

Union Member Rights and Officer Responsibilities Under the Civil Service Reform Act

The standards of conduct provisions of the Civil Service Reform Act of 1978 (CSRA), among other statutes, guarantee certain rights to dues-paying members of unions representing Federal employees and impose certain responsibilities on officers of these unions 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 standards of conduct provisions. If you need additional information or suspect a violation of these rights or responsibilities, please contact OLMS at 1-866-4-USA-DOL. You should also refer to 29 CFR 457.1 - 459.5, and POPA's constitution and standing rules (www.popa.org) for information on union procedures, timelines, and remedies.

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

Collective Bargaining Agreements - Union members (and certain nonunion employees) have the right to receive or inspect copies of collective bargaining agreements.

Constitutions, Bylaws, and 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 these documents available to members and permit members for just cause to examine the records necessary to verify the financial reports. The documents are public information and copies of reports are available from OLMS and on the Internet at www.union-reports.dol.gov. In general, a union member has the burden of establishing "just cause."

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 - A union may not be placed in trusteeship by a parent body except for those reasons specified in the standards of conduct regulations.

Protection for Exercising CSRA Rights - A union or any of its officials may not fine, expel, or otherwise discipline a member for exercising any CSRA 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 his or her CSRA 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. The union must provide accounting and financial controls necessary to assure fiscal integrity.

Prohibition of Conflicts of Interest - A union officer or employee may not (1) have any monetary or personal interest or (2) engage in any business or financial transaction that would conflict with his or her fiduciary obligation to the union.

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 that 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 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 at the candidate's expense.
- Not use union funds or resources to promote any candidate (nor may employer funds or resources be used).
- Permit candidates to have election observers.

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.