

**ALBANY NECA CHAPTER  
LABOR MANAGEMENT COMMITTEE  
DECISION**

Wednesday, December 2, 2015

A meeting of the Labor Management Committee (LMC) was held on Wednesday, December 2, 2015 at 10:50 a.m. at the offices of the Albany Chapter of the National Electrical Contractors Association, 16 Wade Road, Latham, New York, for the purpose of addressing a Petition for Grievance filed by Control Network Communications (CNC) against IBEW Local 236 (see attached Notice of Grievance Hearing).

Present at the Hearing:

**Committee Members**

**IBEW Local 236**

Mark Lajeunesse  
Michael Torres  
Paul Fitzmaurice

**Albany NECA Chapter**

Jerrald Cherrier, Chair  
Kevin Haggerty  
Eileen LaCorte

Executive Director/Secretary      Stephen Chamberlain  
Asst. Bus. Mgr. IBEW, Local 236    Don Rahm

**For Grievants**

Harold Armstrong, Control Network Communications and  
Stephen Chamberlain on behalf of the Employer

**For Respondent**

Don Rahm on behalf of IBEW Local 236

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

Regarding the charge that Local 236 wrongfully required CNC to comply with compensation and payment of benefits according to the Inside Agreement – The Committee determined the charge to be unfounded.

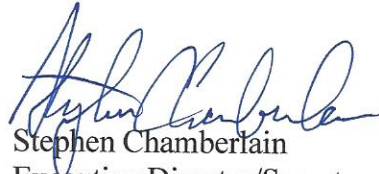
The Local provided sufficient evidence to prove that CNC was aware of the existence of the Local Area Addendum to the Inside Agreement covering tele-data work.

The Local also provided sufficient information to the committee that under a determination by the New York State Department of Labor that tele-data work is considered electrical work in setting the prevailing wage rates. Accordingly, the wage, fund and benefit rates in the Local Area Addendum to the Inside Agreement covering tele-data work coincide with the current wage, fund and benefit rates contained in the Inside Agreement. Therefore, there is no difference between wage fund and benefit rates paid by CNC under either agreement.

Respectfully Submitted,



Donald W. Rahm  
LMC Chairman  
IBEW Local 236



Stephen Chamberlain  
Executive Director/Secretary  
Albany NECA Chapter

cc: Harold Armstrong, Control Network Communications  
Mr. Mark Lajeunesse, Business Manager IBEW Local 236  
Contractor LMC members

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

November 20, 2015

Please be advised that notice of a Petition for Grievance is being filed by Control Network Communications (CNC) against IBEW Local 236 (Local) with a request that this matter be heard before the Labor Management Committee (LMC) on **Wednesday December 2, 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 grievant CNC against the Local alleging the following:

**Charge:**

- a. Grievant alleges IBEW Local 236 Local Union 236 has wrongfully required CNC to comply with compensation and payment of benefits according to the CBA and not the applicable Local Area Addendum covering tele-data work.

**Background:**

The Local Union No. 236 (hereinafter "Local Union 236") has held CNC to the terms of a Collective Bargaining Agreement as revised from time to time, entered into between the Albany Electrical Contractors Association ("AECA") Chapter of the National Electrical Contractors Association ("NECA"), Albany Chapter, and Local Union 236 (the "CBA").

All compensation and calculation of benefits due Local Union 236 have been based on the CBA rates, fees and premiums.

On November 1, 2013, CNC filed a Grievance in regard to practices involving tele-data employers. That Grievance was denied and Local Union 236 indicated that it was in the process of drafting a tele-data proposal as the basis of negotiations for a general agreement with the Chapter. On October 13, 2015, CNC was advised that in fact there had been a Local Area Addendum to the Inside Agreement covering tele-data work in effect as the result of an Addendum executed July 30, 1999 by the Local and the Albany Electrical Contractors Association.

CNC further alleges the Local concealed the existence of the Area Addendum to the Inside Agreement covering tele-data work from CNC, thereby causing it to provide compensation and benefits in excess of that provided in the Addendum. Furthermore the Local has collected and seeks to continue to collect benefits from CNC which are based on audit calculations conducted under the CBA and not the Local Area Addendum to the Inside Agreement covering tele-data work.

**Remedy Sought By Grievant:**

Return/Credit for overpayment of wages and benefits for the difference between CBA and the rates in the Local Area Addendum to the Inside Agreement covering tele-data work.

**Respondent's Contention:**

--To be provided at the hearing--

**Attendees:** Local 236 Committee Members: **To be determined by Local.**

Contractor Committee Members: Jerald Cherrier - Chairman  
Kevin Haggerty  
Eileen LaCorte

Mr. Mark Lajeunesse to represent Local 236  
Harold Armstrong for Control Network Communications

Respectfully,



Stephen Chamberlain  
Executive Director/Secretary  
Albany NECA Chapter

cc: Harold Armstrong, Control Network Communications  
Mr. Mark Lajeunesse, Business Manager IBEW Local 236  
John Mosher, President IBEW Local 236  
Contractor LMC members

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

October 26 2015

Please be advised that notice of a Petition for Grievance is being filed by Control Network Communications (CNC) against IBEW Local 236 (Local) 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 the Local alleging the following:

**1) Charge:**

- a. Grievant alleges IBEW Local 236 Local Union 236 has wrongfully required CNC to comply with compensation and payment of benefits according to the CBA and not the applicable Local Area Addendum covering teledata work.

**2) Background:**

The Local Union No. 236 (hereinafter "Local Union 236") has held Control Network Communications, Inc. (hereinafter "CNC") to the terms of a Collective Bargaining Agreement as revised from time to time, entered into between the Albany Electrical Contractors Association ("AECA") Chapter of the National Electrical Contractors Association ("NECA"), Albany Chapter, and Local Union 236 (the "CBA").

All compensation and calculation of benefits due Local Union 236 have been based on the CBA rates, fees and premiums.

On November 1, 2013, CNC filed a Grievance in regard to practices involving teledata Employers. That Grievance was denied and Local Union 236 indicated that it was in the process of drafting a teledata proposal as the basis of negotiations for a General Agreement with the Chapter. On October 13, 2015, CNC was advised that in fact there had been a Local Area Addendum to the Inside Agreement covering teledata work in effect as the result of an Addendum executed July 30, 1999 by the Local and the Albany Electrical Contractors Association.

CNC further alleges the Local concealed the existence of the Area Addendum to the Inside Agreement covering teledata work from CNC, thereby causing it to provide compensation and benefits in excess of that provided in the Addendum. Furthermore the Local has collected and seeks to continue to collect benefits from CNC which are based on audit calculations conducted under the CBA and not the Local Area Addendum to the Inside Agreement covering teledata work.

**3) Remedy Sought By Grievant:**

Return/Credit for overpayment of wages and benefits for the difference between CBA and the rates in the Local Area Addendum to the Inside Agreement covering teledata work.

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:

Don Rahm - Chairman

**To be determined by Local 236**

NECA Albany Labor Management Committee Members:

Jerald Cherrier - Chairman

Kevin Haggerty

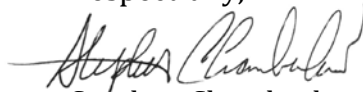
Eileen LaCorte

**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, IBEW Local 236  
Harold Armstrong, Control Network Communications  
Don Rahm, IBEW Local 236  
LMC