement action with regard to a delinquent or deficient report if the reporting violations are attributable to the hurricanes or their aftermath. Unions wishing to take advantage of this enforcement policy should contact OLMS before the report is due, describe the circumstances necessitating the additional time and provide a date certain by which the report can reasonably be filed; OLMS will not lodge a civil enforcement action to obtain the delinquent or deficient report.

ASHER, GITTLER & D'ALBA, LTD.
200 West Jackson Boulevard, Suite 1900
Chicago, IL 60606 – 312.263.1500

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