

Public reporting burden for this collection of information is estimated to average 35 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Persons are not required to respond to the collection of information unless it displays a valid OMB control number. Reporting of this information is mandatory and is required by the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), for the purpose of public disclosure. As this is public information, there are no assurances of confidentiality. If you have any comments regarding this estimate or any other aspect of this information collection, including suggestions for reducing this burden, please send them to the U.S. Department of Labor, Employment Standards Administration, Office of Labor- Management Standards, Division of Interpretations and Standards, Room N-5605, 200 Constitution Avenue, NW, Washington, DC 20210.

DO NOT SEND YOUR COMPLETED FORM LM-21 TO THE ABOVE ADDRESS.

INSTRUCTIONS FOR FORM LM-21 RECEIPTS AND DISBURSEMENTS 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 activities concerning employees or labor organizations. Pursuant to Section 203(b) of the LMRDA, every person who undertakes any such activity under an agreement or arrangement with an employer must file with the Secretary of Labor a detailed report of receipts and disbursements annually for each fiscal year during which payments were made as a result of any such agreement or arrangement. The Secretary, under the authority of the LMRDA, has prescribed the filing of the Receipts and Disbursements Report, Form LM-21, 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, 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 or does not indicate whether it is or is not 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 to undertake activities of the type described in Section 203(b) of the Act, must file a Form LM-21 for any fiscal year during which a payment was made or received as a result of the agreement or arrangement. 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 activities but also when he/she agrees to perform the activities or to have them 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 in Form LM-21, as set forth in the form and instructions, includes (1) receipts of any kind received directly or indirectly from employers on account of labor relations advice or services, and (2) disbursements of any kind made directly or indirectly in connections with such services for each fiscal year during which payments were made or received as a result of an agreement or arrangement to undertake activities of the type described in LMRDA Section 203(b).

Any person required to file Form LM-21 must also file a Form LM-20, Agreement and Activities Report. You must file Form LM-20 *within 30 days* after entering into any such agreement or arrangement.

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-21. 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 made or received payments as a direct or indirect party to an agreement or arrangement described in the form and instruction must file Form LM-21 *within 90 days* after the end of the filer's fiscal year.

VI. WHERE TO FILE

The completed Form LM-21 and any required attachments and additional pages must be mailed to the following address:

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

VII. PUBLIC DISCLOSURE

Pursuant to the LMRDA, the U.S. Department of Labor is required to make all submitted reports available for public inspection. You may examine Form LM-21 reports at, and purchase copies from, the OLMS Public Disclosure Room at the address listed in Section VI, or at the OLMS field office in whose jurisdiction the reporting organization is located. At the end of these instructions is a list of OLMS field offices.

Also, in the Internet Public Disclosure Room at <http://www.union-reports.dol.gov>, you may view and print copies of receipts and disbursements reports, beginning with the year 2000. You may also purchase copies of receipts and disbursements reports from the Internet Public Disclosure Room for 15 cents per page. Requests for 30 or fewer pages are provided free of charge.

VIII. RESPONSIBILITIES AND PENALTIES

The individual(s) required to sign Form LM-21 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 for 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 individual(s), and the reporting organization, if any, are also subject to civil prosecution for violations of the filing requirements. Section 210 of the LMRDA provides that, "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."

VIII.RECORDKEEPING

The individuals required to file Form LM-21 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.

IX. COMPLETING FORM LM-21

Read the instruction carefully before completing Form LM-21.

Information Entry. Entries on the report should be typed or clearly printed in black ink. Do not use a pencil or any other color ink.

Entering Dollars. In all Items dealing with monetary values, report amounts in dollars only; do not enter cents. Round cents to the nearest dollar. Enter a single "0" in the boxes for reporting dollars if you have nothing to report.

Additional Pages. If you need additional space to complete an item, enter the additional information on separate letter-size (8.5 x 11) page(s), indicating the number of the item to which the information applies. Print clearly at the top of each attached page the following information: (1) full name of the reporting person or organization, (2) its 5-digit file number as reported in Item 1, if available; and (3) the ending date of the reporting period as reported in Item 2. All attachments must be labeled sequentially 1 of __, 2 of __, etc.

1. FILE NUMBER—Enter the five-digit file number assigned by OLMS for the reporting individual or organization. Persons who filed an LM-20 or LM-21 prior to October 2003 received four-digit file numbers. OLMS has now expanded file numbers to five digits. Place a zero in front of your old four-digit file number to meet the new format requirement. For example, if your old file number was 1234, enter 01234 in Item 1 of this year's report. If you have never previously filed a Form LM-20 or LM-21, leave Item 1 blank.

2. PERIOD COVERED BY THIS REPORT— Enter the beginning and ending dates of the fiscal year covered in this report. The report must not cover more than a 12-month period. For example, if the reporting 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.

A. PERSON FILING (ITEMS 3 – 4)

3. NAME AND ADDRESS— 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 and received, including any building and room number.

4. ANY OTHER ADDRESS WHERE RECORDS ARE AVAILABLE— If you maintain any of the records necessary to verify this report at an address different from the address listed in Item 3, enter the appropriate name and address in Item 4. If you are completing the report electronically, select the appropriate state or U.S. territory from the drop-down list. If none apply, select **OTHER**.

GENERAL INSTRUCTIONS FOR RECEIPTS AND DISBURSEMENTS

Receipts of any kind received directly or indirectly from employers on account of labor relations advice or services, and disbursements of any kind made directly or indirectly in connection with such services, must be reported with respect to each fiscal year during which payments were made or received as a result of any agreement or arrangement with an employer where the 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: (1) advising the employer; (2) representing the employer before any court, administrative agency, or tribunal of arbitration, and (3) 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).

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 covers services relating exclusively to supplying the employer with information for use only in conjunction with an administrative, arbitral, or judicial proceeding.)

NOTE: *The exclusions set forth above are applicable only to an agreement or arrangement which covers **no** activities reportable under LMRDA Section 203(b). If the agreement or arrangement provides for **any** reportable activity, you must report the information required for the entire agreement or arrangement.*

NOTE ALSO: *If you made or received payments under any agreement or arrangement of the type described above, you must list all receipts from employers on account of labor relations advice or services in Part B, and you must list all disbursements in connection with such services in Part C.*

While Section 203 of the Act does not amend or modify the rights protected by Section 8(c) of the National Labor Relations Act, as amended (NLRA), the Act contains no provision exempting the activities protected by that section from the reporting requirements. Therefore, the information required by this report must be reported regardless of whether it relates to activities which are protected by Section 8(c) of the NLRA.

NOTE: *The text of Section 8(c) is set forth at the end of these instructions.*

B. STATEMENTS OF RECEIPTS (ITEMS 5 – 6)

(See special reporting instructions below. Complete a separate Statement for each employer from whom payments were received.)

5.a. NAME AND ADDRESS OF EMPLOYER— Enter the full name and address of each employer from whom receipts were received directly or indirectly on account of labor relations advice or service. Enter the full legal name of the employer, a trade or commercial name, if applicable (such as a d/b/a or "doing business as" name), the name of the person to whom mail should be directed, and the complete address where mail should be sent and received, including any building and room number.

5.b. AGREEMENT TERMINATION DATE—

Complete Item 5.b. only for any employer listed in Item 5.a. with whom you have entered into an agreement or arrangement to undertake the activities described under **General Instructions for Receipts and Disbursements** (above). If such an agreement was terminated during the fiscal year covered by this report, enter the termination date.

5.c. AMOUNT--Enter the total amount of the receipts from the employer listed in Item 5.a. that are related to labor relations advice or services during the fiscal year. If any receipt was not in the form of cash, indicate the kind of payment and list its cash value.

6. TOTAL RECEIPTS FROM ALL EMPLOYERS—

Enter the total of the receipts from all employers.

SPECIAL REPORTING INSTRUCTIONS

If: (1) the reporting organization has receipts and disbursements for "labor relations advice and services" and for other services; and (2) the amounts attributable to labor relations advice and services and the other services are not separately shown on its records:

a) The reporting organization may allocate, on any reasonable basis, that portion of the receipt or disbursement which is attributable to labor relations advice or services and attach an explanation of the method of allocation used.

b) If allocation is not feasible, the reporting organization may report the entire receipt or disbursement with an explanation that the receipt or disbursement in question includes matters not connected with labor relations advice or services.

C. STATEMENT OF DISBURSEMENTS (ITEMS 7 – 14)

(See special reporting instructions above.)

7. DISBURSEMENTS TO OFFICERS AND

EMPLOYEES—Itemize all salaries, allowances, and other disbursements (including reimbursed expenses) to all officers and employees of the reporting organization in connection with labor relations advice or services provided to any employer.

Column (a) —List the name of the officer or employee.

Column (b) — Report the gross salary of the officer or employee before taxes and other deductions.

Column (c) — List the total of any allowance and any direct or indirect disbursements for expenses (including reimbursed expenses) paid to the officer or employee. Include all disbursements for travel, hotels, meals, and similar expenses for goods, services, or other items of value paid in connection with labor relations advice or service provided an employer. **Exclude** expenses for hotel room or for transportation of the officer or employee of the reporting organization by public carrier for which payment was made to the hotel or public carrier or its agents by the reporting organization either directly or through its credit arrangements rather than to the officer or employee designated in

Column (a). **Also exclude** disbursements for expenses incurred by the officer or employee for goods or services or other things of value furnished to the reporting organization or its clients (for example, rent for a hall in which a speech on behalf of the employer-client is to be given). You should report any excluded items in the appropriate category in Items 9 through 13.

Column (d) — Enter the total salary, allowances, and other disbursements to the officer or employee. On the last line of this column, enter the total of all salaries, allowances, and disbursements paid to any officer and employee listed in Column (a).

8. TOTAL DISBURSEMENTS TO OFFICERS AND

EMPLOYEES—Enter the total of all disbursements to officers and employees (the total of all disbursements listed in Item 7, Column (d)).

9. OFFICE AND ADMINISTRATIVE EXPENSES—

Enter disbursements made for all office and administrative expenses in connection with labor relations advice and services. **Exclude** salaries, allowances, and other disbursements to officers and employees that are reported in Item 7. Include, however, such expenses as heat, light, rent, telephone, and office supplies.

10. PUBLICITY—Enter the total disbursements related to publicity in connection with labor relations advice or services. Include such expenses as fees charged by newspapers, radio, television stations, and magazines. Also, include the cost of printing or copying if you employ these processes in connection with labor relations advice or services.

11. FEES FOR PROFESSIONAL SERVICES—Enter the total fees paid for professional services provided by persons other than officers and employees of the reporting organization. Include fees for such services as auditing, economic research, legal services, and investigating. Report only services procured in connection with labor relations advice or services provided to an employer.

12. LOANS MADE—Enter the total of all loans made by the reporting organization in connection with labor relations advice or service provided to an employer.

13. OTHER DISBURSEMENTS—Enter the total of all other disbursements made by the reporting organization in connection with labor relations advice or services provided to an employer. Any items of a significant amount must be described separately in an attachment to Form LM-21.

14. TOTAL DISBURSEMENTS—Enter the total of Items 8 through 13.

D. SCHEDULE OF DISBURSEMENTS FOR REPORTABLE ACTIVITY (ITEMS 15 AND 16)

General. You should complete the schedule of disbursements only for those disbursements to persons other than officers and employees of the reporting organization, where an object of the disbursement, directly or indirectly, is one or both of the following:

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;

or

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.

Do not report in Items 15 and 16 disbursements which were related to labor relations advice or services, but were not for the purposes described above.

15.a. EMPLOYER—Enter the name of the employer for whom you made the disbursement.

15.b. TRADE NAME—Enter the employer's trade or commercial name, if applicable (such as a d/b/a or "doing business as" name).

15.c. TO WHOM PAYMENT WAS MADE—Enter the name and address of the person to whom the disbursement was made.

15.d. AMOUNT—Enter the dollar amount of the disbursement.

15.e. PURPOSE OF DISBURSEMENT—State the purpose of the disbursement. You must describe the purpose in sufficient detail to disclose the relationship between the disbursement and the service which was or will be provided for the employer. For example, if you made a disbursement to a printing firm for the purpose of printing pamphlets, it is not a sufficient answer to state "to print pamphlets." The answer should indicate the reason for printing the pamphlets: "To print pamphlets to be distributed to employees of X Company. The pamphlets are intended to persuade employees not to join a union."

Similarly, if a disbursement was made to secure the services of a public relations company, it is not a sufficient answer to state: "To hire representatives of a public relations firm." Instead, the following is an appropriate answer: "To employ

a public relations firm to persuade employees of X Company that their union's wage demands are unreasonable."

16. TOTAL DISBURSEMENTS—Enter the total disbursements for all reportable activities (this is the total of all disbursements listed in 15.d.)

SIGNATURES

17-18. SIGNATURES— The completed Form LM-21 which 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, on his/her own behalf, need only bear **one** signature which you should enter in Item 17. Otherwise, this report must bear **two (2)** signatures.

If the report is from an organization and is signed by an officer other than the president and/or treasurer, so indicate in Items 17 and/or 18 by (1) crossing out the pre-printed officer title(s) and (2) inserting the appropriate officer title(s). You must have original signatures on the Form LM-21 filed with OLMS; stamped or mechanical signatures are unacceptable.

Enter the date the report was signed telephone number used by the signatories to conduct official business. You do not have to report a private, unlisted telephone number.

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 would 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, of 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 an 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 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 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 located in the following cities to assist you if you have any questions concerning LMRDA and CSRA reporting requirements.

Atlanta, GA
Birmingham, AL
Boston, MA
Buffalo, NY
Chicago, IL
Cincinnati, OH
Cleveland, OH
Dallas, TX

Denver, CO
Detroit, MI
Grand Rapids, MI
Guaynabo, PR
Honolulu, HI
Houston, TX
Kansas City, MO
Los Angeles, CA
Miami (Ft. Lauderdale), FL
Milwaukee, WI
Minneapolis, MN
Nashville, TN
New Haven, CT
New Orleans, LA
New York, NY
Newark (Iselin), NJ
Philadelphia, PA
Pittsburgh, PA
St. Louis, MO
San Francisco, CA
Seattle, WA
Tampa, FL
Washington, DC

Consult local telephone directory listings under United States Government, Labor Department, Office of Labor-Management Standards, for the address and telephone number of the nearest field office.

Copies of labor organization annual financial reports, employer reports, and labor relations consultant reports filed for the year 2000 and after can be viewed and printed at <http://www.union-reports.dol.gov>. Copies of reports for the year 1999 and earlier can be ordered through the website.

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 also available on the Internet at:

<http://www.olms.dol.gov>