

Decision

CAPITAL REGION LABOR-MANAGEMENT HEARING

Thursday, January 29, 2015

A meeting of the Labor Management Committee (LMC) was held on Thursday, January 29, 2015, at 9:00 a.m. at the offices of the Albany Chapter of the National Electrical Contractors Association, 16, Wade Road, Latham, New York. The purpose of the meeting was to conduct a Labor Management Committee (LMC) hearing to address a Petition for Grievance filed by Schenectady Hardware and Electric (SHE) against IBEW Local 236 charging specific violations under the current Working Agreement (see attached Notice of Grievance Hearing).

IBEW Local; 236

Members: Skip Goyette, Chairman
Don Rahm
Michael Torres

Executive Director / Secretary

Albany NECA Chapter

Jerrald Cherrier - Chairman
Kevin Haggerty
Eileen LaCorte

Stephen Chamberlain

Issues for Grievance:

The LMC board reviewed each issue as listed in the Notice of Grievance Hearing, alleging violations under current Working Agreement and IBEW Local 236 Bylaws.

Parties involved: Schenectady Hardware and Electric vs. IBEW Local 236

Decision by the Labor Management Committee:

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

- Regarding Charge a.– There was no clear cut violation of the current Collective Bargaining Agreement (CBA) by Local 236.

The vote by the Committee was unanimous

- Regarding Charge b. – The charge was dropped as NECA had no standing to pursue a charge based on the Local's bylaws.

Respectfully submitted,

Stephen Chamberlain
Executive Director / Secretary LMC

Maurice Goyette
LMC Chairman
Local 236 Assistant Business Manager

Attachment

cc: Chris Spraragen
Mark Lajeunesse
LMC Board Members
Ben Nest

ALBANY NECA CHAPTER LABOR MANAGEMENT COMMITTEE

NOTICE OF GRIEVANCE HEARING

January 21, 2015

Please be advised that notice of a Petition for Grievance is being filed by Schenectady Hardware and Electric (SHE) against IBEW Local 236 with a request that this matter be scheduled to be heard before the Labor Management Committee (LMC) at 9:00 am on Thursday, January 29, 2015 at the Albany NECA Chapter, 16 Wade Road, Latham, NY. The petition scheduled to be heard stems from charges filed by SHE against IBEW Local 236 as the following:

1) Charge:

- a. IBEW Local 236 failed to abide by Article III, Section 3.18 (a) (A) of the Agreement between IBEW Local No. 236 and the Albany Electrical Contractors Association NECA Albany Chapter, alleging that a long-term SHE foreman Jason Sanford was unfairly recruited away by another contractor in violation of restrictions on employer rights to call a foreman by name.
- b. IBEW Local 236 member Jason Sanford violated Local Bylaws Article XIV, Section 15 stating "No member shall allow himself to be transferred from one Employer to another Employer without the permission of the Business Manager."

2) Background:

On January 7, 2015 Jason Sanford, serving as a foreman for SHE abruptly quit his employment at SHE, and the following day placed his name on the register of applicants for employment as a journeyman. After one day on the register, Mr. Sanford was called up as a regular call up for employment by George J. Martin and Son, Inc. Grievant alleges collusion between the Local and George Martin, and further alleges that Jason Sanford was hired as a Foreman in violation of the agreement.

3) Remedy Sought By Grievant:

\$350,000 for lost services.

Attendees: IBEW Local 236 Members of the Board:

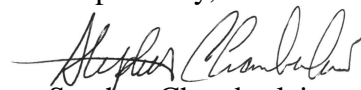
Skip Goyette - Chairman
To be determined by Local.

Attendees: Contractor Members of the Board:

Jerald Cherrier - Chairman
Kevin Haggerty
Eileen LaCorte
**An Alternate member may
be assigned if current
member is not available.**

Mr. Mark Lajeunesse to represent Local 236
Chris Spraragen for Schenectady Hardware and Electric

Respectfully,



Stephen Chamberlain
Executive Director /Sec.

cc: Mark Lajeunesse, President IBEW Local 236
Chris Spraragen, Schenectady Hardware and Electric
Don Rahm, Business Manager IBEW Local 236
LMC Board

ALBANY NECA CHAPTER

LABOR MANAGEMENT COORDINATING COMMITTEE

NOTICE: PETITION FOR GRIEVANCE

January 20, 2015

Please be advised that notice of a Petition for Grievance is being filed by Schenectady Hardware and Electric (SHE) against IBEW Local 236 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 charges filed by SHE against IBEW Local 236 as the following:

1) Charge:

- a. IBEW Local 236 failed to abide by Article III, Section 3.18 (a) (A) of the Agreement between IBEW Local No. 236 and the Albany Electrical Contractors Association NECA Albany Chapter, alleging that a long-term SHE foreman Jason Sanford was unfairly recruited away by another contractor in violation of restrictions on employer rights to call a foreman by name.
- b. IBEW Local 236 member Jason Sanford violated Local Bylaws Article XIV, Section 15 stating "No member shall allow himself to be transferred from one Employer to another Employer without the permission of the Business Manager."

2) Background:

On January 7, 2015 Jason Sanford, serving as a foreman for SHE abruptly quit his employment at SHE, and the following day placed his name on the register of applicants for employment as a journeyman. After one day on the register, Mr. Sanford was called up as a regular call up for employment by George J. Martin and Son, Inc. Grievant alleges collusion between the Local and George Martin, and further alleges that Jason Sanford was hired as a Foreman in violation of the agreement.

3) Remedy Sought By Grievant:

\$350,000 for lost services.

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 on the following dates in January 28, 29, 30 contact Stephen Chamberlain at 518-785-5876 or Stephen@AlbanyNECA.com.

Attendees: IBEW Local 236 Members of the Board:

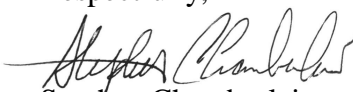
Skip Goyette - Chairman
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Attendees: Contractor Members of the Board:

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Mr. Mark Lajeunesse to represent Local 236
Chris Spraragen for Schenectady Hardware and Electric

Respectfully,



Stephen Chamberlain
Executive Director /Sec.

cc: Mark Lajeunesse, President IBEW Local 236
Chris Spraragen, Schenectady Hardware and Electric
Don Rahm, Business Manager IBEW Local 236
LMC Board