

U.S. Department of Labor

Office of Labor-Management Standards
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March 12, 2010

Mr. Mario Rodriguez, President
American Postal Workers Union AFL-CIO
Local 1053
P.O. Box 360
Tulare, CA 93275-0360

LM File Number: 071-881
Case Number: [REDACTED]

Dear Mr. Rodriguez:

This office has recently completed an audit of American Postal Workers Union Local 1053 under the Compliance Audit Program (CAP) to determine your organization's compliance with the provisions of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA). As discussed during the exit interview with you and Vice President Manuel Gomez on March 12, 2010, the following problems were disclosed during the CAP. The matters listed below are not an exhaustive list of all possible problem areas since the audit conducted was limited in scope.

Recordkeeping Violations

Title II of the LMRDA establishes certain reporting and recordkeeping requirements. Section 206 requires, among other things, that labor organizations maintain adequate records for at least five years by which each receipt and disbursement of funds, as well as all account balances, can be verified, explained, and clarified. As a general rule, labor organizations must maintain all records used or received in the course of union business.

For disbursements, this includes not only original bills, invoices, receipts, vouchers, and applicable resolutions, but also documentation showing the nature of the union business requiring the disbursement, the goods or services received,

and the identity of the recipient(s) of the goods or services. In most instances, this documentation requirement can be satisfied with a sufficiently descriptive expense receipt or invoice. If an expense receipt is not sufficiently descriptive, a union officer or employee should write a note on it providing the additional information. For money it receives, the labor organization must keep at least one record showing the date, amount, purpose, and source of that money. The labor organization must also retain bank records for all accounts.

The audit of Local 1053's 2008 records revealed the following recordkeeping violation:

General Reimbursed and Debit Card Expenses

Local 1053 did not retain adequate documentation for general and debit card expenses for travel, meals, lodging, and other expenses incurred by union officers totaling at least \$1,067.06. Retained documentation generally did not adequately describe the union purpose of the expense.

As previously noted above, labor organizations must retain original receipts, bills, and vouchers for all disbursements. The president and treasurer (or corresponding principal officers) of your union, who are required to sign your union's LM report, are responsible for properly maintaining union records.

Based on your assurance that Local 1053 will retain adequate documentation in the future, OLMS will take no further enforcement action at this time regarding the above violation.

Reporting Violations

The audit disclosed violations of LMRDA Section 201(b), which requires labor organizations to file annual financial reports accurately disclosing their financial condition and operations. American Postal Workers Union Local 1053 has not filed a Labor Organization Annual Report Form LM-4 since 2004 and is therefore deficient in the following areas.

1. Failure to File Bylaws

The audit disclosed a violation of Section 201 (a) which requires that a union submit a copy of its revised constitution and bylaws with its LM report when it makes changes to its constitution and bylaws. There were no bylaws at all on file for Local 1053.

Local 1053 has now filed a copy of its by-laws.

2. Failure to File

At the time of the audit, Local 1053 was delinquent in filing its LM-4 reports and had not filed an LM-4 report since 2004. At this time we are only requiring the local to file their Labor Organization Annual Report Form LM-4 for the current year which is the calendar year which ended December 31, 2009.

At the closing interview, you provided an acceptable, signed LM-4 report for the year ending December 31, 2009.

I want to extend my personal appreciation to Local 1053 for the cooperation and courtesy extended during this compliance audit. I strongly recommend that you make sure this letter and the compliance assistance materials provided to you are passed on to future officers. If we can provide any additional assistance, please do not hesitate to call.

Sincerely,



Investigator

cc: Mr. Manuel Gomez, Vice President
Mrs. Tina Meza, Financial and Recording Secretary