PROSKAUER ROSE LLP®

Client Alert

A report for clients and friends of the firm

July 2005

Update: The Department of Labor Provides Further Guidance on the Timing of Labor Management Reporting and Disclosure Act Reporting

This Client Alert is intended to advise you of two recent developments since we issued our June and July 2005 Client Alerts regarding the Labor Management Reporting and Disclosure Act ("LMRDA") reporting requirements and the recent announcement by the U.S. Department of Labor (the "DOL") concerning its intention to enforce those reporting requirements pursuant to Forms LM-10 and LM-30.

For your convenience, our June and July 2005 Client Alerts can be found through the following links:

http://www.proskauer.com/news_publications/client_alerts/content/2005_06_29/_res/id=sa_PDF/9354-062905-DOL%20Expands%20Interpretation%20of%20Employer%20Reporting-ca-v3.pdf

http://www.proskauer.com/news_publications/client_alerts/content/2005_07_06/_res/id=sa_PDF/9402-070605-Taft%20Hartley%20Trusts.pdf

The first development is that the July 15, 2005 grace period for filing the Form LM-30, which is the report that must be filed by union officers and employees, including those who receive items of value when serving as union trustees of multiemployer plans, has been extended until August 15, 2005. This new August 15, 2005 grace period applies *only* to the Form LM-30.

Second, as predicted, the DOL has advised that it will be announcing a grace period shortly, as well as additional compliance assistance, for filing the 2004 Form LM-10, which is the report that must be filed by all employers covered by the LMRDA (including Taft-Hartley plans with any employees). Similar to the grace period announced for the Form LM-30 (discussed in the earlier Client Alerts), the DOL has stated that, absent extraordinary circumstances or the existence of a pending enforcement action, the DOL will refrain from initiating action to enforce this reporting requirement until the soon-to-be-announced grace period expires. In addition, if the LM-10 is filed by the end of that grace period, absent extraordinary circumstances, new filers should be able to avoid enforcement for the failure to file such reports for prior years.

The DOL's guidance also suggested that employers continue both to seek compliance assistance and to raise concerns regarding potential compliance difficulties, which we are already doing on behalf of our clients through our high-level DOL contacts and on behalf of the U.S. Chambers of Commerce (Proskauer Rose is a National Member of the U.S. Chamber and has often been called upon by the Chamber to advise its members and represent its interests in legislative, regulatory and amicus activities). We are continuing to work on the effort to have the DOL review the extent of the reporting obligations, as well as to persuade the DOL to make these new reporting requirements prospective only.

NEW YORK • LOS ANGELES • WASHINGTON

BOSTON • BOCA RATON • NEWARK

NEW ORLEANS • PARIS

Client Alert

The Employee Benefits and Executive Compensation Law Practice Group at Proskauer Rose LLP counsels clients on the full spectrum of benefit and compensation issues, communicating technical and complex legal concepts in an intelligible, pragmatic manner.

The following individuals serve as contact persons with respect to this Client Alert and would welcome any questions you may have:

Rory Judd Albert
212.969.3005 – ralbert@proskauer.com

Edward A. Brill
212.969.3015 – ebrill@proskauer.com

Robert M. Projansky
212.969.3367 – rprojansky@proskauer.com

Roy P. Salins
212.969.3324 – rsalins@proskauer.com

Proskauer Rose is an international law firm that handles a full spectrum of legal issues worldwide.