

U.S. Department of Labor

Employment Standards Administration
Office of Labor-Management Standards
Philadelphia District Office
170 S. Independence Mall West
Room 760
Philadelphia, PA 19106
(215)861-4818 Fax: (215)861-4819



April 8, 2009

Mr. Donald Sharp, Treasurer
Stage & Picture Operators AFL-CIO
Local 804
11 Washington Boulevard
Stratford NJ, 08084

LM File Number 016-738

Case Number: [REDACTED]

Dear Mr. Sharp:

This office has recently completed an audit of IATSE Local 804 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 March 25, 2009, 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 804's 2007 records revealed the following recordkeeping violations:

1. General Reimbursed Expenses

Local 804 did not retain adequate documentation for reimbursed incurred by union officers and employees totaling at least \$56.70. This expense was reimbursed to President Robert Kane for meals but no receipt was maintained to verify the disbursement.

As previously noted above, labor organizations must retain original receipts, bills, and vouchers for all disbursements. The president and treasurer (or corresponding principal officers) of your union, who are required to sign your union's LM report, are responsible for properly maintaining union records.

2. Missing Bank Statements

Local 804 did not retain adequate documentation for checking account [REDACTED]. The local misplaced the January statement for fiscal year ending December 31, 2007; Mr. Sharp had to replace this missing statement with a bank copy of the original statement.

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.

Based on your assurance that Local 804 will retain adequate documentation in the future, OLMS will take no further enforcement action at this time regarding the above violations.

Reporting Violation

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-3 filed by Local 804 for fiscal year ending December 31, 2007, was deficient in the following area:

Disbursements to Officers

Local 804 did not include some reimbursements to officers totaling at least \$3,112.23 in the amounts reported Item 24 (All Officers and Disbursements to Officers). It appears the union erroneously reported these payments in Item 48 (Office and Administrative Expense).

The union must report most direct disbursements to Local 804 officers and some indirect disbursements made on behalf of its officers in Item 24. A "direct disbursement" to an officer is a payment made to an officer in the form of cash, property, goods, services, or other things of value. See the instructions for Item 24 for a discussion of certain direct disbursements to officers that do not have to be reported in Item 24. An "indirect disbursement" to an officer is a payment to another party (including a credit card company) for cash, property, goods, services, or other things of value received by or on behalf of an officer. However, indirect disbursements for temporary lodging (such as a union check issued to a hotel) or for transportation by a public carrier (such as an airline) for an officer traveling on union business should be reported in Item 48 (Office and Administrative Expense).

I am not requiring that Local 804 file an amended LM report for 2007 to correct the deficient items, but Local 804 has agreed to properly report the deficient items on all future reports it files with OLMS.

This would include the local's current delinquent LM-3 annual report for fiscal year 2008, this report was due March 31, 2009. Please submit your union's report to this office by April 24, 2009 as we discussed during our closing interview. Before mailing, review the report thoroughly to be sure it is complete accurate, and signed properly with original signatures.

Mr. Donald Sharp
April 8, 2009
Page 4 of 4

Other Violation

The audit revealed a violation of LMRDA Section 502 (Bonding), which requires that union officers and employees be bonded for no less than 10 percent of the total funds those individuals or their predecessors handled during the preceding fiscal year.

Inadequate Bonding

Local 804's officers and employees are currently bonded for \$200,000 but they must be bonded for at least \$260,000. Local 804 should obtain adequate bonding coverage for its officers and employees immediately. Please provide proof of bonding coverage to this office as soon as possible, but not later than May 15, 2009.

I want to extend my personal appreciation to IATSE Local 804 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: Robert Kane, President