

July 22, 2025

Hon. Tim Walberg
Committee on Education & Workforce
U.S. House of Representatives
2176 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Walberg:

Thank you for this opportunity to submit these observations and recommendations for improvements to the Department of Labor's implementation of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA).

Congress, in enacting LMRDA, took an important step toward resolving some of the practical issues created by the National Labor Relations Act (NLRA). Unions had been empowered to involuntarily take a portion of workers' earnings without any meaningful federal accountability mechanism. The Department of Labor through rulemaking has made improvements in recent decades, among other things making LMRDA data searchable on the internet.

Major challenges remain, however.

A common theme in the current LMRDA reporting regime is the extent to which a lack of clarity in the rules leaves union officials to "choose your own adventure." The status quo is a disservice both to the workers counting on accurate data and the bookkeepers left to make educated guesses about what should be reported and how.

In the comments below, I identify specific problems and recommend improvements that can be achieved through the Department's rulemaking.



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Fellow

Union membership is often not accurately reported.

When unions were asked to describe the groups of workers they represented in fiscal 2024, many broke them into simple categories, such as “active members,” “retirees” and “agency fee payers.”

The flexible nature of reporting, however, meant unions in total entered more than 4,000 different descriptions for these groups. Some were qualified as “estimated.”

The lack of clear instructions from DOL have rendered Schedule 13 virtually pointless. It is no surprise that unions sometimes report numbers that are obviously erroneous.

EXAMPLE: On March 19, 2022, the International Brotherhood of Teamsters reported in its LM-2 that it had 927,641 members. Two days later, IBT’s LM-2 was updated to show 1,015,775 members. More than a year passed before the 2021 figures were again revised to 1,253,854 on May 12, 2023, a 35 percent change from the originally reported number.

Some unions do not report their membership at all and instead give a count of union delegates or subordinate units.

EXAMPLE: the New York Building and Construction Trades Council reports the number of “member organizations” rather than the [number of members](#) it represents.

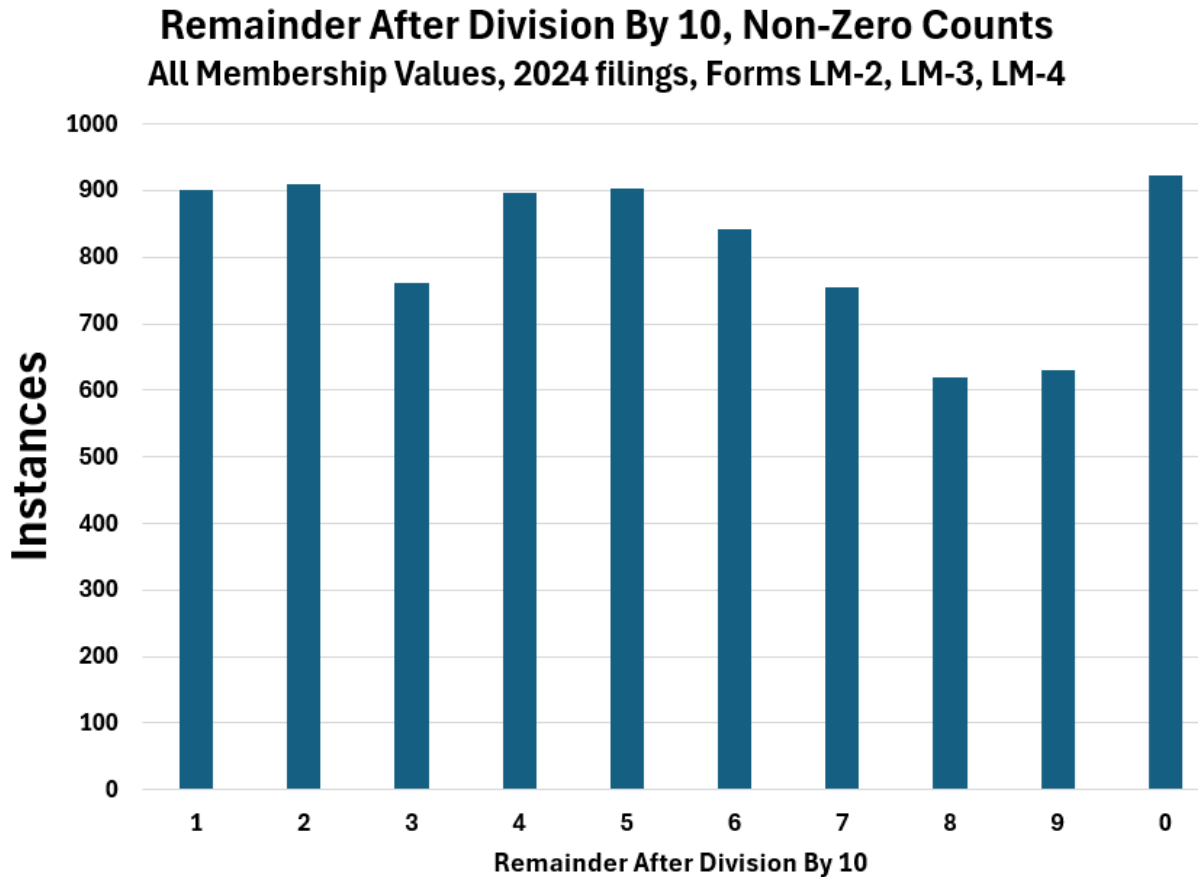
DOL does not lack the ability to bring enforcement actions. Instead, the ambiguity surrounding its rules has created a permissive climate for mostly honest inaccuracies.

To fulfill its obligation to share complete, accurate data with workers, DOL must go further and ask better questions through the forms it maintains.

Unions regularly report figures that are estimates or guesses.

In fiscal 2024 data, unions were more than 50 percent more likely to report a number (such as retirees or active members) that was greater than zero and ended in a zero (i.e. 10, 300), than one that ended in an eight (i.e. 8, 18, 208) or a nine (i.e. 9, 19, 209). (Figure 1)

Figure 1.



This suggests that as much of one-third of non-zero figures ending in a zero were actually estimates or guesses.

Unions regularly fail to disclose how many fee payers they have.

More than half of fiscal 2024 reports did not give a count for agency fee payers. Of the 1,911 that did, 1,542 said they had none (something that is a rare occurrence). This suggests a widespread failure to accurately count and disclose an important group of workers who are paying a union because they would otherwise be terminated for failure to pay.

EXAMPLE: AFGE Local 559 in 2024 [reported](#) having 2,956 members—and 2,956 fee payers. This should not be categorized as a malicious action, but rather as an avoidable accident that can be prevented through better filing processes.

RECOMMENDATION: DOL should require each bargaining unit that bargains under NLRA to report the exact number of members, number of fee-payers and total number of represented workers as of the end of their fiscal year, noting the difference between these measurements and that the first two figures rarely add up to equal the third.

RECOMMENDATION: DOL should clarify that any council or other body must similarly report the number of members, and, where applicable, agency fee payers and represented workers.

Workers deserve to know how their officers are compensated.

Officers can be compensated several ways, including but not limited to being paid by the union local's general fund, a union welfare fund, an affiliated organization or a parent union, or in the form of release time, under which he or she receives an employer paycheck for which the union reimburses the employer.

Union members, and represented workers in general, deserve to be able to see where the union is steering resources on their behalf. This extends beyond dues: for instance, a union officer getting paid employee organization leave, or "release time," represents a cost to the entire bargaining unit, not just those paying the union through dues or fees.

An officer receiving only a nominal stipend may be receiving full-time compensation from the employer, or compensation from a union-controlled welfare fund or other organization.

EXAMPLE: In fiscal 2019, Civil Service Employees Association (CSEA) President Danny Donohue was paid **at least** four ways:

- CSEA (\$164,237)
- NYS Office of Mental Health, a position from which he had been on release time for more than two decades (\$53,218)
- AFSCME International ([\\$16,800](#))
- CSEA's Employee Benefit Fund (\$4,454)

No single record showed Donohue's total pay (approximately \$238,709), which was about five times as much as the average pay received by CSEA-represented state workers in 2019.

Union officials are required to separately disclose gifts, payments or other benefits they or their family members get in relation to their union duties.

Donohue, for example, reported getting over \$6,000 in "meals," travel, "misc. entertainment," golf expenses and "spa treatment" in 2016.

These reports, form LM-30, are listed separately on the DOL website. A worker reading an LM-2 would have no way of knowing of these other transactions.

RECOMMENDATION: DOL should require unions to list the total pay from all union-related sources, for each union employee or officer. This should include hyperlinks to those related reports.

RECOMMENDATION: DOL should require unions to attribute release time reimbursements to individuals rather than employers. The payments for each employee's release time should be itemized showing the individual, the recipient of the reimbursement (i.e. employer), and the amount paid.

RECOMMENDATION: DOL should hyperlink within forms LM-2, LM-3 and LM-4 to the individual LM-30 filings of officers and employees.

DOL must ensure payments are described accurately.

Schedule 17—“Contributions, gifts and grants”—too often acts as a catch-all for expenditures that should be categorized more carefully elsewhere in an annual report.

Contributions to political action committees and candidate campaign committees are not infrequently miscategorized.

EXAMPLE: at least 16 unions made at least 20 payments to “New Yorkers Against Corruption” (NYAC), a 501(c)4 ballot issue committee created to oppose a 2017 ballot question on whether the state should convene a constitutional convention. The \$1.6 million in payments—all to the same temporary organization—were classified five different ways:

- \$881,400 in “political activities” (8 instances)
- \$319,000 in “representational activities” (4 instances)
- \$307,518 in “contributions, gifts and grants” (5 instances)
- \$52,000 in “union administration” (1 instance)
- \$35,000 in “general overhead” (2 instances)

The unions’ classifications for NYAC payments ranged from “vendor” to “charitable organization” to “political action committee.”

This was especially concerning because it is unclear from these filings to what extent the chargeable and nonchargeable political activities were differentiated for fee payers and objectors who should not be financing activity not related to representation.

RECOMMENDATION: DOL should require filers to provide an IRS EIN for any payment to an organization under Schedule 17.

Workers need better protection from financial crimes.

LMRDA rules allow union officials, upon discovering embezzlement or other financial crimes, to exercise discretion about whether to notify authorities, such as DOL or local law enforcement.

DOL does not appear to track instances in which embezzlement has been discovered, or the disposition of those cases.

Media reports, however, have detailed multiple instances in which crimes have been discovered (usually by new union officers opening the books) but without these crimes resulting in criminal prosecution.

RECOMMENDATION: DOL should implement a zero-tolerance rule that requires union officers to immediately notify the Office of Labor-Management Standards and local law enforcement in writing when an inconsistency in union financials has been discovered.