

U.S. Department of Labor

Employment Standards Administration
Office of Labor-Management Standards
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October 27, 2008

Mary Ellen Mazzeo, President
Communication Workers, AFL-CIO
Local Union 1152
3522 James Street
Syracuse, NY 13206

LM File Number: 037-346

Case Number: [REDACTED]

Dear Ms. Mazzeo:

This office has recently completed an audit of the Communications Workers AFL-CIO Local 1152 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 on October 9, 2008 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 Violation

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 1152's 200612007 records revealed the following recordkeeping violation:

Failure to Record Receipts and Disbursements

Local 1152 inaccurately recorded, or failed to record, transactions in its records totaling at least \$2,062.81. The local failed to record a disbursement of \$1,636.38 and recorded in error disbursements totaling \$426.43. Bank statements showed an electronic payment of \$1,636.38, but no payments, of any type, totaling \$426.43 could be found on checking account bank statements. Union receipt and disbursement records must include an adequate identification of all money the union receives and disburses. The LM-3 instructions for Statement B state that the labor organization must record receipts when it actually receives money and disbursements when it actually pays out money.

Based on your assurance that Local 1152 will retain adequate documentation in the future, OLMS will take no further enforcement action at this time regarding the above violation.

Reporting Violation

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 1152 amended its constitution and bylaws in 2003, but did not file a copy with its LM report for that year.

Local 1152 has now filed a copy of its constitution and bylaws.

I want to extend my personal appreciation to Local 1152, for their 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 made available to all members and future officers. If we can be of any additional assistance, please do not hesitate to call.

Sincerely,



Investigator

cc: Mary Gorman, Executive Vice President
Margaret Covell, Secretary-Treasurer