

U.S. Department of Labor

Office of Labor-Management Standards
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October 18, 2010

Mr. Glenn Chaffee, Business Rep
Painters, AFL-CIO
Local Union 150
244 Paul Road
Rochester, NY 14624

Case Number: [REDACTED]
LM Number: 013-857

Dear Mr. Chaffee:

This office has recently completed an audit of Painters, Local Union 150 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 James Creighton, Treasurer John Sergent, and yourself on October 14, 2010, 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 150's 2009 records revealed the following recordkeeping violation:

General Disbursements

Local 150 did not retain adequate documentation to support political contributions made to some political candidates. For example, the union did not retain a donation letter or request or another form of correspondence for a payment to Friends of Maggie Brooks for \$3,000. In addition, a reimbursement for \$162 to Business Representative Glenn Chaffee for pizza and wings at a monthly meeting was not accompanied with a receipt.

As 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.

Based on your assurance that Local 150 will retain adequate documentation in the future, OLMS will take no further enforcement action at this time regarding the above violations.

Reporting Violations

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 150 for the fiscal year ended December 31, 2009, was deficient in the following area:

Disbursements to Officers

Local 150 did not include payments to officers totaling at least \$3,250 for per diem expenses 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 150 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.

I am not requiring that Local 150 file an amended LM report for 2009 to correct the deficient item, but Local 150 has agreed to properly report the deficient item on all future reports it files with OLMS.

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I want to extend my personal appreciation to Painters, Local Union 150 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. James Creighton, President
Mr. John Sergent, Treasurer