



OLMS Fact Sheet

Employer-Consultant Agreements

Forms LM-10, LM-20, and LM-21

Employers and labor relations consultants must file reports with the U.S. Department of Labor's Office of Labor-Management Standards (OLMS) whenever they enter into an agreement or arrangement whereby the consultant will undertake activities with either of the following objectives:

- To persuade employees about exercising their rights to organize and bargain collectively or
- To supply an employer with certain information concerning the activities of employees or a labor organization in connection with a labor dispute involving the employer

These reports are required under Section 203 of the Labor-Management Reporting and Disclosure Act (LMRDA). This fact sheet includes general information about the requirements for reporting such agreements on Employer Report Form LM-10, Agreement and Activities Report Form LM-20, and Receipts and Disbursements Form LM-21. Specific reporting information and detailed instructions are included with the forms on the OLMS website at <http://www.dol.gov/olms>.

Employer Report: Form LM-10

Section 203(a) of the LMRDA requires employers to file a report, Form LM-10, with OLMS if they make certain expenditures or engage in certain activities, including entering into agreements or arrangements with any third party consultant, to persuade employees concerning their collective bargaining or organizing rights or to obtain certain information, as detailed above. The report must be signed by the president and the treasurer or corresponding principal officers of the reporting employer, or by the sole proprietor, as appropriate.

When must the LM-10 report be filed?

A Form LM-10 report is required within 90 days after the end of the employer's fiscal year. Employers are required to file only one Form LM-10 each fiscal year that covers all instances of reportable activity even if, for example, activity occurs at multiple locations or the employer enters into more than one consultant agreement. There are exceptions to filing, and these are noted in Item 8 of the Form LM-10 instructions.

Note: Employers are required to report on Form LM-10 concerning other matters not related to persuader expenditures or agreements. Pursuant to LMRDA Section 203(a), employers must also file the Form LM-10 to report certain payments to unions and individuals affiliated with unions, including any officer, employee, shop steward, or agent of a labor organization. There are exceptions

to filing, and these are noted in Item 8 of the Form LM-10 instructions.

Consultant Reports: Forms LM-20 and 21

Form LM-20: Agreement and Activities Report

Section 203(b) of the LMRDA requires any person, including a labor relations consultant, to file a report, Form LM-20, to disclose agreements or arrangements with any employer to undertake certain activities to persuade employees concerning their collective bargaining or organizing rights or to obtain certain information, as detailed above. These individuals or organizations must file a separate Form LM-20 for each agreement or arrangement they make with an employer. The report must be signed by the president and the treasurer or corresponding principal officers of the consultant firm or, if the filer is self-employed, by the individual consultant.

What are the exemptions to Form LM-10 and Form LM-20 reporting?

These reporting requirements are subject to certain exemptions, which provide, in part, that an employer is not required to file a report covering the services of a consultant or other person by reason of giving or agreeing to give advice to such employer, or supplying the employer information solely for administrative, arbitral, or court

proceedings. Whether any particular service is properly characterized as “advice” and is thus exempt from reporting is a fact-driven question. In applying that exemption, a usual indication that an employer-consultant agreement is exempt is the fact that the consultant has no direct contact with employees and limits his or her activity to providing to the employer or its supervisors advice or materials for use in persuading employees which the employer has the right to accept or reject. See [OLMS Interpretative Manual](#) Section 265.005 (Scope of the “Advice” Exemption). In contrast, an agreement is reportable when the consultant has direct contact with employees with an object to persuade them, or when the consultant directs the persuader actions of line supervisors or similar management officials after having been authorized by the employer to do so.

When must the Form LM-20 report be filed?

Anyone required to file a Form LM-20 must do so within 30 days after entering into a reportable agreement. There are exceptions to filing, and these are noted in the Form LM-20 instructions.

Form LM-21: Receipts and Disbursements Report

Any person required to file a Form LM-20 also must

file a Form LM-21 Receipts and Disbursements Report for any year in which payments were made or received as a result of arrangements of the kind requiring the Form LM-20 report.

When must the Form LM-21 report be filed?

Consultants (individuals or organizations) required to file a Form LM-21 must do so within 90 days after the end of the consultant’s fiscal year. The report must be signed by the president and the treasurer, or corresponding principal officers, of the consultant firm or, if the filer is self-employed, by the individual consultant.

The LM-21 report must include financial information, not only about payments and arrangements related to activities reportable on the Form LM-20, but also about other receipts and disbursements related to labor relations advice or services for employers. There are exceptions to filing, and these are noted in the Form LM-21 instructions.

Recordkeeping Requirements

Section 206 of the LMRDA requires that Form LM-10, LM-20, and LM-21 filers must maintain for a period of five years records to verify, explain or clarify items required to be reported on Forms LM-10, LM-20, and LM-21. Title VI, Section 601, gives OLMS the authority to inspect the records.

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OLMS

Office of Labor-Management Standards
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Visit us at www.dol.gov/olms
E-mail us at olms-public@dol.gov
Call us at (202) 693-0123