

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



October 11, 2019

LM File No. 544-303

Mr. David Miller
American Federation of State, County, and Municipal Employees
Local 1268
Treasurer
1616 Winnetka St.
Dixon, IL 61021

Dear Mr. Miller:

This is in response to your request, dated August 31, 2019, for a Form LM-4 continuing hardship exemption for American Federation of State, County, and Municipal Employees (AFSCME), Local 1268, LM File Number 544-303, for the fiscal year ending December 31, 2018. A hardship exemption request permits a union to apply in writing, no more than 30 days of the statutory due date, 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.

As noted above, the Form LM-4 continuing hardship exemption requires that the labor organization submit such hardship request no more than 30 days prior to the statutory due date. Since your labor organization's FY 18 report was due on March 31, 2019, OLMS must have received your request by March 1, 2019. Instead, OLMS received your request for FY 18 on August 31, 2019, approximately six months late. I am therefore denying AFSCME Local 1268's continuing hardship exemption request for filing Form LM-4 electronically for the fiscal year ending December 31, 2018.

Please be advised that the Form LM-4 must be filed within 90 days after the end of your organization's fiscal year (12-month reporting period). The law does not authorize the U.S. Department of Labor to grant an extension of time for filing reports for any reason. As of the date of this letter, OLMS has not received the required FY 18 annual report for your organization. We therefore request that you submit electronically your labor organization's delinquent FY 18 Form LM-4 as soon as possible.

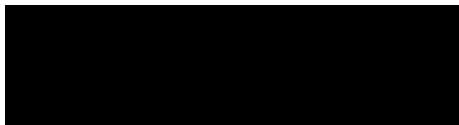
Additionally, you requested a continuing hardship exemption for your FY 19 report, which is due on March 30, 2020. You based your request upon the following information stated in your letter:

that you, your fellow officers, and your union do not own computers, and that you do not have access to a local public library. Your request did not specify a period of time for the exemption.

Although you submitted a timely written request for an FY 19 continuing hardship exemption, your request did not specify a length of time for the exemption, nor did it explain how the requirement to file electronically would cause undue burden or expense for the union. Although you stated that you do not currently have access to a computer and Internet, including through a public library, the local Dixon, IL Public Library does provide free computer and Internet access. See: <https://www.dixongov.com/library/using-the-library/computer-use.html>. Although you stated that your union and its officers operate outside of the Dixon city limits, and therefore cannot access the library without charge, the library provides cards to out-of-city residents for a fee of approximately \$70. See: <https://www.dixongov.com/library/using-the-library.html>. I am therefore denying AFSCME Local 1268's continuing hardship exemption request for filing Form LM-4 electronically for the fiscal year ending December 31, 2019.

If you have any further questions about this denial of your request for hardship exemption, please call 202-693-0123 and reference the organization's LM file number. Additionally, the union 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. You or the union can also contact the OLMS Chicago District Office at (312) 596-7160. EFS information is available on the OLMS website at: www.dol.gov/olms. I have also attached copies of the Form LM-4 Instructions, as well as information explaining how to submit the Form LM-4 electronically. Finally, you may wish to contact AFSCME national to request assistance.

Sincerely,



Andrew R. Davis, Chief

cc: OLMS Division of Reports, Disclosure & Audits
OLMS Chicago District Office
AFSCME National
AFSCME District Council 31

Enclosures