

U.S. Department of Labor

Office of Labor-Management Standards
Honolulu Resident Investigator Office
300 Ala Moana Boulevard, Suite 5-117
Honolulu, HI 96850
(808) 541-2777 Fax: (808) 541-2719



June 17, 2022

Ms. Terilyn Carvalho Luke, President
Hawaii Nurses and Healthcare Professionals
PO Box 1975
Aiea, HI 96701

Case Number: 520-6023284()
LM Number: 546556

Dear Ms. Carvalho Luke:

This office has recently completed an audit of Hawaii Nurses and Healthcare Professionals (HNHP) 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 Treasurer Wolfgang Tarnowski on May 24, 2022, 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.

Reporting Violation

Failure to File Form LM-2

The audit disclosed a violation of LMRDA Section 201(b), which requires labor organizations to file annual financial reports accurately disclosing their financial condition and operations. HNHP did not file the Labor Organization Annual Report Form LM-2 using the OLMS Electronic Filing system (EFS) for the fiscal year ended December 31, 2021. All Labor Organization Annual Reports for the fiscal years beginning on or after January 1, 2017, are required to be filed using EFS. In addition, your organization did not file for a temporary or continuing hardship exemption. However, HNHP electronically filed the LM-2 on June 14, and provided evidence of this to OLMS during the audit. As a result, OLMS will take no further enforcement action regarding this issue.

Other Issues

1. Failure to Hold Membership Meetings

The HNHP Constitution requires the Board of Directors to hold a membership meeting once a year at which time the membership will approve an annual budget that is presented to it by the Board of Directors. As of this date, the Board of Directors has not held a membership meeting and, therefore, has not received proper approval from the membership for all expenditures prior to and covering the audit year.

The HNHP Constitution, Article III, Section 3(D) states that, "The Board of Directors

shall convene once a year the Annual Membership Meeting of the HNHP on a date and at a location determined by the President. The Annual Membership Meeting of the HNHP shall be held no earlier than ninety (90) days and no later than fifteen (15) days prior to the expiration of the current fiscal year.”

Article III, Section 3(K) states that the Board of Directors shall “approve the annual budget prior to presenting the budget at the annual membership meeting for final approval by the members.”

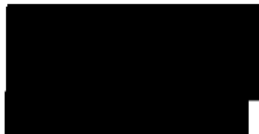
2. Failure to Hold Officer Elections

The audit disclosed a violation of LMRDA Section 401(b), which requires every local labor organization to elect its officers not less often than once every three years. The HNHP Constitution, Article VI, Section 3D states that the initial election was to be held in November 2021. As of this date, HNHP has not conducted an officer election.

Based on your assurance that HNHP will hold the required membership meetings and conduct the required officer election, OLMS will take no further enforcement action at this time regarding the above violations.

I want to extend my personal appreciation to Hawaii Nurses and Healthcare Professionals 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. Wolfgang Tarnowski, Treasurer