

EMPLOYER AND CONSULTANT REPORTING WEBINAR

September 28, 2022

OFFICE OF LABOR-MANAGEMENT STANDARDS

Email questions to OLMS-Public@dol.gov



OLMS MISSION

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

(REPORTABLE EXPENDITURES): CONTINUE-

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

REPORTABLE EXPENDITURES (EXAMPLE)

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

PERSUADER AGREEMENTS BETWEEN EMPLOYER AND A CONSULTANT OR OTHER THIRD PARTY

- 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

SURVEILLANCE OF EMPLOYEES OR LABOR UNION: (MORE EXAMPLES)

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

UNFAIR LABOR PRACTICE (ULP) EXPENDITURES: (REPORTABLE)

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

REPORTABLE: CONT

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

U.S. Department of Labor
Office of Labor-Management
Standards
Washington, DC 20210

**FORM LM-10
EMPLOYER REPORT**

Form approved
Office of Management
and Budget
No. 1245-0003
Expires XX-XX-XXXX

This report is mandatory under P.L. 86-257, as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U.S.C. 433 or 442.

For Official Use Only

READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT

Part A

1. File Number E- _____	2. Fiscal Year Covered From: / / Through: / /
3. Name and address of Reporting Employer (inc. trade name, if any). Employer: _____ Trade Name: _____ Attention To: _____ Title: _____ Mailing Address: _____ P.O. Box, Bldg., Room No., if any: _____ Street: _____ City: _____ State: _____ ZIP Code + 4: _____	4. Name and address of President or corresponding principal officer, if different from address in item 3. Name: _____ P.O. Box, building and Room Number, if any: _____ Street: _____ City: _____ State: _____ ZIP Code + 4: _____
5. Any other address where records necessary to verify this report will be available for examination. Name: _____ Title: _____ Organization: _____ P.O. Box, Building and Room Number, if any: _____ Street: _____ City: _____ State: _____ ZIP Code + 4: _____	6. Indicate by checking the appropriate box or boxes where records necessary to verify this report will be available for examination. <input type="checkbox"/> Address in item 3 <input type="checkbox"/> Address in item 4 <input type="checkbox"/> Address in item 5
7. Type of organization: <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Individual <input type="checkbox"/> Other (specify) _____	

Signatures

Each of the undersigned, duly authorized officers of the above employer declares, under penalty of perjury and other applicable penalties of law, that all of the information submitted in this report (including the information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned's knowledge and belief, true, correct, and complete. (See Section VII on penalties in the instructions.)

13. Signed _____ President (if other title, see instructions) Title: President On: / / Date Telephone Number: _____	14. Signed _____ Treasurer (if other title, see instructions) Title: Treasurer On: / / Date Telephone Number: _____
---	---

Form LM-10 - Part A (2003) Page 1 of 3

U.S. Department of Labor
Office of Labor-Management
Standards
Washington, DC 20210

**FORM LM-20
AGREEMENT AND ACTIVITIES REPORT**

Form approved
Office of Management
and Budget
No. 1245-0003
Expires XX-XX-XXXX

This report is mandatory under P.L. 86-257, as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U.S.C. 433 or 442. Required of persons, including labor relations consultants and other individuals and organizations, under Section 203(b) of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA).

For Official Use Only

READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT

1. File Number: C- _____

Person Filing

2. Name and mailing address (include ZIP Code): Name: _____ Title: _____ Organization: _____ P.O. Box, Bldg., Room No., if any: _____ Street: _____ City: _____ State: _____ ZIP Code + 4: _____	3. Any other address where records necessary to verify this report are kept: Name: _____ Title: _____ Organization: _____ P.O. Box, Bldg., Room No., if any: _____ Street: _____ City: _____ State: _____ ZIP Code + 4: _____
4. Date fiscal year ends: / /	5. Type of person: a <input type="checkbox"/> Individual b <input type="checkbox"/> Partnership c <input type="checkbox"/> Corporation d <input type="checkbox"/> Other (Specify): _____

Nature of Agreement or Arrangement

6. Full name and address of employer with whom made (include ZIP Code): Name: _____ Organization: _____ Trade Name, if any: _____ P.O. Box, Bldg., Room No., if any: _____ Street: _____ City: _____ State: _____ ZIP Code + 4: _____	7. Date entered into: / /
8. Name of person(s) through whom made: Name: _____ Name: _____ Name: _____ Name: _____	
Signatures	

Each of the undersigned declares, under penalty of perjury and other applicable penalties of law, that all of the information submitted in this report (including the information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned's knowledge and belief, true, correct, and complete. (See Section VII on penalties in the instructions.)

13. Signed _____ President (if other title, see instructions) Title: President On: / / Date Telephone Number: _____	14. Signed _____ Treasurer (if other title, see instructions) Title: Treasurer On: / / Date Telephone Number: _____
---	---

Form LM-20 (2003) Page 1 of 2

OLMS website: www.dol.gov/olms

HOW ENTITIES FILE WITH OLMS: ELECTRONIC FORMS SYSTEM (EFS)



U.S. DEPARTMENT OF LABOR

Office of Labor-Management Standards - OLMS

[OLMS HOME](#)

[OLMS Reports](#) ▾

[User Guides/FAQs](#) ▾

EFS Helpdesk: 1-866-401-1109 | TTY: 7-1-1 Telecommunications Relay Service (TRS)
Email: OLMS-Public@dol.gov

[DOL Home](#) > [OLMS](#) > [EFS](#)

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

Existing and New User Account Management	LM-1, LM-2, LM-3, LM-4, LM-15, LM-15A, and Simplified Report	LM-10, LM-20, LM-21, and LM-30
<p>Register for an EFS User ID and Password</p> <p>Edit your account information</p> <hr/> <p>To reset your password, you must have the user ID and email address you provided when registering with the EFS system.</p> <p>Forgot your password?</p> <hr/> <p>To retrieve your user ID, you must have the email address, First Name, and Last Name you provided when registering with the EFS System.</p> <p>Forgot your User ID?</p>	<p>User ID: <input type="text"/></p> <p>User Password: <input type="password"/></p> <p>*File No/Registration ID <input type="text"/> - <input type="text"/></p> <p>Union PIN <input type="text"/></p> <p><input type="button" value="Sign In"/></p> <hr/> <p>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.</p> <p>Request a new PIN</p> <hr/> <p>Use this link to obtain an organizational Registration ID and PIN in order to file an initial LM-1.</p> <p>Obtain an Initial LM-1 Registration ID and PIN</p> <p>Do not use this link if you have already registered with OLMS and have an existing organization file number.</p>	<p>User ID: <input type="text"/></p> <p>User Password: <input type="password"/></p> <p><input type="button" value="Sign In"/></p> <hr/>

Recommended browsers are - Microsoft Edge or Google Chrome

ONLINE PUBLIC DISCLOSURE ROOM (OPDR): SEARCH PORTAL



UNITED STATES
DEPARTMENT OF LABOR

www.dol.gov/olms | Telephone: 1-866-401-1109 | TTY: 7-1-1 Telecom

** Data refreshed as of 10/23/2024 10:00 AM EDT

OFFICE OF LABOR-MANAGEMENT STANDARDS (OLMS) – LM REPORTS AND CONSTITUTIONS AND BYLAWS

[DOL Home](#) > [OLMS](#) > [Online Public Disclosure Room](#) > [OPDR](#)

[Union Reports](#) [Other Reports](#) [CBA Search](#)

[LM-30 Union Officers and Employees](#) [LM-20/21 Labor Relations Consultant](#) [LM-10 Employer](#) [Advanced Search](#)

[Quick Start](#) [Glossary](#) [Export](#) [Reset](#)

List of LM-20/21 records based on their latest report filed (ordered by File #)

File #	Organization	City	State
<input type="text"/>	<input type="text" value="name contains (i.e teachers)"/>	<input type="text" value="starts with"/>	<input type="text"/>
C-214	BENNETT LAW FIRM, THE/BENNETT, BENNETT, TROJANO, P.A./THE BENNETT LAW FIRM, P.A.	PORTLAND	ME
C-216	BECKMANN, GENE/FREDERICKS, TOM S./JACKSON, T. S./MORRIS, BENJAMIN A./MORSE, ROBERT C./P...	GRAND BLANC/LOS GATOS	MI
C-233	BLANKENSHIP AND ASSOCIATES	GREENWOOD	IN
C-242	FRIDAY, ELDREDGE AND CLARK	LITTLE ROCK	AR
C-257	COLON, EDWIN A./INDUSTRIAL RELATIONS CONSULTANTS/QUIGLEY, ROBERT J.	BEVERLY HILLS/LOS ANGELES	CA
C-272	CBC CONSULTING, LTD./CRAFT-BARRESI CONSULTANTS, LTD.	CLARKSTON/ORTONVILLE/TROY	MI
C-293	MCDONALD ASSOCIATES AND COMPANY/MCDONALD, EMIL G./SOMERVILLE, DAVE	DETROIT/SUMMERFIELD	FL/MI
C-297	HAZZARD, T. H., INC.	BOISE	ID
C-313	PACIFIC NW EMPLOYEE REL. ASSN. (PNERA)	PORTLAND	OR
C-323	MULTIPE CONSULTING/MULTIPE CONSULTING, LLC/MULTIPE CONSULTING, LLC	DAWLEY ISLAND/NEST CALDWELL	MUSC

1 - 50 of 555 items

[BENNETT LAW FIRM, THE/BENNETT, BENNETT, TROJANO, P.A./THE BENNETT LAW FIRM, P.A. \(C-214\) X](#)

Detailed summary of LM-20/21 REPORTS for BENNETT LAW FIRM, THE/BENNETT, BENNETT, TROJANO, P.A./THE BENNETT LAW FIRM, P.A. for C-214:

[Export](#)

Report	Received Date	Employer/Trade Name	Attachments(Electronic only)	Amendment
2020 (LM-21)	Mar 31, 2021	COCA-COLA BEVERAGES NORTHEAST, INC.	View	N/A
2020 (LM-20)	Aug 26, 2020	COCA-COLA BEVERAGES NORTHEAST, INC.		N/A
2019 (LM-21)	Jun 30, 2020	COCA-COLA BEVERAGES NORTHEAST, INC. + 2 RECORDS View		N/A
2019 (LM-20)	Mar 19, 2020	SPRAGUE RESOURCES GP, LLC		N/A
2019 (LM-20)	Jan 15, 2020	COCA-COLA BEVERAGES NORTHEAST, INC.		N/A
2019 (LM-20)	Sep 9, 2019	COCA-COLA BOTTLING CO. OF NORTHERN N.E.		N/A

1 - 10 of 50 items

ONLINE PUBLIC DISCLOSURE ROOM (OPDR): ADVANCED SEARCH



UNITED STATES
DEPARTMENT OF LABOR

www.dol.gov/olms | Telephone: 1-866-401-1109 | TTY: 7-1-1 Telecommunications

** Data refreshed as of 09/26/202

OFFICE OF LABOR-MANAGEMENT STANDARDS (OLMS) – LM REPORTS AND CONSTITUTIONS AND BYLAWS

[DOL Home](#) > [OLMS](#) > [Online Public Disclosure Room](#) > [OPDR](#)

[Union Reports](#) [Other Reports](#) [CBA Search](#)

[LM-30 Union Officers and Employees](#) [LM-20/21 Labor Relations Consultant](#) [LM-10 Employer](#) [Advanced Search](#)

[Quick Start](#) [Glossary](#) [Export](#) [Clear Filter](#)

Enter up to three names (people or organizations)
as search criteria below:

Search Criteria 1

Search Criteria 2

Search Criteria 3

[Search](#) [Reset](#)

A list of records containing the search criteria entered and the location of the "Match" in each form(s) (LM-10, LM-20, LM-21 and LM-30 only).

File #	Fiscal Year	Report	Received Date	Filer Name	Filer Organization	Match	Matching Item
--------	-------------	--------	---------------	------------	--------------------	-------	---------------

1 of 1 page 50 items per page

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

OFFICE OF LABOR-MANAGEMENT STANDARDS



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.

Email questions to OLMS-Public@dol.gov

EDUCATION AND OUTREACH

OFFICE OF LABOR-MANAGEMENT STANDARDS



COMPLIANCE ASSISTANCE

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

The screenshot displays the U.S. Department of Labor website. At the top, there is a navigation bar with the text "U.S. DEPARTMENT OF LABOR" and "Office of Labor-Management Standards". Below this is a blue navigation menu with several tabs: "FILING AND FORMS", "REPORTING AND DISCLOSURE", "ENFORCEMENT", "COMPLIANCE ASSISTANCE", and "LAWS AND REGULATIONS". The "COMPLIANCE ASSISTANCE" tab is highlighted with a red circle. Below the navigation menu, the page title is "Employer and Consultant Reporting". A red circle highlights the "COMPLIANCE ASSISTANCE" tab in the navigation menu. Another red circle highlights the "Employer and Consultant Reporting" link in the "Compliance Assistance" dropdown menu. Below the main content area, there is a "Related Information" section with a list of links: "LMRDA Section 203 and Implementing Regulations (29 CFR Parts 405 and 406)", "OLMS Interpretative Manual Sections 240 (LM-30 reporting), 250 (Form LM-10 employer reporting), and 260 (Forms LM consultant reporting)", "View submitted Form LM-10, LM-20 and LM-21, and LM-30 reports", "Search for persuader reports by employer name", "Employer-Consultant Reporting Fact sheet and Other Guidance", "How to File a Complaint with OLMS", "Labor Organization Reporting and Disclosure Requirements", and "Contact OLMS for Additional Assistance".

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

OFFICE OF LABOR-MANAGEMENT STANDARDS



Frances Perkins
Building



United States
Department
of Labor

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 and union trusteeships and safeguards for union assets.

OLMS-Public@dol.gov



Questions?