

**SUPPORTING STATEMENT FOR
THE INFORMATION COLLECTIONS:
Labor Organization and Auxiliary Reports**

OMB CONTROL NUMBER: 1245-0003

**Revision to Require Filing Employers and Consultants to Provide the
Employment Identification Number of the Filer and the Agreed-with Parties on the
Forms LM-10, LM-20, and LM-21**

This submission is a revision to an ICR currently approved under 1245-0003. The ICR contains information collection requirements of the Labor-Management Reporting and Disclosure Act (LMRDA). The currently approved collection includes Forms LM-1, LM-2, LM-3, LM-4, Simplified Annual Report, LM-10, LM-15, LM-15A, LM-16, LM-20, LM-21, LM-30, and S-1, as well as the LMRDA Title IV Recordkeeping requirements and the OLMS collective bargaining agreement (CBA) database.

This revision is necessary to revise the Form LM-10, LM-20, and LM-21, as well as their respective instructions, in order to collect the filing employer's or consultant's Employment Identification Number (EIN) as well as the email address and EIN of the employer or consultant with which the filing party entered into agreement. The email addresses will not appear on the submitted form or otherwise be made publicly available. This revision is also necessary to revise the Form LM-20 to differentiate requirements between primary consultants and indirect parties (i.e., sub-consultants) to the employer-consultant agreement. Additionally, this revision will revise the Form LM-1 Instructions to more accurately reflect the Form.

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

Congress enacted the Labor-Management Reporting and Disclosure Act (LMRDA), 29 U.S.C. 401 et. seq., to provide for the disclosure of information about the financial transactions and administrative practices of labor organizations, employers, and employers' labor relations consultants. The statute also provides, under certain circumstances, for reporting by labor organization officers and employees, and surety companies. In addition, the statute requires: (a) the maintenance and retention of supporting records for five years after the required reports are filed, and (b) the preservation for one year of records of elections of labor organization officers. Section 208 of the Act authorizes the Secretary of Labor to issue rules and regulations prescribing the form of the required reports and such other rules and regulations (including rules prescribing reports concerning trusts in which a labor organization is interested) as may be necessary to prevent circumvention or evasion of the reporting requirements.

The LMRDA reporting provisions were devised to protect the basic rights of workers from questionable conduct by employers, labor relations consultants, and labor organizations. The LMRDA's employer and consultant reporting requirements protect workers from conduct that interferes with the right of employees to organize labor unions and to bargain collectively. See, e.g., S. Rep. No. 86-187 ("S. Rep. 187") at 6, 10-12 (1959), reprinted in 1 NLRB, Legislative History of the Labor-Management Reporting and Disclosure Act of 1959 ("LMRDA Leg. Hist."), at 397, 402, 406-408. Union reporting requirements were enacted to protect labor organization members and to guarantee the democratic procedures and financial integrity of labor organizations. The 1959 Senate report on the version of the bill later enacted as the LMRDA stated clearly, "The members who are the real owners of the money and property of the organization are entitled to a full accounting of all transactions involving their property." S. Rep. No. 86-187, at 8 (1959), reprinted in 1 NLRB, LMRDA Leg. Hist. at 397, 404. A full accounting was described as "full reporting and public disclosure of labor organization internal processes and financial operations."

The LMRDA applies to employers in the private sector and their labor relations consultants, see 29 U.S.C. 402(e), (m), as well as to labor organizations with private sector employees working in interstate commerce within the meaning of sections 3(i) and (j) of the LMRDA, 29 U.S.C. 402(i) and (j), and labor organizations composed of

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U.S. Postal Service employees. Labor organizations that represent employees of the executive branch agencies of the Federal Government, the Library of Congress, the Government Printing Office, and certain employees of the U.S. Congress are subject to the standards of conduct requirements of the Civil Service Reform Act (CSRA), 5 U.S.C. 7120, the Foreign Service Act (FSA), 22 U.S.C. 4117, or the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1301. These latter Acts and the implementing regulations at 29 CFR 457.10-.20 provide that, in administering the standards of conduct, the Department will be guided by the interpretations and policies followed by the Department of Labor in applying provisions of the LMRDA. In addition, the regulations specifically incorporate by reference the LMRDA reporting and record retention requirements of all LMRDA reports, as well as the requirement for the preservation of election records. Instructions for the forms mention corresponding recordkeeping requirements.

The following is a list of the reporting forms, their regulatory and legislative citations, and a brief description of each form's usage.

LM-1, Labor Organization Information Report, 29 CFR 402, 29 U.S.C. 431(a). All labor organizations are required to file an initial Form LM-1 concerning the organization and its governing rules, including copies of its constitution and bylaws, within 90 days after it becomes subject to the LMRDA, CSRA, FSA, or CAA. Labor organizations are also required to file an amended Form LM-1 to report certain changes to this information when they file the annual financial report. This report must be filed electronically.

LM-2, Labor Organization Annual Report, 29 CFR 402.5 and 403.3; 29 U.S.C. 431(b). Any labor organization whose total annual receipts are \$250,000 or more and any organization in trusteeship must file an annual financial report on Form LM-2 within 90 days after the end of its fiscal year, to disclose its financial condition and operations for the preceding fiscal year. This reporting form is also used by such labor organizations to file a terminal report if they cease to exist. This report must be filed electronically, with a temporary hardship exemption available.

LM-3, Labor Organization Annual Report, 29 CFR 402.5 and 403.4; 29 U.S.C. 431(b). Any labor organization that is not in trusteeship whose total annual receipts are less than \$250,000, but \$10,000 or more may elect to file the simplified Form LM-3 annual report. Labor organizations qualified to use this form may also use it to file the required terminal report if they cease to exist. This report must be filed electronically, with a temporary hardship exemption available.

LM-4, Labor Organization Annual Report, 29 CFR 402.5 and 403.4; 29 U.S.C. 431(b). Any labor organization that is not in trusteeship whose total annual receipts are less than \$10,000, may elect to file the abbreviated Form LM-4 annual report. Labor organizations qualified to use this form may also use it to file the required terminal

report if they cease to exist. This report must be filed electronically, with a temporary hardship exemption available.

LM-10, Employer Report, 29 CFR Part 405, 29 U.S.C. 433(a). Any employer, who in any fiscal year has made certain payments to or other financial arrangements with a labor organization, its officers, its agents or its employees; payments to employees for the purpose of causing them to persuade other employees with respect to their bargaining and representation rights; payments for the purpose of interfering with employees in the exercise of their bargaining and representation rights or for obtaining information on employee or labor organization activities in connection with labor disputes involving their company; and arrangements (and payments made under these arrangements) with a labor relations consultant for the purpose of persuading employees with respect to their bargaining and representation rights, or for obtaining information concerning employee activities in a labor dispute involving their company is required to file an annual report on Form LM-10 within 90 days after the end of its fiscal year. This report must be filed electronically, with a temporary hardship exemption available.

As part of this ICR, the Form LM-10 will include the collection of the email address and the EIN of the filing employer as well as the email addresses and the EINs of any consultant(s) with which the filing party entered into agreement. This additional contact information is necessary for electronic filing, as the EIN is a unique identifier that will better allow OLMS and the public to track a filing employer and the consultant(s) the employer is in agreement with.

LM-15, Trusteeship Report, 29 CFR Part 408, 29 U.S.C. 461. Any labor organization that assumes a trusteeship over a subordinate labor organization is required to file an initial Form LM-15 within 30 days after imposition of the trusteeship. Any labor organization required to file the initial trusteeship report is required to file a semi-annual report on Form LM-15 during the continuance of the trusteeship. This form must be filed electronically, with a temporary hardship exemption available.

LM-15A, Report on Selection of Delegates and Officers, 29 CFR Part 408, 29 U.S.C. 461. Any labor organization that assumed a trusteeship over a subordinate labor organization and filed a semiannual or terminal trusteeship report is also required to file a Report on Selection of Delegates and Officers on Form LM-15A if, during the period covered by the report, there was any: convention or other policy-determining body to which the subordinate labor organization sent delegates or would have sent delegates if not in trusteeship; or election of officers of the labor organization which imposed the trusteeship over the subordinate labor organization. This form must be filed electronically.

LM-16, Terminal Trusteeship Report, 29 CFR Part 408, 29 U.S.C. 461. Any labor organization that has assumed a trusteeship over a subordinate labor organization is

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required to file a terminal trusteeship report on Form LM-16 within 90 days after the termination of the trusteeship along with a terminal trusteeship financial report on Form LM-2. This form must be filed electronically, with a temporary hardship exemption available.

LM-20, Agreement and Activities Report, 29 CFR Part 406, 29 U.S.C. 433(b). Any labor relations consultant or other person or organization that makes an agreement or arrangement with an employer to undertake activities with the an object to persuade employees how to exercise their right to organize and bargain collectively or to supply an employer with information concerning the activities of employees or a labor organization involved in a labor dispute with the employer is required to file a report on Form LM-20 on the nature of the agreement and specific details on the activity to be performed. Form LM-20 must be filed within 30 days after entering into the agreement. This report must be filed electronically.

As part of this ICR, the Form LM-20 will include the collection of the email address and the EIN of the filing consultant as well as the email addresses and the EINs of any employer with which the filing party entered into agreement. This additional contact information is necessary for electronic filing, as the EIN is a unique identifier that will better allow OLMS and the public to track a filing consultant and the employer the consultant is in agreement with. Additional requirements as part of this ICR for the Form LM-20 to help differentiate requirements between primary consultants and sub-consultants, which will help provide greater efficiency to OLMS for cross-matching employer and consultant reports.

LM-21, Receipts and Disbursements Report, 29 CFR Part 406, 29 U.S.C. 433(b). Any labor relations consultant or other person or organization required to file the preceding agreement and activities report (Form LM-20) must also file a Form LM-21 report of receipts from employer(s) and disbursements made by the filer in connection with labor relations advice or services provided to employer(s) for any fiscal year during which payments were made or received as a result of the reportable agreement or arrangement. The Form LM-21 report is required to be filed within 90 days after the end of the fiscal year. This report must be filed electronically, with a temporary hardship exemption available.

As part of this ICR, the Form LM-21 will include the collection of the email address and the EIN of the filing consultant as well as the email addresses and the EINs of any employer with which the filing party entered into agreement. This additional contact information is necessary for electronic filing, as the EIN is a unique identifier that will better allow OLMS and the public to track a filing consultant and the employer the consultant with which it enters into an agreement, as well as any sub-consultants.

LM-30, Labor Organization Officer and Employee Report, 29 CFR Part 404, 29 U.S.C. 432. Any labor organization officer and employee (other than an employee performing exclusively clerical or custodial services) is required to file a Form LM-30 within 90 days after the end of his/her fiscal year if during that year the officer or employee received certain payments from, or had certain interests in:

- (1) an employer whose employees the official's labor organization represents or actively seeks to represent; or
- (2) an employer or a labor relations consultant to an employer that (a) is in competition with an employer whose employees the official's labor organization represents or is actively seeking to represent, (b) is a trust in which the official's labor organization is interested, (c) is a not-for-profit organization that receives or is actively and directly soliciting money, donations, or contributions from the official's labor organization, (d) is a labor organization that: (i) has employees the official's labor organization represents or is actively seeking to represent, (ii) has employees in the same occupation as those represented by the official's labor organization; (iii) claims jurisdiction over work that is also claimed by the official's labor organization; (iv) is a party to or will be affected by any proceeding in which the official has voting or policy-influencing authority; or (v) has made a payment to the official for the purpose of influencing the outcome of an internal labor organization election; or (e) has interests in actual or potential conflict with the interests of the official's labor organization or the official's duties to the labor organization; or
- (3) any employer for the purpose of (a) not organizing employees; (b) influencing employees in any way with respect to their right to organize; (c) taking any action with respect to the status of employees or others as members of a labor organization; (d) taking any action with respect to bargaining or dealing with employers whose employees the official's labor organization represents or is actively seeking to represent; or (e) influencing the outcome of an internal labor organization election; or
- (4) a business (for example, a vendor or a service provider) that meets any of the following conditions: (a) 10% or more of its business consists of buying or selling or otherwise dealing with an employer whose employees the official's labor organization represents or is actively seeking to represent, (b) any part of its business consists of buying or selling or otherwise dealing with the official's labor organization, or (c) any part of its business consists of buying or selling or otherwise dealing with a trust in which the official's labor organization is interested.

This report must be filed electronically, with a temporary hardship exemption available.

S-1, Surety Company Annual Report, 29 CFR Part 409, 29 U.S.C. 441. Each surety company that issues a bond required by Section 502 of the LMRDA or Section 412 of the Employee Retirement Income Security Act (ERISA) is required to file a report within 150 days after the end of its fiscal year describing its bonding experience under the Acts. The report provides for detailed information on premiums, loss data, and specific items of losses occurring during the report year. This form must be filed electronically upon establishment of the electronic filing system.

Simplified Annual Report Format (SAFR), 29 CFR Part 403, 29 U.S.C. 431(b). Extremely small labor organizations (those with no assets, liabilities, receipts, or disbursements during the fiscal year) are permitted to have their parent national or international labor organization file the annual financial report on their behalf in a simplified format. This form must be filed electronically.

Union Officer Elections, 29 U.S.C. § 481. In addition to the LMRDA's reporting and disclosure requirements, the Act requires covered labor organizations to hold periodic elections for their officers. See LMRDA section 401, 29 U.S.C. § 481. Under 29 U.S.C. § 481(e), election officials designated in the constitution and bylaws or the secretary, if no other official is designated, shall preserve for one year the ballots and all other records pertaining to the election. This provision advances Congress' goal of promoting union democracy by protecting employees' rights to choose their own representatives. The enactment of this Act was necessary to eliminate or prevent improper practices on the part of labor organizations, employers, labor relations consultants, and their officers and representatives which distorted and defeated the policies of the Labor Management Relations Act, 1947, as amended, and the Railway Labor Act, as amended.

Collective Bargaining Agreements File, Section 211(a) of the Labor Management Relations Act (LMRA) and Secretary's Order 4–2007, issued in May 2007. The authority for maintaining the Department of Labor's collective bargaining agreements (CBA) file was transferred to the Office of Labor-Management Standards (OLMS) from the Bureau of Labor Statistics (BLS), pursuant to Secretary's Order 4–2007. The CBA file has been maintained by the Department since 1947, pursuant to Section 211(a) of the LMRA, which directs the Department of Labor to collect these agreements “for the guidance and information of interested representatives of employers, employees, and the general public.”

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Pursuant to §205 of the LMRDA, the purpose of the reporting requirements is the public disclosure of administrative information and financial reports for covered labor organizations, labor organization employees and officers, employers, labor relations

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consultants, and other entities. The information supplied on the reports is used primarily by 1) labor organization members to participate in the governance of their labor organizations; 2) workers in making determinations regarding the exercise of their protected rights to organize and bargain collectively; 3) the Department of Labor and other government agencies to detect improper practices on the part of labor organizations, their officers, and/or representatives, employers, labor relations consultants, and other filers; and 4) the Congress in oversight and legislative functions. The general public, the media, and researchers may also use the information for their own purposes.

Violations of Title II and Title III LMRDA reporting requirements may be subject to civil action by the Secretary of Labor or may be referred to the Department of Justice for appropriate criminal action. Certain receipts or transactions reported may also involve violations of other Federal laws and may be referred to the Department of Justice for appropriate criminal action.

Since June 2002, the Department's Office of Labor-Management Standards (OLMS), on its website (www.unionreports.gov), makes it possible for anyone to view labor organization annual financial reports, conduct data searches, and display the results in a number of user-definable reports, free of charge. Individuals can view and print facsimiles of reports for year 2000 and later, and the reports are searchable by a variety of criteria, including labor organization name, file number, affiliation, designation name and number, and location. The Department's Office of Labor-Management Standards (OLMS) Web site (www.olms.dol.gov) also features a powerful search system where users can search for specific labor organizations. Users can obtain information about labor organization officers and employees and payers and payees, define the scope of the search to be conducted, and generate a number of reports using the search results. Users can also download archive files that contain raw data in pipe delimited format of labor organization financial information as reported for public disclosure.

Reports filed by employers, labor relations consultants, and labor organization officers and employees for year 2000 and later can also be viewed at the Web site and earlier reports can be ordered there.

Revisions to the Forms LM-10, LM-20, and LM-21 to collect the email addresses and EINs of filing employers and consultants and the email addresses and EINs of the employer or consultant with which the filing party entered into agreement have also become necessary. An EIN uniquely identifies each employer and consultant, and its inclusion on these Forms allows both OLMS and the public to more easily identify filing employers and consultants. This revision will also improve the efficiency of OLMS operations, as OLMS will be able to use the unique EIN number to differentiate existing filers from new filers, and crossmatch employer and consultant reports more effectively. Revisions to the Form LM-20 which differentiate the requirements between primary

consultants and sub-consultants are necessary to ensure OLMS is able to track consultant agreements and cross-match employer and consultant reporting.

Election records collected and used for this collection request will be collected by election officials or the secretary of the labor organization holding elections. This information will not be submitted to the Department of Labor unless there is an investigation by the Department of possible election irregularity.

Collective bargaining agreements submitted to OLMS are also available on unionreports.gov. Documents are submitted by signatories on a voluntary basis. Therefore, some materials may not be current or available for all major bargaining units. In addition, OLMS posts CBAs received from either the employer or the labor union, singly or jointly. However, if either of these parties' objects, OLMS will not post the CBA. CBAs must be submitted by the labor union or the employer (or their employees or agents) in order to be posted. This requirement is meant to ensure that the CBAs are being submitted voluntarily. Further, OLMS does not collect CBAs from the railroad and airline industries. The National Mediation Board is responsible for copies of CBAs covering railroads and airlines.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burdens.

The Department has developed an Electronic Labor Organization Reporting System (e.LORS) that utilizes electronic technology to receive, maintain, and disclose the information collected under the LMRDA. The objectives of the e.LORS system include permitting the electronic filing of Form LM-2, LM-3, LM-4, LM-10, LM-15, LM-15A, LM-16, LM-20, LM-21, LM-30, and S-1 disclosure of reports via the web-based Electronic Forms System (EFS); improving the accuracy, completeness, and timeliness of reports; and creating efficiency gains in the reporting system. Effective use of the system reduces the burden on reporting organizations, provides increased as well as more accessible and more timely information to labor organization members, and enhances LMRDA enforcement by the Department.

The Government Paperwork Elimination Act, 44 U.S.C. 3504 (codified in note), requires public agencies to provide the public with the option of maintaining, submitting, or disclosing required information collections electronically when practicable.

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Election recordkeeping requirements do not require automated, electronic, mechanical, or other technological collection techniques. However, labor organizations may voluntarily use information technology for the purposes of recordkeeping.

Collective bargaining agreements may be submitted electronically to OLMS through email.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item A.2 above.

Other than certain financial data received by the Internal Revenue Service (IRS), there is no duplication of existing labor organization reporting requirements, nor is similar information required by any other federal agency or statute.

To prevent duplication with the forms, a labor organization is not required to report a Political Action Committee (PAC) fund, if publicly available reports on the PAC's funds are filed with federal or state agencies.

The Form LM-30 requires labor organization officers and employees to report certain payments from employers. Form LM-10 requires employers to report, among other matters, certain payments to labor organization officers and employees and certain agreements and activities involving labor relations consultants. Forms LM-20 and LM-21 require labor relations consultants to report certain agreements with employers and other labor relations consultants, as well as payments pursuant to such agreements. This results in some duplicate reporting, a result mandated by Congress in designing parallel reporting schemes to facilitate compliance and public disclosure. See 29 U.S.C. §§ 432, 433.

The collection of email addresses and EINs of filing employers and consultants as well as the email addresses and EINs of the employer or consultant with which the filing party entered into agreement on the Forms LM-10, LM-20, and LM-21 does not duplicate any other information received on these forms.

Regarding the CBA file, OLMS does not collect CBAs submitted by unions or employers in the railroad or airline industries, since the National Mediation Board collects such CBAs.

As for the election records required by LMRDA Title IV, the Department does not require labor organizations to submit such records, absent an investigation. Rather, the union must maintain such records.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

OLMS reduces burden where practicable and where transparency goals would not be sacrificed. For example, the Forms LM-3 and LM-4 are less detailed than the Form LM-2 (the latter filed by the largest labor organizations) and the SAFR allows a parent national or international labor organization to file a simplified annual financial report on behalf of certain extremely small affiliated labor organizations.

6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Section 207 of the LMRDA sets frequencies for filings of reports. If the information were collected less frequently, the obligations of the statute would not be met, and the Department would not have current information available to make the essential public disclosure and to conduct enforcement and oversight activities.

Additionally, without the election recordkeeping requirements, members would not be able to exercise their statutory right to contest union officer elections. See LMRDA section 402, 29 U.S.C. § 481. The records necessary to investigate such allegations would not exist.

Also, without the CBA requirements, many covered employees would not be able to locate key documents affecting their rights in the workplace.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**

- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

Records necessary to verify the LM required reports must be maintained for at least five years after the report is filed, which is the only special circumstance that requires this collection to be conducted in a manner inconsistent with the general guidelines in 5 CFR 1320.6. The five-year retention period is established by the LMRDA (LMRDA Sec. 206, 29 U.S.C. 436).

Records collected for the purposes of election recordkeeping requirements must be preserved for at least one year per 29 U.S.C. § 481.

- 8. If applicable, provide a copy and identify the data and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior

periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

As part of this proposed information collection revision, the Department published a notice in the *Federal Register* on 10/03/2024. See 89 FR 80605. The comments are available here:

<https://www.regulations.gov/document/LMSO-2024-0001-0001/comment>. This notice provided a 60-day period for the public to comment on the proposed changes for the collection of email addresses through the EFS portal and the EIN on the Forms LM-10, LM-20, and LM-21, and for proposed changes on Form LM-20 to create new requirements for primary consultants to provide the EIN for sub-consultants through whom the activity was performed and for sub-consultants to provide the EIN and mailing address for the primary consultant with whom they entered into an agreement. The Department received just one comment, and it fell outside the scope of the proposed changes.

For the reasons provided in the notice, the Department moves to finalize the proposed changes.

9. Explain any decision to provide any payment or gift to respondents, other than re-numeration of contractors or grantees.

The Department does not provide any payment or gift to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. (Note: If the submission will serve as Joint ICR and Privacy Impact Assessment per OMB Memorandum 03-22, Section II.D, the relevant justification shall be included as part of the agency's response to this Item)

The contents of the reports filed pursuant to the LMRDA reporting requirements are, by law, public information. Therefore, no assurances of confidentiality are provided.

Election records are not public information by law and do not require disclosure to any outside party with the exception of OLMS investigations.

OLMS posts collective bargaining agreements received from either the employer or the labor union, singly or jointly. However, if either of these parties' objects, OLMS will not post the CBA.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons

why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No sensitive information is collected on the form.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

The reason for this revision of information collection on Form LM-10 is to require filing employers to identify themselves as well as the consultants with which the employer entered into agreement with using an EIN. Similarly, the reasoning for this revision of information collection on Form LM-20 and LM-21 is to require filing consultants to identify themselves, as well as the employers with whom the consultant entered into agreement with, using an EIN. This change will also allow the public and the Department to differentiate between primary consultants and sub-consultants to an employer-consultant agreement. Primary consultants must also identify the sub-consultants through whom the activity was performed and must provide the sub-consultant's EIN. Sub-consultants must provide the EIN and mailing address of the primary consultant or other parties with whom the sub-consultant entered into agreement. If any consultant does not have an EIN, then that filers will use the consultant's filing number already established with OLMS. In all situations, filers would

also need to provide an email address for the other parties to the agreement. While the email addresses will not appear on the submitted form or otherwise made publicly available, OLMS will be able to use the email addresses to contact parties for compliance purposes.

Consistent with existing LM form estimates, the Department estimates that revisions to Forms LM-10, LM-20, and LM-21 for collection of EIN for the employer or consultant filling out the form, as well as the EIN of the agreed-with employer or consultant, will take no more than 5 minutes to complete on average for the 647 LM-10 filers, the 651 LM-20s filed, and the 97 LM-21s filed (derived from a 5 year average of forms submitted¹). The Department additionally estimates that the revisions to Form LM-20 Item 8 and Item 11.d, which require the collection of the EIN of sub-consultants by a primary consultant and the collection of EIN and a mailing address of a primary consultant by a sub-consultant, will take no more than an additional 3 minutes to complete on average for the 651 LM-20s filed, including for rare instances in which the consultant needs to update subconsultant EINs. Thus, the Forms LM-10 and LM-21 will have an added approximately 5 minutes of added reporting burden to each of the existing forms, and the Form LM-20 will have an added approximately 8 minutes of added reporting burden.

The Department assumes that all employers and most consultants have an EIN readily available for tax filings and similar purposes, and the few consultants that do not can easily apply for an EIN. For gathering the EIN of other parties, on average only minor effort is likely necessary to retrieve the EIN of the employer or consultant with which the filing party has entered into an agreement. The Department also assumes that primary consultants and sub-consultants will require on average only minor effort to collect the EIN or mailing address of the primary consultant and sub-consultant the filing party with which it entered into an agreement. Filing parties will likely begin collecting these EIN for parties they have an agreement with which will make the process easier with time, and the three additional minutes takes into account on average the time necessary to retrieve the EIN of new sub-consultants or primary consultants. The Forms LM-10 and LM-21 are not annually mandatory forms for employers or consultants; rather, they are only necessary in fiscal years during which the employer or consultant engages in certain transactions or agreements. Further, the Form LM-20 is required only when the consultant enters into an agreement. Nevertheless, the Department estimates conservatively that the additional 5 and 8 minutes will apply, on average, for all forms filed prospectively.

Only one Form LM-10 and one Form LM-21 report must be filed per filing entity per necessary fiscal year, while the Form LM-20 reports must be filed per filing entity each time the entity is required to report. The revision does not impact the total number of Form LM-10, LM-20, and LM-21 reports that the Department expects to receive, since

¹ See: <https://www.dol.gov/agencies/olms/data>.

the only addition is the inclusion of EIN on each form and related changes. The revision also does not affect the recordkeeping burden, as the Department does not anticipate the inclusion of EIN of each form or the differentiation of primary consultants and indirect parties/sub consultants to an employer-consultant agreement on Form LM-20 will create any greater recordkeeping burden, since the filers already would retain this information as part of their normal business operations or that the existing recordkeeping burden would incorporate any additional information retained.

Given this revision results in only an increase in reporting burden of 5 minutes per Form LM-10 and LM-21, and an increase in reporting burden of 8 minutes per Form LM-20, this results in an overall increase of approximately 3,235 minutes for Form LM-10, 5,338 minutes for Form LM-20, and 485 minutes for Form LM-21, resulting in a total increase of 9,058 burden minutes or 150.97 burden hours.²

Table 1 details the annualized reporting and recordkeeping burden for all LMRDA public disclosure forms, as well as the CBAs and election recordkeeping requirements, and Table 2 details the annualized respondent cost estimates for such forms, CBAs, and requirements. Other than the estimates for the Forms LM-10, LM-20, and LM-21, the estimates are identical to the last ICR revision, in which LM report estimates reflect filing figures based on recent five-year averages for submitted forms.³ The burden hour estimates for the LM reports are indicated on the instructions for such forms, with the same reporting and recordkeeping breakdown as past ICRs.

² The most recently approved ICR under OMB Control Number 1245-0003, which was approved on August 21, 2023, contained a miscalculation for the annualized burden hours. The correct total annualized burden hours were 4,644,589.15 total hours. As a result of this miscalculation, this ICR does not report the correct number of additional burden hours, 150.97, but rather will incorrectly report a reduction of 45 burden hours. This miscalculation has been corrected, and the error will not carry forward to future ICR requests.

³ See: <https://www.dol.gov/agencies/olms/data>.

TABLE 1
ANNUALIZED REPORTING AND RECORDKEEPING BURDEN

Form	Responses	Hours Per Response for Reporting	Reporting Burden Hours

Note: Some numbers may not add due to rounding.

* The burden described here is for those Form LM-2 filers that also have subsidiary organizations. The burden for Form LM-3 subsidiary reporting is included in the Form LM-3 burden numbers.

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To determine the cost increase per Form LM-10, LM-20, and LM-21 filer, the Department utilized an approach consistent with the existing ICR. The Department assumed that employers and consultants will hire a lawyer to complete the form, and it derived the average hourly salary for lawyers (\$84.84) from the Occupational Employment and Wages Survey, May 2023 survey (released in April 2024), Table 1, from the Bureau of Labor Statistics (BLS), Occupational Employment Statistics (OES) Program.⁴ Further, the Department determined the total compensation (salary plus fringe benefits) by increasing the hourly wage rate by approximately 45.43%, which is the percentage total of the average hourly benefits compensation figure (\$14.41 in March 2024) over the average hourly wage figure (\$31.72 in March 2024).⁵ Thus, the Department increased the totally hourly compensation for lawyers to \$123.38 ($\84.84×1.4543).

As such, the average individual employer filing the LM-10, and the average consultant filing LM-21, as modified under this rule can expect to incur an increased cost per year of, approximately, \$10.28 ($\$123.38 \times 5/60 = \10.28). The average consultant filing the LM-20 as modified under this rule can expect to incur an increased cost per year of, approximately, \$16.45 ($\$123.38 \times 8/60 = \16.45). Based on this, the Department estimates an increased cost per year of approximately \$15,064 on 647 reporting entities resulting from the proposed modification of Form LM-10, approximately \$15,762 on 651 reporting entities resulting from the proposed modification of Form LM-20, and approximately \$2,250.27 on 97 reporting entities resulting from the proposed modification of Form LM-21.

Table 2 shows estimates of the annualized cost to respondents for the hour burdens for the information collection, and the estimates used in this ICR revision are identical to those used in the most recently approved ICR, other than for the Form LM-10, Form LM-20, and Form LM-21 (which, for purposes of Table 2, the Department utilizes the \$123.38 per hour and multiplied by the estimated annualized burden hours for each form).

⁴ See: <https://www.bls.gov/oes/current/oes231011.htm>.

⁵ See Employer Costs for Employee Compensation Summary, March 2024 (released in June 2024) from the BLS at <http://www.bls.gov/news.release/ecec.nr0.htm>.

TABLE 2
ANNUALIZED RESPONDENT COST ESTIMATES

Form	Responses	Burden Hours
LM-1	173	159

Note: Some numbers may not add due to rounding.

* The burden described here is for those Form LM-2 filers that also have subsidiary organizations. The burden for Form LM-3 subsidiary reporting is included in the Form LM-3 burden numbers.

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- 13. Provide an estimate of the total annual cost burden to respondents or record-keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items A.12 and A.14).**
- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
 - **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
 - **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

There are no operation and maintenance costs to respondents or recordkeepers resulting from the collection of information beyond the cost of the burden hours addressed in Item 12. Any capital investments including computers and software that are usual and customary expenses incurred by persons in the normal course of their business are excluded from the regulatory definition of burden as capital investments.

- 14. Provide estimates of annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items A.12, A.13, and A.14 in a single table.**

Table 3 provides a summary of federal costs associated with the information collections included in OMB # 1245-003. Federal estimated costs include costs for contractors and operational expenses such as equipment, overhead, and printing as well as salaries and benefits for the OLMS staff in the National Office and field offices who are involved with reporting and disclosure activities. These estimates include time devoted to: (a) receipt and processing of reports and CBAs; (b) disclosing reports to the public; (c) obtaining delinquent reports; (d) reviewing reports, (e) obtaining amended reports if reports are determined to be deficient; and (f) providing compliance assistance training on recordkeeping and reporting requirements.

The OLMS national and field staff costs were derived from the GS scale. OLMS derived the other costs, associated with contractors, office space, and overhead and supplies, from its operating budget.

TABLE 3

ANNUALIZED FEDERAL COST ESTIMATES

Total	\$7,755,628
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- 15. Explain the reasons for any program changes or adjustments.**

As described in Question 12 above, the Department estimates that in comparison to the previous submission (35,067 responses and 4,644,784.86 burden hours), there is an increase of 150.97 burden hours due to the revisions of Forms LM-10, LM-20, and LM-21 to include the EIN for employers and consultants, and the revisions to Form LM-20 to differentiate between primary consultants and indirect parties/sub-consultants as to require primary consultants to provide the EIN of sub-consultants and sub-consultants to provide the EIN and mailing address of the primary consultant. These revisions are reflected in the Form LM-10 in Item 3 and Item 9.d, in the Form LM-20 in Item 2, Item 6,

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Item 8, and Item 11.d, and in the Form LM-21 in Item 3, Item 5a, Item 15a, and Item 15c.

The instructions for Forms LM-10, LM-20, and LM-21 will also be updated to reflect each of the changes in these Items, plus the collection of employer and consultant email addresses through the EFS portal. Additionally, the Form LM-1 instructions will be updated for Item 9, in order to more properly reflect the questions asked for determining the place where records are kept, although this will have no impact on burden, since it is merely a technical correction to the instructions so they match the existing form.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

OLMS publishes the information collected pursuant to the LMRDA as reported. The submitted reports are made public via the OLMS website or upon request. While the public may download data from the published reports, OLMS does not post analyses of the data on its website.

OLMS does not publish information collected pursuant to the recordkeeping requirements of 29 U.S.C. § 481.

Collective bargaining agreements are made public via the OLMS website or upon request. Collective bargaining agreements submitted to OLMS are also available on unionreports.gov. While the public may download individual CBAs, OLMS does not calculate data related to collective bargaining agreements.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The Department is not seeking an exemption from the display of the expiration date of the OMB approval of the information collection.

18. Explain each exception to the certification statement in ROCIS.

The Department is not requesting any exceptions to the certification statement required by the Paperwork Reduction Act. The Department is able to certify compliance with all provisions.

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B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This information collection does not employ statistical methods.