

**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 11:30 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 Ronald Gould, the committee determined that Ronald Gould is a truck driver and not a member of Local 236, he may continue to deliver material to the jobsite, but is prohibited from performing work that falls within the scope of the Inside Agreement.

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 11:30 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, "George Martin Elec. circumvented the referral process by hiring Ron Gould to work at LaFarge Cement. Mr. Gould is not a member of Local 236 and should not be working at LaFarge."

Background:

On March 21, 2016 IBEW Local 236 filed a grievance alleging Ron Gould a truck driver and laborer was alleged to be installing conduit.

Remedy Sought By Grievant:

The Local "...wants the immediate removal of Mr. Gould from LaFarge Cement."

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

Grievance Form and Record of Proceedings

L. U. 236

Co. George Martin

Grievance No. _____

NAME _____ DATE 3-21-16 TIME 4:00 A.M. (P.M.)
EMPLOYEE I.D. No. _____ DEPT. _____

STATE GRIEVANCE: George Martin Elec circumvented the referral process by hiring Ron Gould to work at LaFarge Cement. Mr. Gould is not a member of Local 236 and should not be working at LaFarge.

SETTLEMENT REQUESTED: We want the immediate removal of Mr. Gould from LaFarge Cement.

SIGNED Local 236
AGGRIEVED EMPLOYEE

SIGNED Paul F. J. ...
UNION REPRESENTATIVE

COMPANY'S REPLY TO GRIEVANCE: _____

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

UNION'S REPLY: _____

SIGNED _____ DATE _____
UNION REPRESENTATIVE

COMPANY'S REPLY: _____

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

UNION'S REPLY: _____

SIGNED _____ DATE _____
UNION REPRESENTATIVE

COMPANY'S REPLY: _____

IS DECISION SATISFACTORY? YES _____ NO _____
SIGNED _____ DATE _____
SIGNED _____ DATE _____

CASE APPEALED BY: UNION _____ DATE _____
COMPANY _____

(IF SPACE IN ANY STEP IS INADEQUATE, ATTACH SEPARATE SHEETS)

Respondent's Contention:

IBEW Local 236 v George Martin (Ron Gould)

Ron Gould was a truck driver for George Martin Electric and was delivering supplies. Due to the abrupt departure of two journeymen at the work site and the inability to get MSHA certified apprentices, Ron Gould assisted with the delivery of materials and flagging at the job site. At no time did Mr. Gould install conduit as the Local alleges.

George Martin Electric believes to grievance is unfounded and moot as Ron Gould does not work at the job site and is no longer present there.