THE COMMONWEALTH OF MASSACHUSETTS
DIVISION OF LABOR RELATIONS

Instructions for Filing
Employee Organization Information Report (Form 1)
Employee Organization Financial Report (Form 2)

19 Staniford Street, 1st Floor Boston, MA 02114 Telephone (617) 626-7132

General Information

Who Must File. Any employee organization that represents public employees in Massachusetts must file both an Employee Organization Information Report (Form 1) and an annual Employee Organization Financial Report (Form 2). M.G.L. c. 150E, §1 defines employee organization as "any lawful association, organization, federation, council, or labor union, the membership of which includes public employees, and assists its members to improve their wages, hours, and conditions of employment."

What to File. Copies of all Division forms are available at the Division's office and on the Division's web site at www.state.ma.us/lrc. Forms may also be requested by mail by calling the Division's office at (617) 626-7132. Note: The Division will not accept either report via facsimile transmission. *See*, 456 CMR 12.11(5).

Where to File. File the completed reports and any attachment with the Division of Labor Relations, 19 Staniford Street, Boston, MA 02114.

When to File. M.G.L. c. 150E, §13 requires employee organizations to file an updated Employee Organization Information Report (Form 1) whenever the employee organization changes its name or its affiliation, or elects or appoints a new secretary or otherwise changes the address of the person to whom notices may be mailed.

M.G.L. 150E, §14 requires employee organizations to file an updated Employee Organization Financial Report (Form 2) annually, within sixty (60) days after the end of its fiscal year.

How to File. This booklet contains specific line-by-line instruction for completing both the Employee Organization Information Report (Form 1) and the Employee Organization Financial Report (Form 2).

Getting Further Help. Between 1:00-5:00 p.m. Tuesday and Friday, a Division Information Officer is on duty to answer questions concerning G.L. c.150E and c.150A and the Division's procedures. The Information Officer can be contact either by visiting the Division's Office at 19 Staniford Street, Boston, or by calling (617) 626-7132. You can also visit our web site at: www.state.ma.us/lrc

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Applicable Laws

M.G.L. c.150E, §1: The following words and phrases as used in this chapter shall have the following meaning unless the context clearly requires otherwise:-

"Employee organization", any lawful association, organization, federation, council, or labor union, the membership of which includes public employees, and assists its members to improve their wages, hours, and conditions of employment.

M.G.L. c.150E, §13: The divison shall maintain a list of employee organizations. To be recognized as such and to be included in the list an organization shall file with the division a statement of its name, the name and address of its secretary or other officer to whom notices may be sent, the date of its organization, and its affiliations, if any, with other organizations. Every employee organization shall notify the division promptly of any change of name or of the name and address of its secretary or other officer to whom notices may be sent, or of its affiliations.

The division shall indicate on the list which employee organizations are exclusive representatives of appropriate bargaining units, the effective dates of their certification, and the effective date and expiration date of any agreement reached between the public employer and the exclusive representative. Copies of such list shall be made available to interested parties upon request.

In the event of failure of compliance with this section, the Division shall compel such compliance by appropriate order, said order to be enforceable in the superior court for the county wherein such violation has occurred in the same manner as other orders of the commission under this chapter.

M.G.L. c.150E, §14: No person or association of persons shall operate or maintain an employee organization under this chapter unless and until there has been filed with the division a written statement signed by the president and secretary of such employee organization setting forth the names and addresses of all of the officers of such organization, the aims and objectives of such organization, the scale of dues, initiation fees, fines and assessments to be charged to the members, and the annual salaries to be paid to the officers.

Every employee organization shall keep an adequate record of its financial transactions and shall make annually available to its members and to non-member employees who are required to pay a service fee under section twelve of this act, within sixty days after the end of its fiscal year, a detailed written financial report in the form of a balance sheet and operating statement. Such report shall indicate the total of its receipts of any kind and the sources of such receipts, and disbursements made by it during its last fiscal year. A copy of such report shall be filed with the division.

In the event of failure of compliance with this section, the division shall compel such compliance by appropriate order, said order to be enforceable in the superior court for the county wherein such violation has occurred in the same manner as other orders of the division under this chapter.

M.G.L. c.150E, §15: Whoever knowingly files a statement or report under section fourteen of this chapter, which report is false in any material representation, shall be punished by a fine of not more than five thousand dollars.

456 CMR 16.05: For the purpose of 456 CMR 16.00, compliance with M.G.L. c. 150E, s.s. 13 & 14 means that: (1) Each employee organization has filed the information required by said sections on forms provided by the Division or the equivalent thereof, or for good cause shown, has received permission from the Division to extend the time for filing. (2) That each employee organization filing a petition or a charge, or seeking to intervene in a proceeding pending before the Division, shall make a declaration under oath or affirmation that it has complied with the requirements of said sections. In the event of failure to comply with 456 CMR 16.05 the Division may compel such compliance by appropriate order.

456 CMR 12.11(5): [T]he Division will not accept any document requiring an original signature by facsimile. Those include, but are not limited to: ... filings pursuant to M.G.L. c.150E, §§13 and 14 ...

456 CMR 14.06(5): Recognition Year Bar. Except for good cause shown, no petition for an election will be processed by the Division pursuant to M.G.L. c. 150E, s. 4, in any represented bargaining unit or any subdivision thereof with respect to which a recognition agreement has been executed in accordance with the provisions of this subsection in the preceding 12-month period. For the purpose of 456 CMR 14.06, recognition shall not be extended to an employee organization unless:

(e) The employee organization is in compliance with the applicable filing requirements set forth in M.G.L. c. 150E, §§13 and 14.

456 CMR 14.12(1): Unless otherwise directed by the Divison, all elections shall be by secret ballot, provided, however, that no employee organization shall appear on the ballot unless the employee organization is in compliance with M.G.L. c. 150E, s.s. 13 and 14 , pursuant to the provisions of 456 CMR 16.05.

456 CMR 15.04(2): No complaint shall issue until the charging party has complied with the applicable provisions of M.G.L.c. 150E, s.s. 13 and 14.

456 CMR 17.05(3): No demand for payment of a service fee under this section shall be made until the bargaining agent making the demand has complied with the applicable provisions of M.G.L. c. 150E, s.s. 13 and 14.

Completing the Employee Organization Information Report (Form 1)

Line 1a: Enter the full legal name of the reporting employee organization. If the organization is incorporated, enter the name as it appears on the Articles of Incorporation. Otherwise, enter the name as it appears on the Certification of Representatives issued by the Division or as it was recognized by the employer. Include any local or district designation. This line is identical to line 1a on the Employee Organization Financial Report (Form 2).

Line 1b: If the reporting employee organization is incorporated, enter the state of incorporation; otherwise enter "N/A" (Not Applicable).

Line 1c: Enter the date on which the reporting employee organization was first organized.

Line 1d: Enter the name of any organizational affiliation(s); otherwise enter "N/A" (Not Applicable).

Line 1e: Enter the name and address of the reporting employee organization's secretary or other individual to whom notices can be mailed.

Line 2: Check the appropriate box to specify the type of employee organization.

Line 3: Enter the day and month on which the reporting employee organization's fiscal year ends.

Line 4: List the names, address, and any annual salary or stipend *paid by the employee organization* to each officer. Do not include any salary paid by the employer.

Lines 5a-e: Enter the periodic dues, agency service fee, initiation fees, or any fines or assessments (if any); otherwise enter zero.

Line 6: List any certifications or recognitions held, including the name of the employer, the date of the certification or recognition, a description of the bargaining unit (attach additional sheets if necessary), and the effective dates of the most recent collective bargaining agreement.

> Note: Most local employee organizations hold only one certification or recognition. However, if the reporting employee organization represents two or more bargaining units, each bargaining unit must be listed.

Line 7: Attach a statement of purpose in accordance with M.G.L. c.150E, §14. The Commission has determined that the following statement is sufficient:

> *This organization was formed for the purpose of serving as the exclusive collective bargaining agent for certain correctional officers of the [Essex County Sheriff's Dept].*
>
> *Essex County*, 26 MLC 223, 224 (1997).

Signatures: The president and treasurer must sign and date the completed report.

Completing the Employee Organization Financial Report (Form 2)

Period Covered by the Report: Enter the beginning and ending dates of the period covered by the report. For example, if the 12-month fiscal period ends on December 31, 2001, enter January 1, 2001 to December 31, 2001.

Line 1a: Enter the full legal name of the reporting employee organization. If the organization is incorporated, enter the name as it appears on the Articles of Incorporation. Otherwise, enter the name as it appears on the Certification of Representatives issued by the Commission or as it was recognized by the employer. Include any local or district designation. This line is identical to line 1a on the Employee Organization Information Report (Form 1).

Line 1b: Enter the name and address of the employee organization's secretary or other individual to whom notices can be mailed, and indicate whether the address listed is different from the address listed on the most recently filed form. Note: If there were changes, you must file an updated Employee Organization Information Report (Form 1).

Lines 2a-b: Indicated whether there have been any changes in officers or other matters included on the Employee Organization Information Report (Form 1) since the report was filed. Note: If there were changes, you must file an updated Employee Organization Information Report (Form 1). Also Indicate whether the union's records are kept the address listed in line 1b and , if not, list the address where records are kept in line 34.

Line 2c: Enter the total number of employees who are members of the reporting employee organization.

Line 3: Check Yes if a loan (regardless of the amount) was made directly or indirectly to any business enterprise during the reporting period. Otherwise, check No. If you checked yes, list the name of each business enterprise to which a loan was made, the amount loaned during the reporting period, the purpose, arrangements for repayment, and any security for each such loan in line 34.

Line 4: Check Yes if any employee received salaries, allowances and other disbursements (including reimbursed expenses) from the reporting employee organization totaling more than $10,000 during the reporting period. In computing the total, add amounts received from: (a) the reporting employee organization: (b) any labor organization affiliated with the reporting employee organization: (c) any organization with which the reporting employee organization is affiliated, or (d) any organization affiliated with the same national or international. Otherwise, check No. If you checked yes, list in the name and title or occupation of each such employee and indicate the total amount paid by the reporting employee organization, including all salary and allowances (before any deductions), expenses (including reimbursed expenses), and other direct or indirect payments in line 34. For each such employee, state the names of the other organizations, if any, that have made such disbursements to him.

Line 5: Check Yes if the employee organization disposed of any assets other assets sold for cash. Otherwise, check No. If you checked yes, describe the disposition of any assets by means other than sales, such as gifts, donations, or the scrapping of unusable property in line 34. Describe the type and value of the assets, the nature of the transaction and include the identity of the recipient. Do not include disposition of cash or items sold for cash.

Line 6: Check Yes if the reporting employee organization has an interest in any trust or other fund or organization (1) that was created or established by an employee organization, or one or more of the trustees or one or more members of the governing body of which is selected or appointed by an employee organization, and (2) a primary purpose of which is to provide benefits for the members of such employee organization or their beneficiaries. Otherwise, check No. If you checked yes, enter the name, address and purpose of each such trust and state whether its financial condition and operations are included in this report in line 34.

BALANCE SHEET

Assets

Line 7: Enter all cash on hand and in banks, including money held in savings and loan associations or similar financial institutions. Include cash held in a name other than that of the reporting employee organization and report the details of any such holdings in line 34.

Line 8: Enter the unpaid portion of all loans owed to the reporting employee organization, whether or not represented by notes.

Line 9: Enter the total amount (as carried on the books) of all U.S. Government bonds owned by the reporting employee organization.

Line 10: Enter the total value (as carried on the books) of all land and buildings owned by the reporting employee organization.

Line 11: Enter the total amount (as carried on the books) of all other investments, such as foreign, state, and municipal bonds, corporate stocks and bonds, etc. owned by the reporting employee organization.

Line 12: Enter total amount of all other assets owned by the reporting employee organization that are not reported in Lines 7 through 11. Include accounts receivable, furniture and fixtures, office equipment, automobiles, etc.

Line 13: Add lines 7 through 12, and enter the total.

Liabilities

Line 14: Enter the total accounts and notes payable by the reporting employee organization.

Line 15: Enter the total of all loans owed by the reporting organization, including those represented by notes, but not including those secured by mortgages (or similar liens) on real property.

Line 16: Enter debts secured by mortgages (or similar liens) on real property owned by the reporting employee organization.

Line 17: Enter all other debts of the reporting employee organization that have not bee listed in lines 14 through 16.

Line 18: Add lines 14 through 17, and enter the total.

OPERATING STATEMENT

Receipts

Line 19: Enter the total amount of all dues received by the reporting employee organization from members, including any amounts received by the reporting employee organization from other employee organizations. Do not include dues paid by members to another employee organization (like a state, national, or international affiliate), either directly or through a check-off arrangement.

Completing the Employee Organization Financial Report (Form 2)(cont'd)

Line 20: Enter the total amount of all agency service fees received by the reporting employee organization.

Line 21: Enter the total amount of all fees, fines, assessments, and work permits received. Collections by another employee organization through a check-off arrangement should be reported only if the amounts are received by the reporting employee organization.

Line 22: Enter the total amount of all other receipts of the reporting employee organization during the fiscal year that have not been entered in lines 19 through 21. Include receipts from sources like income from investments (interest, dividends, rents, etc.), sales of assets, and loans received.

Line 23: Add lines 19 through 22, and enter the total.

Disbursements

Note: Do not include payments made others (including other employee organizations) on behalf of the reporting employee organization.

Line 24: Enter the amount paid by the reporting employee organization to any parent organization or state, national, or international affiliate.

Line 25: Enter the total amount paid by the reporting employee organization to officers, including salaries, allowances, and other direct and indirect disbursements for expenses (including reimbursed expenses). This amount is the total of the amounts listed in line 33.

Line 26: Enter the total amount paid by the reporting employee organization to all employees (except officers, see line 25), including salaries, allowances, and other direct and indirect disbursements for expenses (including reimbursed expenses).

Line 27: Enter the total amount paid the reporting employee organization for all other office and administrative expenses, like, e.g., rent, office supplies, telephone service, bonding, insurance premiums (except insurance premiums paid as a benefit to officers, employees or members, see line 30), and publications.

Line 28: Enter the total amount paid by the reporting employee organization for legal and other professional services, like, e.g., accounting, auditing, economic research, but do not include any amounts paid to officers or employees for those services (see, lines 25-26).

Line 29: Enter the total amount of all direct or indirect loans made to any officer, employee, or member, or to any other person, business, or organization. List the person or organization and the of any such loan in line 34.

Line 30: Enter the total amount of benefit payments made by the reporting employee organization to or for officers, employees, members, or beneficiaries, including, unemployment, sick, pension, death and similar benefit payments. Include any insurance premiums for life insurance, hospitalization, sickness and accident, annuities, etc. for the benefit of officers, employees, members, or beneficiaries.

Line 31: Enter the total amount of any disbursements not listed in lines 24 through 30.

Line 32: Add lines 24 through 31, and enter the total.

Completing the Employee Organization Financial Report (Form 2)(cont'd)

OFFICERS AND DISBURSEMENTS

Line 33: List every officer who received any payment from the reporting employee organization during the reporting period, whether or not he or she was still holding office at the end of the reporting period. Include the name and title, status (i.e. "new," "past," or "continuing"), and the total amount disbursed, including salary and allowances, expenses (including reimbursed expenses), and any other direct or indirect payment.

Line 34: Use this space to further explain any answer. Be sure to refer to the appropriate line number when answering. Attach additional sheets if necessary.

Signatures: The president and treasurer must sign and date the completed report.