

Statement of Reasons
For Dismissing the Complaint
Concerning the Trusteeship Imposed on
Communications Workers, Local 1034

This Statement of Reasons is in response to a September 10, 2009 complaint filed with the United States Department of Labor (Department) alleging that the trusteeship imposed by the Communications Workers of America (CWA), upon CWA Local 1034 (Local 1034) violated Title III of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA or Act), 29 U.S.C. §§ 461-466. The complaint is dismissed for the following reason.

The Department's investigation disclosed that CWA established a temporary administratorship on July 7, 2008. A trusteeship report filed by Trustee Ruth Barrett reported that the trusteeship was established to correct corruption or financial malpractice and to restore democratic procedures. Subsequently, a hearing was held and Hearing Officer Seth Rosen issued a report on December 8, 2008. In this report, Rosen concluded that (1) Local 1034 had failed to establish active membership committees, hold meaningful membership meetings or regular Executive Board meetings, and fill Executive Board vacancies; (2) there had been a complete lack of adequate financial controls and safeguards and a lack of oversight of local expenditures by the Executive Board; (3) CWA's election rules had been violated through the improper use of union funds; (4) the Local president had violated the CWA Constitution regarding collective bargaining; (5) the Local president failed to keep adequate records of her time and activities; and (6) there was tension between the union staff and the Local president which interfered with the Local's ability to serve its members.

The Department found that on September 17, 2009, the membership of Local 1034 voted to reorganize the Local into three separate and new local unions. Elections of officers for the new locals were held in December 2009 and January 2010. On March 10, 2010, the CWA Executive Board voted to terminate the Local 1034 trusteeship, effective immediately. The Department has received the Local 1034 Terminal LM-2 report, stating that Local 1034 no longer represents any members and that its charter has been recalled. Because CWA has lifted its trusteeship and because Local 1034 no longer exists, there is no basis under section 302 of the Act, 29 U.S.C. § 462, for an action by the Secretary.

Accordingly, the office has closed the file in this matter.

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



August 10, 2010



Dear [REDACTED]

This is to advise you of the disposition of your complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), occurred with respect to the trusteeship imposed by Communication Workers of America over Local 1034, West Trenton, New Jersey.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards. After carefully reviewing the investigative findings, and after consulting with the Solicitor of Labor, we have determined that legal action is not warranted in this case. We are, therefore, closing our file as of this date.

The basis for this decision is set forth in the enclosed Statement of Reasons.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



August 10, 2010

Mr. Larry Cohen, President
Communication Workers of America
501 3rd Street NW
Washington, DC 20001

Dear Mr. Cohen:

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Patricia Fox
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Enclosure