

**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 10:00 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:

The committee agreed that a determination of whether the work performed by Anthony Van Schaack on behalf of Martin was prohibited under the IBEW pension was necessary. A determination will be requested from the International Office of the IBEW by the Local.

Once a determination is made by the International Office the committee will reconvene to take such action as deemed necessary.

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
Anthony Van Schaack
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 10:00 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, "Retired member Tony (Anthony) Van Schaack is acting as a foreman at LaFarge Cement. As a retired member he cannot work in the electrical industry."

Background:

On March 21, 2016 IBEW Local 236 filed a grievance alleging Anthony Van Schaack was in acting as a foreman at a Martin Electric jobsite at the LaFarge Cement Plant in Ravena, NY as a retired member which is prohibited under the Local's Pension.

Remedy Sought By Grievant:

The Local "seeks his (Anthony Van Schaack's) immediate removal from LaFarge Cement (plant jobsite)."

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. _____

DATE 3-21-16 TIME 4:00 A.M./P.M.

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

STATE GRIEVANCE: Retired member Tony Van Schaack is acting as
manager of Laarge Cement. As a retired member he cannot
work in the electrical industry.

SETTLEMENT REQUESTED: we seek his immediate removal from Laarge
Cement.

SIGNED Local 236
GRIEVING EMPLOYER

SIGNED Paul F. ...
UNION REPRESENTATIVE

COMPANY'S REPLY TO GRIEVANCE: _____

IS DECISION SATISFACTORY? YES _____ NO _____

HAS CASE BEEN APPEALED? YES _____ NO _____

SIGNED _____ DATE _____

UNION REPRESENTATIVE _____

UNION'S REPLY: _____

SIGNED _____ DATE _____

UNION REPRESENTATIVE _____

COMPANY'S REPLY: _____

IS DECISION SATISFACTORY? YES _____ NO _____

HAS CASE BEEN APPEALED? YES _____ NO _____

SIGNED _____ DATE _____

UNION REPRESENTATIVE _____

UNION'S REPLY: _____

SIGNED _____ DATE _____

UNION REPRESENTATIVE _____

COMPANY'S REPLY: _____

IS DECISION SATISFACTORY? YES _____ NO _____

SIGNED _____ DATE _____

UNION REPRESENTATIVE _____

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 (Van Schaack)

The respondent does not believe that this is the appropriate venue for the issue to be heard as the determination of the receipt of pension benefits is not within the purview of the Labor/Management Committee. However, that being said the respondent argues that no work covered under the prohibition has been done by Mr. Van Schaack. He has not been working as a job foreman, managing manpower or working in any capacity that performs electrical work falling within the jurisdiction of the local or international union.

Additionally, the Local has set precedent in what work is allowed while collecting pension benefits by allowing other individuals to do the same work and collect their pensions including Burt Thorne (Martin Electric), Joe Mirablie (M. Scher) and William Bulger (M. Scher) to name a few, as well as other retirees presently working in the same role.

Furthermore, Mr. Van Schaack spoke to the Local's previous business manager, and had conversation with the present business manager about the work to verify that working as a project manager/estimator would not affect his pension benefit.

It is Mr. Van Schaack's belief that the issue of his working while receiving a pension results from a jobsite vendetta from an individual that did not receive an appointment as a site foreman.