

**ALBANY NECA CHAPTER
LABOR MANAGEMENT COMMITTEE**

GRIEVANCE DECISION

April 5, 2016

A meeting of the Labor Management Committee (LMC) was held on **Tuesday April 5, at 10:30 A.M.** at the Albany NECA Chapter Office, 16 Wade Road, Latham, New York, for the purpose of addressing a Petition for Grievance filed by IBEW Local 236 against George Martin Electric Co. (See attached Notice of Grievance Hearing).

Present at the Hearing:

Committee Members

IBEW Local 236

Michael Torres, Chair
Paul Fitzmaurice
John Mosher

Albany NECA Chapter

Jerrald Cherrier, Chair
Eileen LaCorte
Joseph Miner

Albany NECA Chapter Manager/Secretary
Business Manager IBEW Local 236

Stephen Chamberlain
Mark Lajeunesse

For Grievants

Mark Lajeunesse on behalf of IBEW Local 236

For Respondent

Anthony Van Schaack from George Martin Electric Co.
Stephen Chamberlain on behalf of the Employer

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

Regarding the issue of Philip Cottrell, the committee determined that Mr. Cottrell, a CE/CW, was performing work at the Lafarge Cement Plant that is work not covered under the scope of the Small Works Addendum to the Inside Agreement and agreed to take no action except to advise George Martin Electric Co. that CE/CWs are not to perform any work not described in the scope of the addendum including work at the Lafarge Cement Plant.

Respectfully Submitted,



Michael Torres
LMC Chairman
IBEW Local 236



Stephen Chamberlain
Chapter Manager/Secretary
Albany NECA Chapter

Attachment

cc: John Mosher, President IBEW Local 236
Paul Fitzmaurice, IBEW Local 236
Mr. Mark Lajeunesse, Business Manager IBEW Local 236
Brian Hart, George Martin Electric Co.
Contractor LMC members

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

March 30, 2016

Please be advised that notice of a Petition for Grievance has been filed by IBEW Local 236 (Local) against George Martin Electric Co. (Martin) with a request that this matter be heard before the Labor Management Committee (LMC) on **Tuesday April 5, at 10:30 A.M.** at the Albany NECA Chapter Office, 16 Wade Road, Latham, NY.

The grievance scheduled to be heard stems from a charge filed by the Local against the Contractor as follows:

Charge:

- a. No Contract , Article or Section cited. Local alleges, "Local 236 members Kelly Stone card number 7820274 and Philip Cottrell card number 7457885 are working at LaFarge Cement. Neither are journeymen but are CEs and thus can't work on that site."

Background:

On March 21, 2016 IBEW Local 236 filed a grievance alleging Kelly Stone, a CE was working outside of the scope of the Small Works Addendum at the LaFarge Cement Plant in Ravena, NY. The grievance was modified on March 22, 2016 to include Philip Cottrell who is also a CE.

Remedy Sought By Grievant:

The Local "...requests both (Kelly Stone and Philip Cottrell) be paid the difference in wages and benefits between JW rate and their classification."

Respondent's Contention:

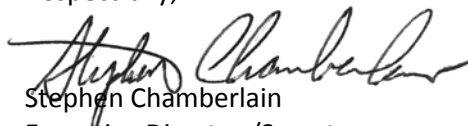
- To Be Presented at the Hearing -

Attendees:	Local 236 Committee Members:	To be determined by Local.
	Contractor Committee Members:	Jerald Cherrier - Chairman Kevin Haggerty Eileen LaCorte

To Be Determined to represent Local 236

To Be Determined to represent George Martin Electric Co.

Respectfully,



Stephen Chamberlain
Executive Director /Secretary
Albany NECA Chapter

cc: John Mosher, President IBEW Local 236
Paul Fitzmaurice, IBEW Local 236
Mr. Mark Lajeunesse, Business Manager IBEW Local 236
Anthony Van Schaack
Contractor LMC members

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

Grievance Form and Record of Proceedings

L. U. 236

Co. George Martin

Grievance No. _____

DATE 3-22-16 TIME 3:00 A.M. (P.M.)

NAME _____ EMPLOYEE I.D. No. _____ DEPT. _____

STATE GRIEVANCE: Local 236 members Kelly Stone case number 2820374 and Philip Costrell card number 2457885 are working as Laborer Cement. Neither are journeymen but are CEs and that can't work on that site.

SETTLEMENT REQUESTED: We request both to be paid the difference in wages and benefits between JW rate and their classification.

SIGNED Local 236
AGGRIEVED EMPLOYEE

SIGNED Paul F. Finacaro
UNION REPRESENTATIVE

COMPANY'S REPLY TO GRIEVANCE: _____

		SIGNED _____	COMPANY REPRESENTATIVE	DATE _____	
IS DECISION SATISFACTORY?	YES _____	NO _____	HAS CASE BEEN APPEALED?	YES _____	NO _____
		SIGNED _____	UNION REPRESENTATIVE	DATE _____	

UNION'S REPLY: _____

COMPANY'S REPLY: _____

		SIGNED _____	COMPANY REPRESENTATIVE	DATE _____	
IS DECISION SATISFACTORY?	YES _____	NO _____	HAS CASE BEEN APPEALED?	YES _____	NO _____
		SIGNED _____	UNION REPRESENTATIVE	DATE _____	

UNION'S REPLY: _____

COMPANY'S REPLY: _____

		SIGNED _____	COMPANY REPRESENTATIVE	DATE _____	
IS DECISION SATISFACTORY?	YES _____	NO _____	SIGNED _____	UNION REPRESENTATIVE	DATE _____

CASE APPEALED BY: UNION _____ DATE _____
COMPANY _____

Respondent's Contention:

IBEW Local 236 v George Martin (CEs)

There were mitigating circumstances related to the use of Mr. Stone and Mr. Cottrell at the LaFarge Cement Plant.

The use of Mr. Stone and Mr. Cottrell resulted from the abrupt loss of two journeymen at the site. One of the journeymen had experience and knowledge of the plant.

Work at LaFarge requires MSHA certified worker. No MSHA certified apprentices were available and both of the CE's had the certification necessary. Mr. Cottrell was brought in as a stop gap to ensure the work continued at the job site until a journeyman with the MSHA certification could be brought on site. Additionally, Mr. Stone prior to becoming a CE worked as a nonunion electrician and had knowledge and working experience at the plant as well as training on the plant High Voltage system.