

March 3, 2009

LM File No. 045-112

Peter Ferrarotto, Secretary/Treasurer
Service Employees International Union, AFL-CIO
Local 177
112 32nd Street
Brooklyn, NY 11232-1810

Dear Mr. Ferrarotto:

This is in response to your continuing hardship exemption request for Service Employees International Union, AFL-CIO, Local 177, LM File Number 045-112, for the fiscal years ending December 31, 2006, December 31, 2007, and December 31, 2008. Your request dated February 2, 2009, was received by the Office of Labor-Management Standards (OLMS) on February 2, 2009.

In your letter, you state that in March 2007, you purchased two digital signatures from IdenTrust but were unable to make them work, even after speaking with the OLMS New York District Office (NYDO). You have sent paper copies of your Form LM-2 reports for your 2006 and 2007 fiscal years to NYDO, and you stated that you plan to file a hardcopy Form LM-2 report for fiscal year 2008.

To obtain a continuing hardship exemption, the requesting union must demonstrate that it cannot file Form LM-2 electronically without undue burden or expense. An application for such an exemption must be received at least 30 days prior to the required due date of the reports to be filed. Further, a labor organization may not apply for a hardship exemption for multiple years or an indefinite period. The applicant must specify a time period, but in no case can the time period exceed one year. For additional information regarding hardship exemptions, please refer to the OLMS website at: www.dol.gov/esa/olms/regs/compliance/hardship.htm.

OLMS cannot grant your continuing hardship exemption request for filing Form LM-2 reports for the fiscal years ending December 31, 2006 and December 31, 2007, because they were not timely submitted. Further, based on the information provided, OLMS cannot grant your continuing hardship exemption request for filing Form LM-2 electronically for the fiscal year ending December 31, 2008. You have not provided any information that suggests that you will experience any undue burden in attempting to file Form LM-2 electronically for the 2008 fiscal year. Rather, you offered a brief description of your difficulty in purchasing the signatures from IdenTrust and you made no mention of calling the OLMS Help Desk and asking for further assistance. Moreover, you did not present any evidence that your union incurred expenses related to filing electronically beyond what Form LM-2 filers routinely experience.

As for the report that is due to OLMS on March 31, 2009, you have sufficient time to complete the online application for digital signatures and timely submit your Form LM-2 report electronically. You may wish to review the OLMS website for guidance on how to file your report electronically: www.dol.gov/esa/olms/regs/compliance/digital-signatures.htm. Please also contact the OLMS Help Desk for any further technical assistance you need. The telephone number is 1-866-401-1109.

In your letter, you refer to a billing dispute with Identrust and request assistance from OLMS in that matter. OLMS cannot assist you in obtaining a refund from IdentTrust. If you encounter difficulties obtaining digital signatures, please contact the IdenTrust help desk directly at 1-888-339-8904.

Sincerely,

Andrew R. Davis, Chief
Division of Interpretations
and Standards

cc: Larry King, Chief, Division of Reports, Disclosure & Audits