

DOL's Proposed Rule Concerning Reporting Use Of Labor Consultants Slated To Become Final In December

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On Friday, May 23, the White House released its bi-annual Unified Agenda, including an update on the timing of Department of Labor's (DOL) proposed rule altering definitions of labor relations consultants for the purpose of required employer reporting. According to the Unified Agenda, the DOL's rule is set to become final in December 2014, the same time period when the DOL intends to publish a notice and comment rulemaking seeking consideration of an updated Form LM-21, the form that would be used for reporting of persuader activities (among other receipts and disbursements). The [proposed rule](#), which has been highly criticized by the American Bar Association among others, requires reporting to the DOL whenever a consultant engages in activities that go beyond a narrow definition of legal "advice." The proposed rule is controversial because it expands the definition of persuader activity to include activities typically performed by labor lawyers, including when the lawyer has no direct employee contact.

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