

Albany Electrical Contractors  
Association, Inc.

16 WADE ROAD • LATHAM, N.Y. 12110  
518 785-5876 FAX # 518-220-9303



Albany Chapter

July 28, 2015

Harold M. Armstrong, Jr.  
Control Network Communications, Inc.  
25 Corporate Circle  
Suite 120  
Albany, NY 12203

Dear Mr. Armstrong:

Enclosed please find a copy of the decision rendered in your grievance against IBEW Local 236 and Corey LaFountain.

After two meetings of the joint Labor Management Committee (the initial hearing and an interim meeting prior to an appearance before the Council on Industrial Relations) the committee reached a unanimous decision on the charge of the Local violating the referral process.

The committee determined that there was sufficient documentation provided by the Local demonstrating that a past practice existed of referring teledata workers by name.

As a result of the committee finding the Chapter has withdrawn its request for grievance arbitration in front of the Council on Industrial Relations.

Respectfully,

A handwritten signature in cursive script, appearing to read "Stephen Chamberlain".

Stephen Chamberlain  
Executive Director

Enclosure: Grievance Decision - CNC v IBEW Local 236 and Corey LaFountain

Decision

**CAPITAL REGION LABOR-MANAGEMENT  
COMMITTEE MEETING/HEARING**

**Wednesday, July 29, 2015 @ 11:00 am.**

A meeting of the Labor-Management Committee (LMC) was held on Wednesday, July 29, 2015 at 11:00 am at the offices of the National Electrical Contractors Association, 16 Wade Road, Latham, New York. The purpose of the meeting was to conduct a Labor Management Committee (LMC) hearing to address a Petition for Grievance filed by Control Network Communications (CNC) against IBEW, Local Union No. 236 and Mr. Corey LaFountain.

IBEW Local 236

**Members:** Skip Goyette - Chairman  
Donald Rahm  
Michael Torres

Albany NECA Chapter

Jerrald Cherrier - Chairman  
Kevin Haggerty  
Eileen LaCorte

**Also in attendance:**

Lawrence Davis, IBEW Third District Representative  
Ben Nest, NECA Field Representative  
Stephen Chamberlain, NECA Chapter Manager

Issues for Grievance:

The LMC board reviewed each of the three issues listed in the Notice of Grievance Hearing, alleging violations under the current Collective Bargaining Agreement (CBA) by Mr. LaFountain and Local 236

Parties involved:

Control Network Communications vs. Corey LaFountain and IBEW 236.

Decision by the Labor Management Committee:

After careful consideration of the evidence submitted, the committee ruled as follows:

- Regarding Charge a.-There was no clear cut violation of the current Collective Bargaining Agreement (CBA) by Corey LaFountain.

The vote of the Committee was unanimous.

- Regarding Charge b.-There was no clear cut violation of the current Collective Bargaining Agreement (CBA) by Local 236.

The vote by the Committee was unanimous.

- Regarding Charge c. – There was no clear cut violation of the current Collective Bargaining Agreement (CBA) by Local 236.

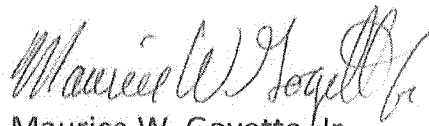
The vote of the Committee was unanimous.

IBEW, Local Union No. 236 provided sufficient documentation regarding the referral of Teledata Technicians and Teledata Installers to show that these classifications of employees may be called by name.

Respectfully submitted,



Jerrald Cherrier  
NECA Chairman LMC



Maurice W. Goyette, Jr.  
IBEW Chairman LMC

**ALBANY NECA CHAPTER**  
**LABOR MANAGEMENT COMMITTEE**  
**NOTICE OF GRIEVANCE HEARING**

May 14, 2015

Please be advised that a notice of a Petition for Grievance is being filed by Control Network Communications (CNC) against IBEW Local 236 and Member Corey LaFountain. The Grievance Hearing on this matter is scheduled to be heard before the Labor Management Committee (LMC) at 2:00 pm on Tuesday, May 19, 2015 at the Albany NECA Chapter, 16 Wade Road, Latham, NY. The petition scheduled to be heard stems from a charge filed by grievant CNC against IBEW Local 236 and Mr. LaFountain alleging the following:

**1) Charge:**

- a. Grievant alleges IBEW Local 236 member Corey LaFountain violated Article II, Section 2.01 of the Collective Bargaining Agreement by acting as a contractor in assisting soliciting work at Skidmore College.
- b. Grievant alleges a possible violation by IBEW Local 236 of Article III, Section 3.18 (a) (A) of the Collective Bargaining Agreement by allowing Mr. LaFountain to be called up as a foreman within four weeks of quitting his job as a foreman at CNC.
- c. Grievant alleges a possible violation by IBEW Local 236 of Article IV, Section 4.14 if Mr. LaFountain was called up as a Journeyman.

**2) Background:**

Mr. Corey LaFountain was a foreman for CNC and was routinely assigned by CNC to Skidmore dormitory projects. He had intimate knowledge of the campus and the role he filled was a requirement for work on the campus (by the school). On Wednesday April 29, 2015 Mr. LaFountain abruptly quit his employment at CNC. On the following Wednesday, May 6, 2015 Mr. LaFountain appeared at a walk through at Skidmore College in preparation for bidding for work representing Nfrastructure. CNC believes Mr. LaFountain's instrumental role in the bidding process was akin to acting as a contractor and is a violation of the collective bargaining agreement and Mr. LaFountain's performing duties typically considered to be those of a contractor led directly to the loss of the bid for work which CNC had routinely won. Additionally, CNC believes Mr. LaFountain was called up as a foreman by Nfrastructure, if he was not called up as a foreman grievant alleges he was allowed to jump the list as the grievant also alleges that other journeymen from Nfrastructure were on the referral list prior to Mr. LaFountain's quitting CNC.

**3) Remedy Sought By Grievant:**

That Mr. LaFountain cease and desist from acting as a contractor in soliciting work done by CNC. That Mr. LaFountain and IBEW Local 236 make CNC whole in the amount of \$170,000 on work lost due to his acting in the role of a contractor on behalf of Infrastructure. Additionally, grievant seeks to bar Mr. LaFountain from working at the Skidmore jobsite for the duration of the dormitory project.

IBEW Local 236 Labor Management Committee Members:

Skip Goyette - Chairman

**To be determined by Local 236**

NECA Albany Labor Management Committee Members:

Jerald Cherrier - Chairman

Kevin Haggerty

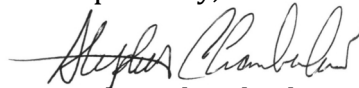
Eileen LaCorte

**Alternate member(s) may be assigned if current member(s) are unavailable**

Mr. Mark Lajeunesse to represent Local 236

Harold Armstrong, Control Network Communications

Respectfully,



Stephen Chamberlain  
Executive Director  
Albany NECA Chapter

cc: Mark Lajeunesse, President IBEW Local 236  
Harold Armstrong, Control Network Communications  
Don Rahm, Business Manager IBEW Local 236  
LMC

**ALBANY NECA CHAPTER**  
**LABOR MANAGEMENT COMMITTEE**  
**NOTICE: PETITION FOR GRIEVANCE**

May 8, 2015

Please be advised that notice of a Petition for Grievance is being filed by Control Network Communications (CNC) against IBEW Local 236 and Member Corey LaFountain with a request that this matter be scheduled to be heard before the Labor Management Committee (LMC) as expeditiously as possible. The petition scheduled to be heard stems from a charge filed by grievant CNC against IBEW Local 236 and Mr. LaFountain alleging the following:

**1) Charge:**

- a. Grievant alleges IBEW Local 236 member Corey LaFountain violated Article II, Section 2.01 of the Collective Bargaining Agreement by acting as a contractor in assisting soliciting work at Skidmore College.
- b. Grievant alleges a possible violation by IBEW Local 236 of Article III, Section 3.18 (a) (A) of the Collective Bargaining Agreement by allowing Mr. LaFountain to be called up as a foreman within four weeks of quitting his job as a foreman at CNC.
- c. Grievant alleges a possible violation by IBEW Local 236 of Article IV, Section 4.14 if Mr. LaFountain was called up as a Journeyman.

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That Mr. LaFountain cease and desist from acting as a contractor in soliciting work done by CNC. That Mr. LaFountain and IBEW Local 236 make CNC whole in the amount of \$170,000 on work lost due to his acting in the role of a contractor on behalf of Nfrastucture. Additionally, grievant seeks to bar Mr. LaFountain from working at the Skidmore jobsite for the duration of the dormitory project.

The Albany NECA Chapter requests pursuant to Article I, Section 1.05 that the Labor Management Committee convene to hear this Petition for Grievance. Please indicate your availability over the next few weeks by contacting Stephen Chamberlain at 518-785-5876 or Stephen@AlbanyNECA.com.

IBEW Local 236 Labor Management Committee Members:

Skip Goyette - Chairman

**To be determined by Local 236**

NECA Albany Labor Management Committee Members:

Jerald Cherrier - Chairman

Kevin Haggerty

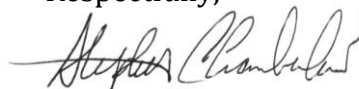
Eileen LaCorte

**Alternate member(s) may be assigned if current member(s) are unavailable**

Mr. Mark Lajeunesse to represent Local 236

Harold Armstrong, Control Network Communications

Respectfully,



Stephen Chamberlain

Executive Director

Albany NECA Chapter

cc: Mark Lajeunesse, President IBEW Local 236  
Harold Armstrong, Control Network Communications  
Don Rahm, Business Manager IBEW Local 236  
LMC