

U.S. Department of Labor

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Office of Labor-Management Standards
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April 10, 2008

Mr. Dave Stock, President
National Air Traffic Controllers Association AFL-CIO
Chicago Tracon (C90)
1100 Bowes Road Suite 245
Elgin, IL 60123

LM File Number 517-921

Case Number: [REDACTED]

Dear Mr. Stock:

This office has recently completed an audit of NATCA Local C90 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 Bryan Hobgood and you on Wednesday, April 9, 2008, 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 of the LMRDA and Title 29 of the Code of Federal Regulations (C.F.R.) Section 403.7 require, among other things, that labor organizations maintain adequate records for at least five years after reports are filed by which the information on the reports can be verified, explained and clarified. Pursuant to 29 C.F.R. Section 458.3, this recordkeeping provision of the LMRDA applies to labor organizations subject to the requirements of the Civil Service Reform Act of 1978 (CSRA) as well. Therefore, as a general rule, labor organization must retain 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 NATCA Local C90's 2007 records revealed the following recordkeeping violations:

General Reimbursed Expenses

Local C90 did not retain adequate documentation for reimbursed expenses incurred by union member [REDACTED] totaling \$1,500.00.

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.

Based on your assurance that Local C90 will retain adequate documentation in the future, OLMS will take no further enforcement action at this time regarding the above violations.

Reporting Violations

Pursuant to 29 C.F.R. Section 458.3, the requirement under 29 C.F.R. Section 402.4 implementing LMRDA Section 201(a) is made applicable to labor organizations subject to the requirements of the CSRA. This provision requires labor organizations to file copies of any revised constitution and bylaws when it files its annual financial report. The audit disclosed a violation of this requirement. Local C90 amended its constitution and bylaws in or about 2003, but did not file the required copies with its LM report for that year.

Local C90 has now filed a copy of its constitution and bylaws. Based on the fact that Local C90 has filed a copy of its bylaws, OLMS will take no further enforcement action at this time regarding the above violation.

Mr. Dave Stock
April 10, 2008
Page 3 of 3

I want to extend my personal appreciation to NATCA Local C90 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: Bryan Hobgood, Secretary-Treasurer