

Union Members: Know Your Rights



U.S. Department of Labor
Washington, D.C. 20210

Office of Labor-Management Standards

The Labor-Management Reporting and Disclosure Act (LMRDA) guarantees certain rights to union members and imposes certain responsibilities on union officers to ensure union democracy, financial integrity and transparency. The Office of Labor-Management Standards (OLMS) is the Federal agency with primary authority to enforce many LMRDA provisions. If you suspect a violation of these rights or responsibilities please contact the Department of Labor at 1-866-4-USA-DOL.

Union Member Rights

Bill of Rights - Union members have:

- equal rights to participate in union activities
- freedom of speech and assembly
- voice in setting rates of dues, fees, and assessments
- protection of the right to sue
- safeguards against improper discipline

Copies of Collective Bargaining Agreements -

Union members and nonunion employees have the right to receive or inspect copies of collective bargaining agreements.

Reports - Unions are required to file an initial information report (Form LM-1), copies of constitutions and bylaws, and an annual financial report (Form LM-2/3/4) with OLMS. Unions must make the reports available to members and permit members to examine supporting records for just cause. The reports are public information and copies are available from OLMS.

Officer Elections - Union members have the right to:

- nominate candidates for office
- run for office
- cast a secret ballot
- protest the conduct of an election

Officer Removal - Local union members have the right to an adequate procedure for the removal of an elected officer guilty of serious misconduct.

Trusteeships - Unions may only be placed in trusteeship by a parent body for the reasons specified in the LMRDA.

Protection for Exercising LMRDA Rights - A union or any of its officials may not fine, expel, or otherwise discipline a member for exercising any LMRDA right.

Prohibition Against Violence - No one may use or threaten to use force or violence to interfere with a union member in the exercise of LMRDA rights.

Union Officer Responsibilities

Financial Safeguards - Union officers have a duty to manage the funds and property of the union solely for the benefit of the union and its members in accordance with the union's constitution and bylaws. Union officers or employees who embezzle or steal union funds or other assets commit a Federal crime punishable by a fine and/or imprisonment.

Bonding - Union officers or employees who handle union funds or property must be bonded to provide protection against losses if their union has property and annual financial receipts which exceed \$5,000.

Labor Organization Reports - Union officers must:

- file an initial information report (Form LM-1) and annual financial reports (Forms LM-2/3/4) with OLMS.
- retain the records necessary to verify the reports for at least five years.

Officer Reports - Union officers and employees must file reports concerning any loans and benefits received from, or certain financial interests in, employers whose employees their unions represent and businesses that deal with their unions.

Officer Elections - Unions must:

- hold elections of officers of local unions by secret ballot at least every three years.
- conduct regular elections in accordance with their constitution and bylaws and preserve all records for one year.
- mail a notice of election to every member at least 15 days prior to the election.
- comply with a candidate's request to distribute campaign material.
- not use union funds or resources to promote any candidate (nor may employer funds or resources be used).
- permit candidates to have election observers.
- allow candidates to inspect the union's membership list once within 30 days prior to the election.

Restrictions on Holding Office - A person convicted of certain crimes may not serve as a union officer, employee, or other representative of a union for up to 13 years.

Loans - A union may not have outstanding loans to any one officer or employee that in total exceed \$2,000 at any time.

Fines - A union may not pay the fine of any officer or employee convicted of any willful violation of the LMRDA.

Miembros de Uniones: Conozcan sus Derechos



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La Ley sobre Divulgación de Información Obrero-Patronal (Labor-Management Reporting and Disclosure Act, LMRDA) garantiza ciertos derechos a los miembros de la unión e impone ciertas responsabilidades a sus funcionarios. La Oficina de Normas Obrero-Patronales (Office of Labor-Management Standards, OLMS) es la agencia federal con autoridad primordial de hacer cumplir muchas de las estipulaciones de la LMRDA. Si usted sospecha alguna violación de estos derechos o responsabilidades favor de comunicarse con el Departamento del Trabajo al 1-866-4-USA-DOL.

Derechos de los Miembros de la Unión

Declaración de Derechos - Los miembros de la unión tienen:

- igualdad de derecho para participar en actividades de la unión
- libertad de expresión y reunión
- libertad de opinión para determinar impuestos, cuotas y tasaciones
- garantía del derecho a demandar
- protección contra acciones disciplinarias injustas

Copias de Acuerdos de Negociaciones Colectivas - Los miembros de la unión y empleados no sindicados tienen el derecho de recibir o inspeccionar copias de los acuerdos de las negociaciones colectivas.

Informes - Las uniones están obligadas a someter a OLMS un reporte informativo inicial (Hoja LM-1), copias del reglamento y de la constitución, y un informe financiero anual (Hoja LM 2/3/4). Las uniones tienen que tener los reportes disponibles para los miembros y permitirle a los mismos examinar la documentación relacionada si tienen una razón válida. Los reportes son información pública y están disponibles en OLMS.

Elecciones de los Funcionarios - Los miembros de la unión tienen el derecho a:

- nominar candidatos para puestos
- hacerse candidato para puestos
- votar en secreto
- protestar la manera en que se condujo una elección

Destitución de un Funcionario - Los miembros locales de una unión tienen el derecho a un procedimiento apropiado para destituir a un funcionario elegido, culpable de conducta incorrecta grave.

Administración Fiduciaria - Las uniones solo podrán ponerse en administración fiduciaria a través de una organización fundadora, por las razones especificadas en la LMRDA.

Protección para Ejercer los Derechos de la LMRDA - Una unión, o sus funcionarios no podrán multar, expulsar o de ninguna otra manera disciplinar a un miembro por ejercer algún derecho conferido por la LMRDA.

Prohibición Contra Violencia - Nadie podrá usar o amenazar con usar fuerza o violencia para interferir con un miembro de la unión en el ejercicio de los derechos conferidos por la MRDA.

Responsabilidades de los Funcionarios de la Unión

Protección Financiera - Los funcionarios de la unión tienen la responsabilidad de administrar los fondos y la propiedad de la unión para el beneficio exclusivo de la unión y de sus miembros de acuerdo con la constitución y el reglamento de la misma. Los funcionarios o empleados de la unión que malversen o roben fondos u otros bienes de la unión, cometen un delito federal penalizado con multa y/o encarcelamiento.

Fianzas - Los funcionarios de la unión que manejen los fondos o las propiedades de la unión tienen que estar asegurados para proveer protección contra pérdidas si su unión posee propiedades e ingresos financieros que excedan \$5,000.00.

Reportes de la Organización Laboral - Los funcionarios de la unión tienen que:

- someter un reporte informativo inicial (Hoja LM-1) y un reporte financiero anual (Hojas LM-2/3/4) a OLMS.
- mantener los documentos necesarios para verificar los reportes por lo menos por cinco años.

Reporte de los Funcionarios - Los funcionarios y empleados de la unión tienen que someter reportes relacionados con préstamos y beneficios recibidos o ciertos intereses financieros, de patronos cuyos empleados son representados por su unión y negocios que tratan con sus uniones.

Elección de los Funcionarios - Las uniones tienen que:

- celebrar elecciones de funcionarios de uniones locales por voto secreto por lo menos cada tres años.
- llevar a cabo elecciones regulares de acuerdo con su constitución y reglamento y mantener todos los documentos por un año.
- enviar por correo un aviso de las elecciones a cada miembro por lo menos 15 días antes de las elecciones.
- cumplir con la petición del candidato de distribuir material de campaña.
- no utilizar fondos o recursos de la unión para promover ningún candidato (fondos o recursos del patrono tampoco pueden ser utilizados).
- permitir que los candidatos tengan observadores en las elecciones.
- permitir que los candidatos inspeccionen las listas de los miembros de la unión tan solo una vez, dentro de los 30 días previos a las elecciones.

Restricciones para Ocupar un Puesto - Una persona hallada culpable de ciertos crímenes no podrá servir como funcionario de la unión, empleado, o cualquier tipo de representante de una unión por un máximo de 13 años.

Préstamos - Una unión no podrá mantener en ningún momento préstamos pendientes a ningún funcionario o empleado que en su totalidad excedan \$2,000.

Multas - Una unión no podrá pagar la multa de ningún funcionario o empleado culpable de alguna violación intencional de la LMRDA.

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(b) Any provision of the constitution and bylaws of any labor organization which is inconsistent with the provisions of this section shall not be a defense to any proceeding instituted against the labor organization under this part or under the CSRA or FSA.

(c) Nothing contained in this section shall limit the rights and remedies of any member of a labor organization under any State or Federal law or before any court or other tribunal, or under the constitution and bylaws of any labor organization.

(d) It shall be the duty of the secretary or corresponding principal officer of each labor organization, in the case of a local labor organization, to forward a copy of each agreement made by such labor organization with an agency, Department or activity to any employee who requests such a copy and whose rights as such employee are directly affected by such agreement, and in the case of a labor organization other than a local labor organization, to forward a copy of any such agreement to each constituent unit which has members directly affected by such agreement; and such officer shall maintain at the principal office of the labor organization of which he is an officer, copies of any such agreement made or received by such labor organization, which copies shall be available for inspection by any member or by any employee whose rights are affected by such agreement. An employee's rights under this paragraph shall be enforceable in the same manner as the rights of a member.

[45 FR 15158, Mar. 7, 1980. Redesignated and amended at 50 FR 31311, 31312, Aug. 1, 1985]

§ 458.3 Application of LMRDA labor organization reporting requirements.

The reporting provisions of parts 402, 403, and 408 of this chapter shall apply to labor organizations subject to the requirements of the CSRA or FSA.

(Approved by the Office of Management and Budget under control number 1215-0188)

[45 FR 15158, Mar. 7, 1980. Redesignated at 50 FR 31311, Aug. 1, 1985, as amended at 59 FR 15116, Mar. 31, 1994; 63 FR 33780, June 19, 1998]

29 CFR Ch. IV (7-1-10 Edition)

§ 458.4 Informing members of the standards of conduct provisions.

(a) Every labor organization subject to the requirements of the CSRA, the FSA, or the CAA shall inform its members concerning the standards of conduct provisions of the Acts and the regulations in this subchapter. Labor organizations shall provide such notice to members by October 2, 2006 and thereafter to all new members within 90 days of the time they join and to all members at least once every three years. Notice must be provided by hand delivery, U.S. mail or e-mail or a combination of the three as long as the method is reasonably calculated to reach all members. Such notice may be included with the required notice of local union elections. Where a union newspaper is used to provide notice, the notice must be conspicuously placed on the front page of the newspaper, or the front page should have a conspicuous reference to the inside page where the notice appears, so that the inclusion of the notice in a particular issue is readily apparent to each member.

(b) A labor organization may demonstrate compliance with the requirements of paragraph (a) of this section by showing that another labor organization provided an appropriate notice to all of its members during the necessary time frame.

(c) Labor organizations may use the Department of Labor publication Union Member Rights and Officer Responsibilities under the Civil Service Reform Act (available on the OLMS Web site at <http://www.dol.gov/esa/regs/compliance/olms/CSRAFactSheet.pdf> for the pdf version and <http://www.dol.gov/esa/regs/compliance/olms/CSRAFactSheet.htm> for the html version) or may devise their own language as long as the notice accurately states all of the CSRA standards of conduct provisions as set forth in the fact sheet.

(d) If a labor organization has a Web site, the site must contain a conspicuous link to Union Member Rights and Officer Responsibilities under the Civil Service Reform Act or, alternatively, to the labor organization's

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own notice prepared in accordance with paragraph (c) of this section.

[71 FR 31492, June 2, 2006]

TRUSTEESHIPS

§ 458.26 Purposes for which a trusteeship may be established.

Trusteeships shall be established and administered by a labor organization over a subordinate body only in accordance with the constitution and bylaws of the organization which has assumed trusteeship over the subordinate body and for the purpose of (a) correcting corruption or financial malpractice, (b) assuring the performance of negotiated agreements or other duties of a representative of employees, (c) restoring democratic procedures, or (d) otherwise carrying out the legitimate objects of such labor organization.

§ 458.27 Prohibited acts relating to subordinate body under trusteeship.

During any period when a subordinate body of a labor organization is in trusteeship, (a) the votes of delegates or other representatives from such body in any convention or election of officers of the labor organization shall not be counted unless the representatives have been chosen by secret ballot in an election in which all the members in good standing of such subordinate body were eligible to participate; and (b) no current receipts or other funds of the subordinate body except the normal per capita tax and assessments payable by subordinate bodies not in trusteeship shall be transferred directly or indirectly to the labor organization which has imposed the trusteeship; *Provided, however,* That nothing contained in this section shall prevent the distribution of the assets of a labor organization in accordance with its constitution and bylaws upon the bona fide dissolution thereof.

§ 458.28 Presumption of validity.

In any proceeding involving § 458.26, a trusteeship established by a labor organization in conformity with the procedural requirements of its constitution and bylaws and authorized or ratified after a fair hearing either before the executive board or before such other

body as may be provided in accordance with its constitution and bylaws shall be presumed valid for a period of 18 months from the date of its establishment and shall not be subject to attack during such period except upon clear and convincing proof that the trusteeship was not established or maintained in good faith for purposes allowable under § 458.26. After the expiration of 18 months the trusteeship shall be presumed invalid in any such proceeding, unless the labor organization shall show by clear and convincing proof that the continuation of the trusteeship is necessary for a purpose allowable under § 458.26.

ELECTIONS

§ 458.29 Election of officers.

Every labor organization subject to the CSRA or FSA shall conduct periodic elections of officers in a fair and democratic manner. All elections of officers shall be governed by the standards prescribed in sections 401 (a), (b), (c), (d), (e), (f) and (g) of the LMRDA to the extent that such standards are relevant to elections held pursuant to the provisions of 5 U.S.C. 7120 or 22 U.S.C. 4117.

[45 FR 16168, Mar. 7, 1980; 45 FR 28322, Apr. 29, 1980. Redesignated and amended at 50 FR 31311, 31312, Aug. 1, 1985]

ADDITIONAL PROVISIONS APPLICABLE

§ 458.30 Removal of elected officers.

When an elected officer of a local labor organization is charged with serious misconduct and the constitution and bylaws of such organization do not provide an adequate procedure meeting the standards of § 417.2(b) of this chapter for removal of such officer, the labor organization shall follow a procedure which meets those standards.

[62 FR 6094, Feb. 10, 1997]

§ 458.31 Maintenance of fiscal integrity in the conduct of the affairs of labor organizations.

The standards of fiduciary responsibility prescribed in section 501(a) of the LMRDA are incorporated into this subpart by reference and made a part hereof.

Union Member Rights and Officer Responsibilities Under the LMRDA



The Labor-Management Reporting and Disclosure Act (LMRDA) guarantees certain rights to union members and imposes certain responsibilities on union officers. The Office of Labor-Management Standards (OLMS) enforces many LMRDA

provisions while other provisions, such as the bill of rights, may only be enforced by union members through private suit in federal court. For more information contact the nearest OLMS field office listed on page 2 of this fact sheet.

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Additional Information

Additional information is available on the OLMS Web site at www.olms.dol.gov by sending a message to olms-public@dol.gov, by calling the DOL Help Line at **1-866-487-2365**, or by contacting an OLMS district office.

Atlanta, GA	Cleveland, OH	Kansas City, MO	New York, NY	Seattle, WA
Birmingham, AL	Dallas, TX	Los Angeles, CA	Philadelphia, PA	Tampa, FL
Boston, MA	Denver, CO	Milwaukee, WI	Phoenix, AZ	Washington, DC
Buffalo, NY	Detroit, MI	Minneapolis, MN	Pittsburgh, PA	
Chicago, IL	Ft. Lauderdale, FL	Nashville, TN	St. Louis, MO	
Cincinnati, OH	Honolulu, HI	New Orleans, LA	San Francisco, CA	

For the address and telephone number of our field offices, please consult local telephone directory listings under United States Government, Labor Department, Office of Labor-Management Standards, or view our online organizational listing at <http://www.dol.gov/olms/contacts/lmskeyp.htm>.

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Call the DOL National Call Center at **1.866.487.2365**