OLMS Fact Sheet

OLMS Supervised Election Profile

The Office of Labor-Management Standards (OLMS) is part of the U.S. Department of Labor. OLMS administers and enforces most provisions of the Labor-Management Reporting and Disclosure Act (LMRDA). Title IV of the LMRDA establishes basic standards that unions must follow when electing their officers. OLMS also administers provisions of the Civil Service Reform Act (CSRA) relating to standards of conduct for federal employee unions, which are comparable to LMRDA requirements. In addition to other responsibilities, OLMS investigates complaints about union officer elections to determine whether the elections were conducted in accordance with the LMRDA and the CSRA.

If an OLMS election investigation establishes a violation of the LMRDA, or CSRA, that may have affected the outcome of the challenged election, OLMS must supervise the conduct of a remedial election of union officers. OLMS supervision of a remedial election of union officers may be the result of a voluntary compliance agreement between OLMS and the union, or a court order following litigation.

The stages in an OLMS supervised election include:

OLMS Election Supervisor Assigned

An OLMS election supervisor is assigned to supervise all phases of the nomination and election process.

Pre-Election Conference

The election supervisor schedules and conducts a pre-election conference with all principal parties, including the candidates in the challenged election and the union's election committee. The purpose of the pre-election conference is to:

- explain the role of the election supervisor and other OLMS representatives during the supervised election
- review the union's nomination and election procedures
- establish comprehensive rules and a timetable for all aspects of the election
- implement safeguards to prevent recurrence of problems that gave rise to the remedial election

After the pre-election conference, the election supervisor sends all principal parties a letter transmitting the election rules and timetable of the election process.

Election Committees, Judges, and Tellers

Union members selected to serve on an election committee, or as election judges or tellers, are responsible for conducting the remedial election under OLMS supervision. These union election officials selected to conduct the election should not be incumbent officers or union employees under their supervision. All nomination and election functions must be conducted under OLMS supervision.

Nominations

Nominations are inherently part of the election process and all union officer elections should include nominations. Under limited circumstances, however, OLMS may exercise its discretion not to require new nominations in a supervised election. For this to occur, all of these circumstances must apply: (1) no violations occurred in the nominations process in the original election; (2) all races are contested, meaning at least two candidates from the original election are running in each race of the supervised election; and (3) the remedial election is conducted within one year of the completion of the original election.

Election

The remedial election will be conducted in accordance with the LMRDA (or CSRA), and, insofar as lawful and practicable, in conformity with the union's constitution and bylaws. Any dispute arising during the course of the remedial election as to the legality or practicability of any election procedure shall be decided by OLMS. All phases of the remedial election are subject to OLMS supervision, including:

- Nomination notice
- Nominations
- Candidate eligibility and rights
- Election notice
- Voter eligibility
- Ballot preparation
- Campaign literature distribution
- Polling site and/or mail balloting
- Observers
- Campaigning
- Ballot collection
- Ballot tally
- Resolution of challenged ballots
- Voiding ballots
- Storage of election records

Ballot Tally Certification

Election officials and the OLMS election supervisor are responsible for providing a full accounting of the ballots cast in the remedial election and announcing the election results to the membership. Observers and union election officials will be asked to sign copies of the forms certifying the ballot tally.

Publication of Election Results

The OLMS election supervisor and union election officials ensure that the election results are promptly published by the union in a manner calculated to reach the entire membership of the labor organization.

Election Protests

Any member in good standing may protest an OLMS supervised election. Any such protest must be made in writing directly to the OLMS election supervisor, within the timeframe prescribed in the election rules.

Determination/Certification

OLMS certifies the conduct of the remedial election by issuing a determination (in a supervised election conducted pursuant to a voluntary compliance agreement) or certification to the U.S. Federal Court (in a court ordered supervision). Determinations and certifications attest to the winners of the election and that the election was held in a manner consistent with the governing federal laws.

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OLMS

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