

**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 9:50 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 IBEW Local 236 against M. Scher & Son, Inc. (see attached Notice of Grievance Hearing).

Present at the Hearing:

Committee Members

IBEW Local 236

Don Rahm, Chair
Michael Torres
Paul Fitzmaurice

Albany NECA Chapter

Jerrald Cherrier, Chair
Kevin Haggerty
Eileen LaCorte

Executive Director/Secretary Stephen Chamberlain
Business Manager IBEW Local 236 Mark Lajeunesse

For Grievants

Mark Tibbits and Mark Lajeunesse on behalf of IBEW Local 236

For Respondent

Bill Whiteman, M. Scher & Son, Inc., and
Stephen Chamberlain on behalf of the Employer

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

Regarding the alleged violation of Article II, Section 2.22 of the Inside Agreement –There was no clear cut violation of the agreement as the work subject to the grievance was subcontracted out to a contractor required by the customer who then subcontracted the work to another contractor.

Respectfully Submitted,



Donald W. Rahm
LMC Chairman
IBEW Local 236



Stephen Chamberlain
Executive Director/Secretary
Albany NECA Chapter

cc: Bill Whiteman, M. Scher & Son, Inc.
Mr. Mark Lajeunesse, Business Manager IBEW Local 236
Contractor LMC members

**ALBANY NECA CHAPTER
LABOR MANAGEMENT COMMITTEE
NOTICE OF GRIEVANCE HEARING (1 of 2)**

November 20, 2015

Please be advised that notice of a Petition for Grievance is being filed by IBEW Local 236 against M. Scher & Son, Inc. with a request that this matter be heard before the Labor Management Committee (LMC) on **Wednesday, December 2nd, at 9:30 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 Contractor as follows:

Charge:

- a. IBEW Local 236 alleges M. Scher & Son violated Article II, Section 2.22 of the Agreement between IBEW Local No. 236 and the Albany Electrical Contractors Association NECA Albany Chapter (CBA).

Background:

Grievant alleges that M. Scher & Son subcontracted work to High Voltage Electrical Service, Inc. (Gus Mininberg) who then used Mohawk Valley Utility Construction Corporation, a non-union company to do medium voltage items at the Regeneron facility in Rensselaer, NY.

Remedy Sought By Grievant:

Scher & Son to pay a fine the Labor Management Committee feels worthy of such a charge and cease and desist using non-union workers to perform work reserved under the CBA.

Respondent's Contention:

M. Scher & Son asserts that Regeneron requires a specific contractor, High Voltage Electrical Service, Inc. to perform all medium and high voltage splices and terminations at their Facility.

Respondent also asserts that they (M. Scher and Son) attempted to complete the work using union journeymen but the action was denied by the facility owner's (Regeneron) representative. Due to time constraints imposed by the customer (Regeneron) for completing of the job, and the inability of the Local to provide journeymen with splicing skills and credentials that met the owner's representative's requirements, the Contractor was forced to hire High Voltage Electric Service, Inc. to complete the necessary medium voltage terminations. Mohawk Valley Utility Construction Corporation was contracted by High Voltage Electric Service to perform the work, as they had workers with the requisite skill, experience and practice to complete the work in a timely and acceptable manner.

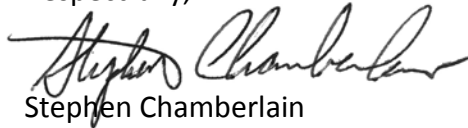
Additionally, the respondent asserts that there may be a question regarding the application of the Inside Agreement in this instance as the work for which the grievance has been filed can reasonably be considered line work which falls outside of the scope of the Inside Agreement. ***(Additional information regarding the grievance can be found in the attachment to Grievance 2)***

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
Mr. Willard H. Whiteman for M. Scher & Son, Inc.

Respectfully,



Stephen Chamberlain
Executive Director /Secretary

cc: John Mosher, President IBEW Local 236
Willard H. Whiteman, M. Scher & Son, Inc.
Mr. Mark Lajeunesse, Business Manager IBEW Local 236
Contractor LMC members

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS Grievance Form and Record of Proceedings

Local 236

Company M. Scher and Son

Grievance No. 11

Name IBEW 236

Date 09/23/2015

State Grievance Article 2, section 2.22: M. Scher and Son sub contracted work to Gus Nindenburg who used Mohawk Valley a non union company owned by Scher and Sons to do medium voltage terms at Regeneron.

Settlement Requested Scher and Sons to pay a fine that the LMCC feels worthy of such a charge. Also stop using Mohawk Valley their non union shop on our work.

Signed IBEW 236
AGGRIEVED EMPLOYEE

Signed Mark O'Grainesse
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

Signed _____
UNION REPRESENTATIVE DATE

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

Signed _____
UNION REPRESENTATIVE DATE

Company's Reply

Signed _____
COMPANY REPRESENTATIVE DATE

Is Decision Satisfactory? Yes No

Signed _____
UNION REPRESENTATIVE DATE

Case Appealed By: Union

Company

Date _____