

U.S. Department of Labor

Office of Labor-Management Standards
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April 30, 2021

Mr. Edward Brazier, President
Communications Workers of America
(CWA) AFL-CIO Local 3902
210 Summit Parkway
Birmingham, AL 35209

Case Number: 410-6020302
LM Number: 015918

Dear Mr. Brazier:

This office has recently completed an audit of Communications Workers of America (CWA) AFL-CIO Local 3902 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, Executive Vice President Vickie Grace-Brown, Network Vice President Terrell Shorter, Mobility Vice President Fred Smith and Consumer Vice President Errol Miner on March 5, 2021, 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 3902's 2020 records revealed the following recordkeeping violations:

1. Lost Wages

Local 3902 did not retain adequate documentation for lost wage reimbursement payments to former Local 3902 President David S. Monk for at least 48 bi-weekly payments. The

union must maintain records in support of lost wage claims that identify each date lost wages were incurred, the number of hours lost on each date, the applicable rate of pay, and a description of the union business conducted.

The OLMS audit found that Local 3902 failed to list the union work conducted by former President David S. Monk. OLMS reviewed records from October 1, 2015 through September 30, 2020 and found that none of the vouchers submitted by Monk contained an adequate description of the reason he incurred lost time. Although not a fulltime officer, Monk routinely averaged between 60 and 73 hours per pay period throughout the aforementioned period.

During the exit interview, I provided a compliance tip sheet, *Union Lost Time Payments*, that contained a sample of an expense voucher Local 3902 may use to satisfy this requirement. The sample identifies the type of information and documentation that the local must maintain for lost wages and other officer expenses.

Based on your assurance that Local 3902 will retain adequate documentation in the future, OLMS will take no further enforcement action at this time regarding the above violations.

Reporting Violations

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. The Labor Organization Annual Report (Form LM-2) filed by Local 3902 for the fiscal year ended September 30, 2020, was deficient in the following areas:

1. Sale of Supplies (LM-2)

Local 3902 did not correctly report receipts from the sale of supplies or disbursements for supplies for resale. The audit revealed that during 2020, Local 3902 disbursed at least \$110 for items that it re-sold to members, collecting receipts totaling at least \$110. The LM-2 instructions require that the union report receipts from the sale of supplies in Item 39 (Sale of Supplies) and disbursements for supplies for resale in Item 59 (Supplies for Resale). In addition, it must report the value of any supplies for resale on hand at the beginning and end of the year in Item 28 and Schedule 7 (Other Assets).

2. Failure to File Bylaws

The audit disclosed a violation of LMRDA 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 or bylaws. Local 3902 amended its constitution and bylaws in 2011, 2017 and 2020, but did not file a copy with its LM report for that year.

As agreed, Local 3902 will file a copy of its current constitution and bylaws with OLMS as soon as possible but not later than May 26, 2021.

I am not requiring that Local 3902 file an amended LM report for 2020 to correct the deficient items, but Local 3902 has agreed to properly report the deficient items on all future reports it files with OLMS.

I want to extend my personal appreciation to Communications Workers of America (CWA) AFL-CIO Local 3902 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,

A solid black rectangular box used to redact the signature of the investigator.

Investigator