

U.S. Department of Labor

Employment Standards Administration
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August 24, 2007

Mr. Brian Wilson, Secretary-Treasurer
Communications Workers
Local Union 3190
898 N.W. 84th Drive
Coral Springs, FL 33071

Re: Case Number [REDACTED]

Dear Mr. Wilson:

This office has recently completed an audit of Communications Workers Local 3190 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 President Timothy Nuesse and you on July 20, 2007, 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.

The CAP disclosed the following violations:

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 3190's 2005 records revealed the following recordkeeping violations:

Officer and Employee Expenses

Local 3190 records of meal and office supply expenses did not always include written explanations of union business conducted or the names and titles of the persons incurring the restaurant and office supply charges. For example, there were a couple of restaurant receipts showing that meals were purchased for groups of individuals while on travel status; however, there was no explanation of the purpose of the meal expense and no identification of the persons incurring the restaurant charges. In addition, there were receipts from Office Depot and Sam's Club showing that office supplies were purchased, but the union did not always record the purpose of the expense (e.g. ink cartridge for union printer or union fax) and did not provide the names of the persons receiving the office supplies. Union records of meal and office supply expenses must include written explanations of the union business conducted and the full names and titles of all persons who incurred the restaurant and office supply charges. Also, the records retained must identify the names of the restaurants and vendors where the officers or employees incurred meal and office supply expenses. These steps are necessary in order to verify that purchased items are being used for union business rather than personal use.

Based on your assurance that Local 3190 will retain adequate documentation in the future, OLMS will take no further enforcement action at this time regarding the above violations.

Failure to Maintain Minutes

The union failed to maintain minutes for membership and executive committee meetings. The union did not provide any minutes for meetings held during the audit year. Minutes for meetings were not recorded by any of the union officers.

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Communications Workers, Local 3190, has become aware of the record keeping requirements enforced by Title II of the LMRDA and agreed to maintain minutes for membership and executive committee meetings in the future; therefore no additional action will be taken regarding this violation at this time. However, OLMS follow-up may be scheduled to ensure compliance with this requirement.

Reporting Violations

The CAP disclosed a violation of LMRDA Section 201(b), which requires labor organizations to file annual financial reports accurately disclosing their financial condition and operations.

Failure to File Form LM-3

Local 3190 did not file the required Labor Organization Annual Report (Form LM-3) for fiscal year ending September 30, 2006, and therefore the union was delinquent in filing the annual financial report. Local 3190 agreed to submit the LM-3 report meeting the filing standards in order to resolve the reporting delinquency. A blank LM-3 reporting form and instructions was provided to you during the exit interview of July 20, 2007. The report should be submitted to this office at the above address as soon as possible, but no later than September 7, 2007.

I want to extend my personal appreciation to Communications Workers Local 3190 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,

[REDACTED]
Investigator

cc: Mr. Timothy Nuesse, President
4120 N.W. 78th Lane
Coral Springs, FL 33065