The Office of Labor-Management Standards (OLMS) helps ensure that workers have a voice in the workplace.

Our office promotes labor-management transparency as well as labor union democracy and financial integrity through standards for union officer elections, union trusteeships, and safeguards for union assets.
MEETING AGENDA

I. Overview of LM-10, LM-20, and Reporting Triggers
II. Persuader Reporting
III. Surveillance Reporting
IV. Unfair Labor Practice Expenditures
V. Electronic Filing
VI. Common Reporting Errors
VII. Education and Outreach
VIII. Questions

Email questions to OLMS-Public@dol.gov
FORM LM-10 AND FORM LM-20: OVERVIEW OF LM-10, LM-20, AND REPORTING TRIGGERS

OFFICE OF LABOR-MANAGEMENT STANDARDS
EMPLOYER AND CONSULTANT REPORTING FORMS

• Form LM-10 Employer Report – filed by employers within 90 days of the end of their fiscal year in which they entered into a reportable transaction or agreement.

• Form LM-20 Agreement and Activities Report – filed by consultants within 30 days of entering into the reportable agreement.

Email questions to OLMS-Public@dol.gov
REPORTING TRIGGERS – GENERAL OVERVIEW

1. Persuader Agreements/Arrangements and Expenditures

2. Surveillance Agreements/Arrangements and Expenditures

3. Unfair Labor Practice Expenditures

**Expenditures to Labor Unions and Labor Union Representatives

Email questions to OLMS-Public@dol.gov
FORM LM-10 AND FORM LM-20: PERSUADER REPORTING

OFFICE OF LABOR-MANAGEMENT STANDARDS
PERSUADER PAYMENTS TO EMPLOYER’S OWN STAFF (LMRDA SECTION 203(A)(2)):

• Only reportable by an employer on the Form LM-10 for payments to own staff for the purpose of persuading other employees

• Exemption: contemporaneous disclosure to all employees

• Exemption: regular wages to regular employees

Email questions to OLMS-Public@dol.gov
PERSUADER PAYMENTS TO EMPLOYER’S OWN STAFF

Examples of Reportable Expenditures Under Section 203(a)(2):

• If an employer brings in replacement employees for striking employees and the replacement employees are instructed to persuade employees to abandon a union or a strike, or otherwise instruct employees how to exercise their right to organize and bargain collectively, then the employer must report expenditures attributable to such persuader activity.

Email questions to OLMS-Public@dol.gov
Examples of Reportable Expenditures Under Section 203(a)(2):

• The employer pays any of its employees to persuade other employees to join or not to join a union or to affect the negotiation of a collective bargaining agreement, whether such persuasion is to occur during or after regular work hours.

• The employer provides free use of the employer’s facility or property (e.g., special parking privileges, use of photocopier, etc.) in order to help certain of its employees prepare or disseminate materials designed to persuade their fellow employees in the exercise of their organizing and collective bargaining rights.

Email questions to OLMS-Public@dol.gov
Examples of Reportable Expenditures Under Section 203(a)(2):

- The employer called in one of his longtime and trusted employees who works as a drill press operator and asked him to persuade his fellow employees. The employer must report payments to the drill press operator for preparing for and engaging in the persuasion of fellow employees.

- The employer makes payments to employee “front organizations” or “organizing committees” set up for the purpose of persuading employees regarding their collective bargaining rights.

Email questions to OLMS-Public@dol.gov
• Employers and labor relations consultants are required to file reports when a consultant, pursuant to an agreement or arrangement with an employer, engages in activities with an object to persuade, directly or indirectly, employees concerning their rights to organize or bargain collectively.

Email questions to OLMS-Public@dol.gov
“ADVICE” EXEMPTION

• LMRDA Section 203(c) exempts “advice” activities, as well as representation in legal proceedings and collective bargaining negotiations, from triggering the reporting requirements.

• A fact-driven question

• “Accept or Reject” Test

Email questions to OLMS-Public@dol.gov
FORM LM-10 AND FORM LM-20: SURVEILLANCE REPORTING

OFFICE OF LABOR-MANAGEMENT STANDARDS
SURVEILLANCE OF EMPLOYEES OR LABOR UNION:

• Under section 203(a)(3), employers must report expenditures made to obtain information concerning the activities of employees or a labor organization in connection with a labor dispute, including during an organizing effort, involving such employer, except for use solely in conjunction with an administrative or arbitral proceeding or a criminal or civil judicial proceeding.

• Exemption: No employer shall be required to file a report covering expenditures made to any regular officer, supervisor, or employee of an employer as compensation for service as a regular officer, supervisor, or employee of such employer.

• Employers must also report agreements with consultants pursuant to which the consultant undertakes activities with an object to supply an employer with certain information concerning the activities of employees or a labor organization in connection with a labor dispute involving the employer.

• Consultants also report such surveillance agreements on the Form LM-20.

Email questions to OLMS-Public@dol.gov
SURVEILLANCE OF EMPLOYEES OR LABOR UNION: (CONTINUED)

These expenditures generally include, but are not limited to, the following areas:

1. Surveillance equipment or other technology used to surveil and the time spent on installing, operating, and monitoring it, as well as analyzing the information the equipment produces.
2. Direct spying on employees or a labor organization.
3. Efforts to obtain “inside information.”
SURVEILLANCE OF EMPLOYEES OR LABOR UNION: (EXAMPLE)

Examples of Non-Reportable Expenditures under Section 203(a)(3):

- Information Solely for Legal Proceedings
- Labor dispute in which the employer is not involved.
- Regular wages as compensation for service as a regular officer, supervisor, or employee of such employer.

Email questions to OLMS-Public@dol.gov
Examples of Reportable Surveillance Expenditures:

- Bonus to one of employer’s regular officers, supervisors, or employees to secretly collect and report information.

- Payments to employee for “inside information” concerning the bargaining demands of a labor organization.

- Computer software, surveillance cameras, or audio recording devices.

Email questions to OLMS-Public@dol.gov
FORM LM-10 REPORTING: UNFAIR LABOR PRACTICE EXPENDITURES

OFFICE OF LABOR-MANAGEMENT STANDARDS
UNFAIR LABOR PRACTICE (ULP) EXPENDITURES:

• Under section 203(a)(3), employers must report any expenditure where an object thereof, directly or indirectly, is to interfere with, restrain, or coerce employees in the exercise of the right to organize and bargain collectively through representatives of their own choosing (i.e., commit an “unfair labor practice” under the NLRA).

Email questions to OLMS-Public@dol.gov
UNFAIR LABOR PRACTICE (ULP) EXPENDITURES: CONT-

These expenditures generally include, but are not limited to, the following areas:

1. Additional compensation

2. Expenditures for equipment, materials, or any other tool or method

Email questions to OLMS-Public@dol.gov
UNFAIR LABOR PRACTICE (ULP) EXPENDITURES: (NON REPORTABLE)

Examples of Non-Reportable Expenditures:

• An employer has a regular monthly newsletter it distributes to its employees. The newsletter reports neutrally on the facts surrounding a strike in one of its warehouses. The costs of the newsletters are not reportable, provided the newsletters contain no direct or indirect threat of reprisal or force, or promise of benefit.

• A packaging facility spends $10,000 on posters and pamphlets urging employees to reject an organizing drive. The expenditures for the posters and pamphlets are not reportable, provided they contain no direct or indirect threat of reprisal or force or promise of benefit.

Email questions to OLMS-Public@dol.gov
Examples of Reportable Expenditures:

- An employer makes expenditures for the printing and dissemination of pamphlets, advertisements, or other printed materials, which threaten to move or close the plant if organized.
- An employer gives gifts or provides services to employees on the condition that they will or will not join a union, regardless whether the condition is explicit or implicit.
- An employer makes payments to a supervisory employee who, as consideration for such payments, verbally threatens employees with a reduction in vacation days or a later vesting of retirement benefits unless the employees reject organizing.

Email questions to OLMS-Public@dol.gov
Examples of Reportable Expenditures (Continued):

• An employer makes payments in assistance of a “Grievance Committee” (or similar entity) established in connection with an organizational drive run by a union to organize the employees.

• An employer makes expenditures for an ad in a newspaper if the substance of that ad amounts to “interference with, restraint, or coercion” in connection with the employees’ rights to bargain collectively through representatives of their own choosing, such as a threat to dismiss employees if they organize.

Email questions to OLMS-Public@dol.gov
HOW TO FILE THE FORMS LM-10 AND LM-20 AND COMPLY WITH RECORDKEEPING REQUIREMENTS

OFFICE OF LABOR-MANAGEMENT STANDARDS
FORM LM-10 AND FORM LM-20

OLMS website:   www.dol.gov/olms
## HOW ENTITIES FILE WITH OLMS:
### ELECTRONIC FORMS SYSTEM (EFS)

**Welcome to the Office of Labor-Management Standards**  
**Electronic Forms System (EFS)**

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To reset your password, you must have the user ID and email address you provided when registering with the EFS system.  

**Forgot your password?**

To retrieve your user ID, you must have the email address, First Name, and Last Name you provided when registering with the EFS System.  

**Forgot your User ID?**

To get a new PIN, you must have your User ID, password, and organization's file number. You can only reset the PIN if it is expired. If you forgot the PIN, please contact EFS Helpdesk.  

**Request a new PIN**

Use this link to obtain an organizational Registration ID and PIN in order to file an Initial LM-1.  

**Obtain an Initial LM-1 Registration ID and PIN**

Do not use this link if you have already registered with OLMS and have an existing organization file number.
ONLINE PUBLIC DISCLOSURE ROOM (OPDR): SEARCH PORTAL
RECORDKEEPING REQUIREMENTS

• Section 206 of the LMRDA requires that Form LM-10 and LM-20 filers must maintain for a **period of 5 years** records to verify, explain or clarify items required to be reported on the forms.

• LMRDA Title VI, Section 601, gives OLMS the authority to inspect the records.

Email questions to OLMS-Public@dol.gov
COMMON REPORTING ERRORS-EXAMPLES

• Form LM-20 reports not filed within 30 days of agreement or arrangement.

• Consultant and sub-consultant must both file.

• Provide complete information and dates for Items 6-8.

• Persuader and surveillance reporting.

Email questions to OLMS-Public@dol.gov
COMMON REPORTING ERRORS (CONTINUED)

• Attach written agreement.

• A “detailed” description in Item 10 and Item 11.a (Specific Activities to be Performed) must contain details.

• Provide in Item 11.d who engaged in the persuader or surveillance activities.

• Must provide full names.

• Amended reports.
COMPLIANCE ASSISTANCE

- Online Compliance Assistance Publications
- Periodic CA Sessions
- Outreach Letters

Email questions to OLMS-Public@dol.gov
OUTREACH AND CONTACT INFORMATION

OLMS National Office 202-693-0123
EFS Technical support: 1-866-401-1109

OLMS-Public@dol.gov

OLMS Listserv – sign up at the OLMS main page under About Us drop down and Email Subscriptions

OLMS website: www.dol.gov/olms
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Questions?