

U.S. Department of Labor

Employment Standards Administration
Office of Labor-Management Standards
Pittsburgh District Office
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February 11, 2009

Mr. Randy Bostic, Business Manager/Financial Secretary
Plasterers and Cement Masons AFL-CIO
Local 39
3868 Central Avenue
P. O. Box 38
Shadyside, OH 43947

LM File Number 034-734
Case Number: [REDACTED]

Dear Mr. Bostic:

This office has recently completed an audit of Plasterers and Cement Masons Local 39 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 J. D. Lechliter, business agent/organizer, on January 22, 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.

Failure to Maintain Bank Records

The audit of Local 39's 2007 records revealed the following recordkeeping violations:

Local 39 did not retain any bank statements, cancelled checks, and savings/investments statements. Without the original bank account statements your union failed to maintain records to support all deposits in the amount of \$382,297 and payments of \$416,321.

Based on your assurance that Local 39 will retain adequate documentation in the future, OLMS will take no further enforcement action at this time regarding the above violations.

I want to extend my personal appreciation to Plasterers and Cement Masons Local 39 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: Alan Farber, Local 39 President