

U.S. Department of Labor

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August 4, 2009

Ms. Carol Whichard, President
Communication Workers AFL-CIO
Local 9404
7 Mt. Lassen, Suite C-150
San Rafael, CA 94903

LM File Number: 047-327
Case Number: [REDACTED]

Dear Ms. Whichard:

This office has recently completed an audit of Communication Workers Local 9404 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, Tiffany Collins, and Ryan Comiskey on July 28, 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 9404's 2008 records revealed the following recordkeeping violations:

Failure to Record Receipts

Local 9404 did not record in its receipts records some receipts from the annual charity golf tournament. For example, a raffle is conducted at the the annual golf tournament, however, no records were maintained to identify specifically how much money was collected for the raffle. Local 9404 also failed to maintain copies of deposit slips showing the details of each deposit made into the union's bank accounts. Union receipts records must include an adequate identification of all money the union receives. The records should show the date and amount received, and the source of the money.

I want to extend my personal appreciation to Communication Workers Local 9404 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: Tiffany Collins, Treasurer