

Public reporting burden for this collection of information is estimated to average 22 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-20 TO THE ABOVE ADDRESS.**

## **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 activities concerning employees or labor organizations. Pursuant to Section 203(b) of the LMRDA, every person who undertakes any such activities under an agreement or arrangement with an employer must file a detailed report 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, 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, 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. A "person" is defined by the 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 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 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:** *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).*

#### 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 activities described in the form and instructions must file the report *within 30 days* after entering into such agreement or arrangement. You must file any changes to the information reported in Form LM-20 (excluding matters related to Item 11.c.) in a report clearly marked "Amended Report" within 30 days of the change.

#### VI. WHERE TO FILE

The completed Form LM-20 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-20 reports at, and purchase copies from, the Office of Labor-Management Standards (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 agreement and activities reports, beginning with the year 2000. You may also purchase copies of agreement and activities 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-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 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. 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 individual(s) 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.

#### X. COMPLETING FORM LM-20

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

**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.

**Additional Pages.** If you need additional space to complete an item, enter the additional information on a 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) the full name of the reporting individual or organization, (2) the 5-digit file number as reported in Item 1, if available; and (3) the ending date of the reporting period as reported in Item 4. All attachments must be labeled sequentially 1 of \_\_, 2 of \_\_, etc.

#### FILE NUMBER, PERSON FILING (ITEMS 1 – 5)

**1. FILE NUMBER**—Enter the five-digit file number assigned by OLMS for the reporting individual or organization. Persons who filed an LM-20 prior to October 2003 were assigned 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 report. If you have never previously filed the Form LM-20, leave Item 1 blank.

**2. NAME AND MAILING 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.

**3. OTHER ADDRESSES 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 2, enter the appropriate name and address in Item 3.

**4. DATE OF FISCAL YEAR END**—Enter the month and day on which the fiscal year ends for the reporting individual or organization.

**5. TYPE OF PERSON**—If the person reporting is an individual, partnership or corporation, so indicate. If none of the choices apply, enter **OTHER** and specify.

**GENERAL INSTRUCTIONS FOR AGREEMENTS, ARRANGEMENTS, AND ACTIVITIES**

You must file a separate report for each agreement or arrangement made with an employer to 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.*

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 National Labor Relations Act, as amended (NLRA).

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

**NATURE OF AGREEMENT OR ARRANGEMENT (ITEMS 6 – 10)**

**6. FULL NAME AND ADDRESS OF EMPLOYER**— Enter the full legal name of the employer with whom you made the agreement or arrangement, 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.

**7. DATE OF AGREEMENT OR ARRANGEMENT**— Enter the month, day and year you entered into the agreement or arrangement.

**8. NAMES OF PERSONS THROUGH WHOM MADE**— Enter the name of each person who participated for the employer in making the arrangement or agreement, whether that person is an individual employer, partner, corporate officer, employee, or other person acting for the employer.

**9. OBJECT OF ACTIVITIES**—Check the appropriate box(es) indicating whether the object or purpose of the agreement or arrangement is to, directly or indirectly, persuade employees as to exercising 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. 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 otherwise wholly or partially to writing, you must refer to that document and attach a copy of the writing to this report.

## SPECIFIC ACTIVITIES TO BE PERFORMED (ITEMS 11-12)

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

**11.a. Nature of Activity.** Describe the nature of the activity to be performed. For example, if the object of the activity is to persuade the employees of Employer X to vote “no” on a representation election, so state.

**11.b. Duration of Performance.** Describe the period during which the activity will be performed. For example, if the performance will begin in June 2003 and terminate in August 2003, so indicate by stating, “June 2003 – August 2003”.

**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, or near completion, or has been completed,.

**11.d. Name(s) and Address(es) of person(s) through whom the activity was performed.** Enter the full legal name(s) and address(es) of the person(s) through whom the activity is to be or has been performed.

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

**12.a.** Identify the subject groups of employee(s).

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

## SIGNATURES

**13-14. SIGNATURES**—The completed Form LM-20 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 or a sole proprietor, on his/her own behalf, need only bear **one** signature which you should enter in Item 13. 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 13 and/or 14 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-20 filed with OLMS; stamped or mechanical signatures are unacceptable.

Enter the telephone number used by 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 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 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 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, and 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 located in the following cities to assist you if you have any questions concerning the LMRDA 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>**