

U.S. Department of Labor

Office of Labor-Management Standards
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May 4, 2010

John Dahl, President
Postal Workers, American, AFL-CIO
Local 2255
1580 Sullivan Street
Elmira, NY 14902

LM File Number: 514-596

Case Number: [REDACTED]

Dear Mr. Dahl:

This office has recently completed an audit of the APWU Local 2255 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 Vice President/Treasurer Vicky Shaban on April 29, 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 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 the Local 2255's 2009 records revealed the following recordkeeping violation:

General Expenses

Local 2255 did not have adequate documentation relative to check # [REDACTED] in the amount of \$1,632 made payable to Chemung Canal Trust Company (CCTC), the local's credit card issuer. Credit card statements reveal no credit card charge(s) or payments for \$1,632. Bank statements verify the check was negotiated for \$1,632 on July 27, 2009. The check was written to pay the New York State Insurance Fund.

Based on your assurance that Local 2255 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 2255 for fiscal year ending December 31, 2009, was deficient in that:

Local 2255 did not include some reimbursements to officers totaling at least \$1,855 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) or Item 54 (Other Disbursements).

The union must report most direct disbursements to Local 2255 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 2255 file an amended LM report for 2009 to correct the deficient items, but Local 2255 has agreed to properly report the deficient items on all future reports it files with OLMS.

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I want to extend my personal appreciation to Local 2255 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 passed on to future officers. If we can be of any additional assistance, please do not hesitate to call.

Sincerely,



Investigator

cc: Vicky Shaban, Vice President/Treasurer
Cheryl Nowaczyk, Treasurer