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**DO NOT SEND YOUR COMPLETED FORM LM-20 TO THE ABOVE ADDRESS.**

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# Instructions for Form LM-20

## Agreement and Activities Report

### GENERAL INSTRUCTIONS

#### I. Why File

The Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), requires public disclosure of agreements or arrangements made between any person, including labor relations consultants and other individuals and organizations, and an employer to undertake certain actions, conduct, or communications concerning employees or labor organizations (hereinafter “activities”). Pursuant to Section 203(b) of the LMRDA, every person who undertakes any such activity under an agreement or arrangement with an employer is required to file detailed reports with the Secretary of Labor. The Secretary, under the authority of the LMRDA, has prescribed the filing of the Agreement and Activities Report, Form LM-20, to satisfy this reporting requirement.

These reporting requirements of the LMRDA and of the regulations and forms issued under the Act only relate to the disclosure of specific agreements, arrangements, and/or activities. The reporting requirements do not address whether such agreements or arrangements or activities are lawful or unlawful. The fact that a particular agreement, arrangement, or activity is or is not required to be reported does not indicate whether or not it is subject to any legal prohibition.

#### II. Who Must File

Any person who, as a direct or indirect party to any agreement or arrangement with an employer undertakes, pursuant to the agreement or arrangement, any activity of the type described in Section 203(b) of the LMRDA, must file a Form LM-20. The term “agreement or arrangement” should be construed broadly and does not need to be in writing.

A “person” is defined by LMRDA Section 3(d) to include, among others, labor relations consultants and other individuals and organizations. A person “undertakes” activities not only when he/she performs the activity but

also when he/she agrees to perform the activity or to have it performed.

A “direct or indirect party” to an agreement or arrangement includes (1) persons who have secured the services of another or of others in connection with an agreement or arrangement of the type referred to in Section 203(b) of the LMRDA, and (2) persons who have undertaken activities at the behest of another or of others with knowledge or reason to believe that they are undertaken as a result of an agreement or arrangement between an employer and any other person. However, bona fide regular officers, supervisors, or employees of an employer are exempt from this reporting requirement to the extent that the services they undertook to perform were undertaken as such bona fide regular officers, supervisors, or employees of their employer.

**Note:** Selected definitions from the LMRDA follow these instructions.

#### III. What Must Be Reported

The information required to be reported on Form LM-20, as set forth in the form and the instructions below, includes (1) the party or parties to the agreement or arrangement, (2) the object and terms and conditions of the agreement or arrangement, and (3) the activities performed or to be performed pursuant to the agreement or arrangement.

Any person required to file Form LM-20 must also file Form LM-21, Receipts and Disbursements Report. You must file Form LM-21 for each fiscal year during which you made or received payments as a result of any agreement or arrangement described in Form LM-20.

You must file Form LM-21 within 90 days after the end of your fiscal year.

**Note:** With the exception of reportable union avoidance seminars, as described in Part X below, a separate Form LM-20 must be filed for each agreement or arrangement the filer makes with an employer to undertake any activity of the type set forth in LMRDA Section 203(b).

[Public@dol.gov](mailto:Public@dol.gov), by phone at (202) 693-0123, or by fax at (202) 693-1340.

#### IV. Who Must Sign the Report

Both the president and the treasurer, or the corresponding principal officers, of the reporting organization must sign the completed Form LM-20. A report from a sole proprietor or an individual on his/her own behalf need only bear one signature.

#### V. When to File

Each person who has entered into any agreement or arrangement to undertake reportable activities must file the report *within 30 days* after entering into such agreement or arrangement. For a reportable union avoidance seminar, as described in Part X below, you must file the report within 30 days after the conclusion of the seminar. You must file any changes to the information reported in Form LM-20 (excluding matters related to Item 11.c. (Extent of Performance)) within 30 days of the change in a report with Item 1.c. (Amended Report) clearly checked.

#### VI. How to File

Form LM-20 must be completed online, electronically signed, and submitted along with any required attachments using the OLMS Electronic Forms System (EFS). The electronic Form LM-20 can be accessed and completed at the OLMS website at [www.olms.dol.gov](http://www.olms.dol.gov).

If you have difficulty navigating EFS, or have questions about its functions or features, call the OLMS Help Desk at (866) 401-1109. You may also email questions to [OLMS-Public@dol.gov](mailto:OLMS-Public@dol.gov).

You will be able to file a report in paper format only if you assert a temporary hardship exemption or apply for and are granted a continuing hardship exemption.

#### TEMPORARY HARDSHIP EXEMPTION:

If you experience unanticipated technical difficulties that prevent the timely preparation and submission of an electronic filing, you may file Form LM-20 in paper format by the required due date at this address:

U.S. Department of Labor  
Office of Labor-Management Standards  
200 Constitution Avenue, NW  
Room N-5616  
Washington, DC 20210

An electronic format copy of the filed paper format document shall be submitted to the Department within ten business days after the required due date. Indicate in Item 1.b. (Hardship Exemption) that you are filing under the hardship exemption procedures.

Unanticipated technical difficulties that may result in additional delays should be brought to the attention of the Office of Labor-Management Standards (OLMS) Division of Interpretations and Standards, which can be reached at the address below, by email at [OLMS-](mailto:OLMS-Public@dol.gov)

**Note:** If either the paper filing or the electronic filing is not received in the timeframe specified above, the report will be considered delinquent.

#### CONTINUING HARDSHIP EXEMPTION:

(a) You may apply in writing for a continuing hardship exemption if filing Form LM-20 electronically would cause undue burden or expense. Such written application shall be received at least 30 days prior to the required due date of the report(s). The written application shall contain the information set forth in paragraph (b). The application must be mailed to the following address:

U.S. Department of Labor  
Office of Labor-Management Standards  
200 Constitution Avenue, NW  
Room N-5609  
Washington, DC 20210

Questions regarding the application should be directed to the OLMS Division of Interpretations and Standards, which can be reached at the above address, by email at [OLMS-Public@dol.gov](mailto:OLMS-Public@dol.gov), by phone at (202) 693-0123, or by fax at (202) 693-1340.

(b) The request for the continuing hardship exemption shall include, but not be limited to, the following: (1) the requested time period of, and justification for, the exemption (you must specify a time period not to exceed one year); (2) the burden and expense that you would incur if required to make an electronic submission; and (3) the reasons for not submitting the report(s) electronically.

(c) The continuing hardship exemption shall not be deemed granted until the Department notifies the applicant in writing. If the Department denies the application for an exemption, the filer shall file the report(s) in electronic format by the required due date. If the Department determines that the grant of the exemption is appropriate and consistent with the public interest and so notifies the applicant, the filer shall follow the procedures set forth in paragraph (d).

(d) If the request is granted, you shall submit the report(s) in paper format by the required due date. You will also be required to submit Form LM-20 in electronic format upon the expiration of the period for which the exemption is granted. Indicate in Item 1.b. (Hardship Exemption) that you are filing under the hardship exemption procedures.

**Note:** If either the paper filing or the electronic filing is not received in the timeframe specified above, the report will be considered delinquent.

#### VII. Public Disclosure

Pursuant to the LMRDA, the U.S. Department of Labor is required to make all submitted reports available for public inspection. In the Online Public Disclosure Room at [www.unionreports.gov](http://www.unionreports.gov), you may view and print copies of Form LM-20 reports, beginning with the year 2000.

You may also examine the Form LM-20 reports at, and purchase copies from, the OLMS Public Disclosure Room at:

U.S. Department of Labor  
Office of Labor-Management Standards  
200 Constitution Avenue, NW  
Room N-1519  
Washington, DC 20210-0001  
Telephone: (202) 693-0125

### VIII. Responsibilities and Penalties

The individuals required to sign Form LM-20 are personally responsible for its filing and accuracy. Under the LMRDA, these individuals are subject to criminal penalties for willful failure to file a required report and/or for false reporting. False reporting includes making any false statement or misrepresentation of a material fact while knowing it to be false, or knowingly failing to disclose a material fact in a required report or in the information required to be contained in it or in any information required to be submitted with it.

The reporting individuals and the reporting organizations, if any, are also subject to civil prosecution for violations of the filing requirements. According to Section 210 of the LMRDA, "whenever it shall appear that any person has violated or is about to violate any of the provisions of this title, the Secretary may bring a civil action for such relief (including injunctions) as may be appropriate."

### IX. Recordkeeping

The individuals required to file Form LM-20 are responsible for maintaining records which will provide in sufficient detail the information and data necessary to verify the accuracy and completeness of the report. You must retain the records for at least 5 years after the date you filed the report. You must retain any record necessary to verify, explain, or clarify the report, including, but not limited to vouchers, worksheets, receipts, and applicable resolutions. Also to be included are the agreement or arrangement, and any related documents.

### X. Completing Form LM-20

*Read the instructions carefully before completing Form LM-20.*

Information about EFS can be found on the OLMS website at [www.olms.dol.gov](http://www.olms.dol.gov).

**Information Entry.** Complete Form LM-20 by entering information directly into the fields on the form. If additional space is needed for items that require an explanation or further information, EFS automatically adds space for additional entries.

**Validation.** You should click on the "Validate" button on each page to check for errors. This action will generate a "Validation Summary Page" listing any errors that will need to be corrected before you will be able to sign the form. Clicking on the signature lines will also perform the validation function.

### General Instructions for Agreements, Arrangements, and Activities

You must file a separate report for each agreement or arrangement made with an employer where an object is, directly or indirectly:

(1) To persuade employees to exercise or not to exercise, or to persuade them as to the manner of exercising, the right to organize and bargain collectively through representatives of their choice. (**Excluded** are agreements or arrangements that cover services relating exclusively to: (a) giving or agreeing to give advice to the employer; (b) representing the employer before any court, administrative agency, or tribunal of arbitration, and (c) engaging in collective bargaining on the employer's behalf with respect to wages, hours, or other terms or conditions of employment or the negotiation of any collective bargaining agreement or any question arising under the agreement.)

**or**

(2) To supply the employer with information concerning activities of employees or a labor organization in connection with a labor dispute involving such employer. (**Excluded** are agreements or arrangements that cover services relating exclusively to supplying the employer with information for use only in conjunction with an administrative, arbitral, or judicial proceeding.)

**Note:** If **any** reportable activities are undertaken, or agreed to be undertaken, pursuant to the agreement or arrangement, the exemptions do not apply and information must be reported for the entire agreement or arrangement.

### Reportable Persuader Agreements or Arrangements

An agreement or arrangement is reportable if a consultant undertakes activities with an object, directly or indirectly, to persuade employees to exercise or not to exercise, or to persuade employees as to the manner of exercising, the right to organize and bargain collectively through representatives of their own choosing (hereinafter "persuade employees"). Such "persuader activities" are any actions, conduct, or communications that are undertaken with an object, explicitly or implicitly, directly or indirectly, to affect an employee's decisions regarding his or her representation or collective bargaining rights. Under a typical reportable agreement or arrangement, a consultant manages a campaign or program to avoid or counter a union organizing or collective bargaining effort, either jointly with the

employer or separately, or conducts a union avoidance seminar.

Reporting of an agreement or arrangement is triggered when:

- (1) A consultant engages in direct contact or communication with any employee with an object to persuade such employee; or
- (2) A consultant who has no direct contact with employees undertakes the following activities with an object to persuade employees:
  - (a) plans, directs, or coordinates activities undertaken by supervisors or other employer representatives, including meetings and interactions with employees;
  - (b) provides material or communications to the employer, in oral, written, or electronic form, for dissemination or distribution to employees;
  - (c) conducts a seminar for supervisors or other employer representatives; or
  - (d) develops or implements personnel policies, practices, or actions for the employer.

Specific examples of activities that either alone or in combination would trigger the reporting requirements include but are not limited to:

- planning or conducting individual employee meetings;
- planning or conducting group employee meetings;
- training supervisors or employer representatives to conduct such meetings;
- coordinating or directing the activities of supervisors or employer representatives;
- establishing or facilitating employee committees;
- conducting a union avoidance seminar for supervisors or employer representatives in which the consultant develops or assists the attending employers in developing anti-union tactics or strategies for use by the employers' supervisors or other representatives ("reportable union avoidance seminar");<sup>1</sup>
- drafting, revising, or providing speeches, written material, website, audiovisual or multimedia content for presentation, dissemination, or distribution to employees, directly or indirectly (including the sale of "off-the-shelf"<sup>2</sup> materials

<sup>1</sup> Note: Where a trade association sponsors a union avoidance seminar at which an independent contractor makes the presentation, only the independent contractor is required to file the report. The trade association and the employer-attendees do not need to report the seminars.

<sup>2</sup> "Off-the-shelf materials" refer to pre-existing material not created for the particular employer who is party to the agreement.

where the consultant assists the employer in the selection of such materials, except as noted below where such selection is made by trade associations for member-employers);

- developing employer personnel policies designed to persuade, such as when a consultant, in response to employee complaints about the need for a union to protect against arbitrary firings, develops a policy under which employees may arbitrate grievances;
- identifying employees for disciplinary action, reward, or other targeting based on their involvement with a union representation campaign or perceived support for the union;
- coordinating the timing and sequencing of union avoidance tactics and strategies.

To be reportable, as noted above, such activities must be undertaken with an object to persuade employees, as evidenced by the agreement, any accompanying communications, the timing, or other circumstances relevant to the undertaking.

#### Reportable Information-Supplying Agreements or Arrangements

Reportable information-supplying agreements or arrangements include those in which a consultant engages in activities with an object to supply an employer with information concerning the activities of employees or a labor organization in connection with a labor dispute<sup>3</sup> involving such employer. Such activities include information obtained from: supervisors or employer representatives; employees, employee representatives, or union meetings; research or investigation concerning employees or labor organizations; and surveillance of employees or union representatives (electronically or in person). A reportable agreement or arrangement includes an employer's purchase or other acquisition of such information, for example, from a consultant's website. Such purchase or acquisition would be reportable by both the consultant and the employer.

#### Exempt Agreements or Arrangements

No report is required covering the services of a labor relations consultant by reason of the consultant's giving or agreeing to give advice to an employer. "Advice" means an oral or written recommendation regarding a decision or a course of conduct. For example, a

<sup>3</sup> The LMRDA defines a "labor dispute" as including "any controversy concerning the terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee." See LMRDA section 3(g). Thus, a "labor dispute" includes any controversy over matters relating to the representation and collective bargaining rights of employees.

consultant who, exclusively, counsels employer representatives on what they may lawfully say to employees, ensures a client's compliance with the law, offers guidance on employer personnel policies and best practices, or provides guidance on National Labor Relations Board (NLRB) or National Mediation Board (NMB) practice or precedent is providing "advice."

As a general principle, no reporting is required for an agreement or arrangement to exclusively provide legal services. For example, no report is required if a lawyer or other consultant revises persuasive materials, communications, or policies created by the employer in order to ensure their legality rather than enhancing their persuasive effect. In such cases, the consultant has no object to persuade employees. Additionally, reports are not required for an agreement that involves a consultant merely representing the employer before any court, administrative agency, or tribunal of arbitration, or engaging in collective bargaining on the employer's behalf with respect to wages, hours, or other terms or conditions of employment or the negotiation of any agreement or any questions arising under the agreement.

The consultant's development or implementation of personnel policies or actions that improve employee pay, benefits, or working conditions do not trigger reporting merely because the policies or actions improve the pay, benefits, or working conditions of employees, even where they could subtly affect or influence the attitudes or views of the employees. Rather, to be reportable, the consultant must undertake the activities with an object to persuade employees, as evidenced by the agreement, any accompanying communications, the timing, or other circumstances relevant to the undertaking.

No report is required for an agreement or arrangement to conduct a seminar for employers in which the consultant does not develop or assist the attending employers in developing anti-union tactics or strategies.

Where a trade association sponsors a union avoidance seminar, it is required to file a report only if its staff makes a presentation at the seminar. In instances where solely an outside consultant makes the presentation, only the consultant is required to file a report. Employer-attendees are not required to report their attendance at union avoidance seminars.

A report is not required concerning an agreement or arrangement whereby the consultant conducts a survey of employees (other than a push survey designed to influence participants and thus with an object to persuade) or a vulnerability assessment for an employer concerning the proneness of union organizing. No reporting is required where a consultant merely makes a sales pitch to an employer to undertake persuader activities for the employer.

Moreover, no reporting is required for an agreement or arrangement under which an employer exclusively

purchases or otherwise acquires off-the-shelf union avoidance materials from a consultant without any input by the consultant concerning the selection or dissemination of the materials.

Additionally, concerning potential reporting of information-supplying agreements or arrangements, no reporting is required for an agreement or arrangement that covers services relating exclusively to supplying the employer with information for use only in conjunction with an administrative, arbitral, or judicial proceeding.

No reporting is required concerning an agreement between a franchisor and franchisee.

#### Agreements Involving Trade Associations

Trade associations are not required to file a report by reason of: their membership agreements, selecting off-the-shelf materials for member-employers, or distributing newsletters for member-employers. Such associations, however, are required to file reports for agreements covering the following activities:

Union avoidance seminars in which the trade association's employees serve as presenters; and

The trade association engages in reportable persuader activities for a particular employer or employers other than at a union avoidance seminar merely sponsored by the association.

#### NLRA Does Not Affect Reporting Obligations

While Section 203 of the LMRDA does not amend or modify the rights protected by Section 8(c) of the National Labor Relations Act, as amended (NLRA), the LMRDA contains no provision exempting the activities protected by that section from the reporting requirements. Therefore, activities of the type set forth in Section 203(b) of the LMRDA must be reported regardless of whether they are protected by Section 8(c) of the NLRA.

**Note:** The text of NLRA Section 8(c) is set forth following these instructions.

### **Items 1–14**

#### **1. FILE NUMBER, HARDSHIP EXEMPTION, AND AMENDED REPORT:**

**1.a. File Number.** EFS will pre-fill this item with your organization's file number. If you are a new filer, EFS will assign your organization a number upon registration.

**1.b. Hardship Exemption.** Indicate here if you are filing a hardcopy Form LM-20 pursuant to a hardship exemption.

**1.c. Amended Report.** Indicate here if you are filing an amended Form LM-20.

**2. CONTACT INFORMATION FOR PERSON FILING**

—Enter the full legal name of the reporting individual or organization, a trade or commercial name, if applicable (such as a d/b/a or “doing business as” name), the name and title of the person to whom mail should be directed, and the complete address where mail should be sent, including any building and room number, and the person’s email address. Also enter the Employer Identification Number (EIN) of the filer. If you do not have an EIN, enter “none.”

**3. OTHER ADDRESS WHERE RECORDS ARE KEPT**

—If you maintain any of the records necessary to verify this report at an address different from the address listed in Item 2, enter the appropriate name and address in Item 3.

**4. FISCAL YEAR**

— Enter the beginning and ending dates of the fiscal year covered in this report in mm/dd/yyyy format. The report must not cover more than a 12-month period. For example, if the person’s 12-month fiscal year begins on January 1 and ends on December 31, do not enter a date beyond the 12-month period, such as January 1 to January 1; this is an invalid date entry.

**5. TYPE OF PERSON**

—If the person reporting is an individual, partnership, or corporation, so indicate by checking the appropriate box. If none of the choices apply, check “Other” and describe in the space provided the type of person.

**6. FULL NAME AND ADDRESS OF EMPLOYER(S)**

—Enter the full legal name of the employer with whom the agreement or arrangement was made, a trade or commercial name, if applicable (such as a d/b/a or “doing business as” name), the name and title of the person to whom mail should be directed, the complete address where mail should be sent, including any building and room number, and the employer’s email address. Also enter the Employer Identification Number (EIN) of the employer unless the employer is only attending a union avoidance seminar.

If you are reporting an agreement or arrangement concerning a union avoidance seminar, you must check the “seminar reporting” box and fully complete a separate Item 6 for each attendee, including member-employers of a trade association that organized the seminar. However, for such seminar reporting, you are not required to provide the EIN for each attending employer.

**7. DATE OF AGREEMENT OR ARRANGEMENT**

—Enter the date on which you entered into the agreement or arrangement in mm/dd/yyyy format. Note: you are not required to complete this item if you are reporting an agreement or arrangement concerning a union

avoidance seminar. However, you must complete a separate Item 6 for each attendee.

**8. PERSON(S) THROUGH WHOM AGREEMENT OR ARRANGEMENT MADE—(a) Employer**

**Representative:** Complete this portion of the item only if you are the prime consultant. Enter the name and title of each person, acting on behalf of the employer, making the agreement or arrangement. Leave Item 8(b) blank. **Note:** If you are a trade association completing this report for a reportable union avoidance seminar, then you are not required to complete Item 8.

**(b) Prime Consultant:**

Complete this portion of the item only if you are an indirect party (or sub-consultant) to a reportable employer-consultant agreement. Enter the name of the prime consultant with whom you entered into such agreement or arrangement, as well as its Employer Identification Number (EIN) and mailing address. If the prime consultant does not have an EIN, enter “none.” Also enter the name and title of each person acting on behalf of the prime consultant making the agreement or arrangement. Leave Item 8(a) blank. **Note:** If you are a presenter at a reportable union avoidance seminar organized by a trade association, then you must enter the name of the trade association and the name and title of the association’s official with whom you entered into such agreement or arrangement.

**9. OBJECT OF ACTIVITIES**

—Check the appropriate box(es) indicating whether the object of your activities, pursuant to the agreement or arrangement is, directly or indirectly, to persuade employees to exercise their bargaining rights **or** to supply an employer with information related to a labor dispute. You must check either one or both of the boxes.

**10. TERMS AND CONDITIONS**

—Provide a detailed explanation of the terms and conditions of the agreement or arrangement. This includes an explanation of the fee arrangement, as well as a description of the nature of the services agreed to be performed. For example, you must explain if you were hired to manage a counter-organizing or union-avoidance campaign, to conduct a union avoidance seminar, or to provide assistance to an employer in such a campaign through the persuader activities identified in Item 11. If you are an attorney who provides legal advice and representation in addition to persuader services, you are only required to describe such portion of the agreement as the provision of “legal services,” without any further description.

If any agreement or arrangement is in whole or in part contained in a written contract, memorandum, letter, or other written instrument, or has been wholly or partially reduced to writing, you must refer to that document and attach a copy of it to this report by clicking on the “Add Attachments” link at the top of the form. For a reportable union avoidance seminar, this includes a single copy of the registration form and a description of the seminar provided to attendees.

**11. DESCRIPTION OF ACTIVITIES**—For each activity to be performed, give a detailed explanation of the following:

**11.a. Nature of Activity.** Select from the list in 11.a. each entry that describes the nature of a particular activity or activities performed or to be performed. The list is divided into two parts: persuader activities and information-supplying activities, as identified in Item 9. For persuader activity, select each activity performed or to be performed, if the object thereof was, directly or indirectly, to persuade employees concerning their rights to organize or bargain collectively through representatives of their own choosing. Select all activities that apply for each part that you identified in Item 9. If none of the items listed accurately describes the nature of a particular activity or activities, select “Other” and describe the nature of the activity or activities in the “Additional Information” space of Item 11.a. You may also provide further explanation for any activity selected in the “Additional Information” space of Item 11.a.

**11.b. Period during which activity performed.** Describe the period during which the activity has been or will be performed. For example, if the performance will begin in June 2013 and will terminate in August 2013, so indicate by stating “06/01/2013 through 08/31/2013.” For a reportable union avoidance seminar, enter the date(s) in which the event was held.

**11.c. Extent of Performance.** Indicate the extent to which the activity has been performed. For example, you should indicate whether the activity is pending, ongoing, near completion, or completed.

**11.d. Name and Address of person through whom activity performed.** Enter the full legal name, title, organization, and contact information, including email address, of the person(s) through whom the activities are to be performed or have been performed and indicate if those person(s) are employed by the consultant or serve as an independent contractor. Independent contractors in such cases are sub-consultants, who are required to file a separate Form LM-20 report. For independent contractors, add the employer identification number (EIN). If the contractor does not have an EIN, enter “none.” If the address of the organization differs from the business address of the person who performed the activities, or if more than one person performed the activities, click the “Add Another” button to generate an additional page and enter the address of the organization or the additional persons on this page.

**12. SUBJECT GROUPS OF EMPLOYEES AND/OR LABOR ORGANIZATIONS**—Identify the subject groups of employees who are to be persuaded and/or those labor organizations about whose activities information is to be supplied to the employer.

**12.a.** Identify the subject groups of employees who are to be persuaded or concerning whose activities information is to be supplied to the employer, including

a description of the department, job classification(s), work location, and/or shift(s) of the employees targeted, as well as the location of their work.

If you are completing this item for an agreement or arrangement involving a reportable union avoidance seminar, then you must identify generally the category(ies) of employees employed in the industry or industries addressed or to be addressed by the seminar.

**12.b.** Identify the subject labor organization(s).

If you are completing this item for an agreement or arrangement involving a reportable union avoidance seminar, then you must identify the labor organization(s) upon which the event focuses or which represents or seeks to represent employees in the industry or industries with which the event focuses.

**13-14. SIGNATURES**—The completed Form LM-20 that is filed with OLMS must be signed by both the president and treasurer, or corresponding principal officers, of the reporting organization. A report from an individual or a sole proprietor, on his/her own behalf, need only bear **one** signature which should be entered in Item 13. Otherwise, this report must bear **two** signatures. If the report is from an organization and is signed by an officer other than the president and/or treasurer, enter the correct title in the title field next to the signature.

Before signing the form, click the Validate button at the top of page 1 to ensure that the report passes validation and thus can be signed and submitted.

To sign the report, an officer will be required to attest to the data on the report and use his or her EFS username and password as the verification mechanism.

To electronically sign the form, click the signature spaces provided. Enter the date the report was signed and the telephone number at which the signatories conduct official business; you do not have to report a private, unlisted telephone number.

Once signed, the completed report can be electronically submitted to OLMS.

## **SELECTED DEFINITIONS AND RELATED PROVISIONS OF THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959, AS AMENDED (LMRDA)**

### **Section 3.**

(a) ‘Commerce’ means trade, traffic, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof.

(b) ‘State’ includes any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone,

and Outer Continental Shelf' Lands defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343).

(c) 'Industry affecting commerce' means any activity, business or industry in commerce or in which a labor dispute could hinder or obstruct commerce or the free flow of commerce and includes any activity or Industry 'affecting commerce' within the meaning of the Labor-Management Relations Act, 1947, as amended, or the Railway Labor Act, as amended.

(d) 'Person' includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, or receivers.

(e) 'Employer' means any employer or any group or association of employers engaged in an industry affecting commerce (1) which is, with respect to employees engaged in an industry affecting commerce, an employer within the meaning of any law of the United States relating to the employment of any employees or (2) which may deal with any labor organization concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and includes any person acting directly or indirectly as an employer or as an agent of an employer in relation to an employee but does not include the United States or any corporation wholly owned by the Government of the United States or any State or political subdivision thereof.

(f) 'Employee' means any individual employed by an employer, and includes any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice or because of exclusion or expulsion from a labor organization in any manner or for any reason inconsistent with the requirements of this Act.

(g) 'Labor dispute' includes any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(i) 'Labor organization' means a labor organization engaged in an industry affecting commerce and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, or dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization, other than a State or local central body.

(j) A labor organization shall be deemed to be engaged in a industry affecting commerce if it—

(1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended; or

(2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

(4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(5) is a conference, general committee, joint or system board, or joint council, subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection, other than a State or local central body.

### **Section 203.**

(b) Every person who pursuant to any agreement or arrangement with an employer undertakes activities where an object thereof is, directly or indirectly-

(1) to persuade employees to exercise or not to exercise, or persuade employees as to the manner of exercising, the right to organize and bargain collectively through representatives of their own choosing; or

(2) to supply an employer with information concerning the activities of employees or a labor organization in connection with a labor dispute involving such employer, except information for use solely in conjunction with an administrative or arbitral proceeding or a criminal or civil judicial proceeding; shall file within thirty days after entering into such agreement or arrangement a report with the Secretary, signed by its president and treasurer or corresponding principal officers, containing the name under which such person is engaged in doing business and the address of its principal office, and a detailed statement of the terms and conditions of such agreement or arrangement. Every such person shall file annually, with respect to each fiscal year during which payments were made as a result of such an agreement or arrangement, a report with the Secretary, signed by its president and treasurer or corresponding principal officers, containing a statement (A) of its receipts of any kind from employers on account of labor relations advice or services, designating the sources thereof, and (B) of its disbursements of any kind, in connection



with such services and the purposes thereof. In each such case such information shall be set forth in such categories as the Secretary may prescribe.

**Section 204.**

Nothing contained In this Act shall be construed to require an attorney who is a member in good standing of the bar of any State, to include In any report required to be filed pursuant to the provisions of this Act any information which was lawfully communicated to such attorney by any of his clients in the course of a legitimate attorney-client relationship.

**National Labor Relations Act**

**Section 8(c).**

The expressing of any views, argument, or opinion, or the discussion thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this Act, if such expression contains no threat of reprisal or force or promise of benefit.

**If You Need Assistance**

The Office of Labor-Management Standards has field offices in the following cities to assist you if you have any questions concerning LMRDA and CSRA reporting requirements.

- |                     |                   |
|---------------------|-------------------|
| Atlanta, GA         | Milwaukee, WI     |
| Birmingham, AL      | Minneapolis, MN   |
| Boston, MA          | Nashville, TN     |
| Buffalo, NY         | New Orleans, LA   |
| Chicago, IL         | New York, NY      |
| Cincinnati, OH      | Philadelphia, PA  |
| Cleveland, OH       | Phoenix, AZ       |
| Dallas, TX          | Pittsburgh, PA    |
| Denver, CO          | St. Louis, MO     |
| Detroit, MI         | San Francisco, CA |
| Honolulu, HI        | Seattle, WA       |
| Kansas City, MO     | Tampa, FL         |
| Fort Lauderdale, FL | Washington, DC    |
| Los Angeles, CA     |                   |

Consult local telephone directory listings under United States Government, Labor Department, Office of Labor-Management Standards, for the address and phone number of your nearest field office. Contact information for OLMS field offices is also available on the OLMS website at [www.olms.dol.gov](http://www.olms.dol.gov).

Information about OLMS, including key personnel and telephone numbers, compliance assistance materials, the text of the LMRDA, and related Federal Register and Code of Federal Regulations (CFR) documents, is available on the OLMS website at [www.olms.dol.gov](http://www.olms.dol.gov).

Copies of labor organization annual financial reports, employer reports, labor relations consultant reports, and union officer and employee reports filed for the year 2000 and after can be viewed and printed at [www.unionreports.gov](http://www.unionreports.gov). Copies of reports for the year

1999 and earlier can be ordered through the website. For questions on Form LM-20 or the instructions, call your nearest OLMS field office or the OLMS Division of Interpretations and Standards at (202) 693-0123. You can also email questions to [olms-public@dol.gov](mailto:olms-public@dol.gov).

If you would like to receive periodic email updates from the Office of Labor-Management Standards, including information about the LM forms, enforcement information, and compliance assistance programs, you may subscribe to the OLMS Mailing List from the OLMS website: [www.olms.dol.gov](http://www.olms.dol.gov).

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