

**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 10:30 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 Stephen Chamberlain
Business Manager IBEW Local 236 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 determined that Kelly Stone was improperly working at the LaFarge Cement Plant and directs George Martin Electric Co to pay to Kelly Stone the difference in wages and benefits between what he currently receives as a CE and the wages and benefits a Journeyman Wireman for his hours worked at the LaFarge Cement Plant for the period between March 12, 2016 to April 22, 2016.

Furthermore in order to continue working at the LaFarge Cement Plant as a member of Local 236 Mr. Stone will be required to take and pass the Journeyman Wireman examination to be given on April 22, 2016 and indicate acceptance of this proposal no later than close of business Friday April 8, 2016.

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
 Kelly Stone
 Brian Hart, George Martin Electric Co.
 Contractor LMC members

Attachment

**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 10:30 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, "Local 236 members Kelly Stone card number 7820274 and Philip Cottrell card number 7457885 are working at LaFarge Cement. Neither are journeymen but are CEs and thus can't work on that site."

Background:

On March 21, 2016 IBEW Local 236 filed a grievance alleging Kelly Stone, a CE was working outside of the scope of the Small Works Addendum at the LaFarge Cement Plant in Ravena, NY. The grievance was modified on March 22, 2016 to include Philip Cottrell who is also a CE.

Remedy Sought By Grievant:

The Local "...requests both (Kelly Stone and Philip Cottrell) be paid the difference in wages and benefits between JW rate and their classification."

Respondent's Contention:

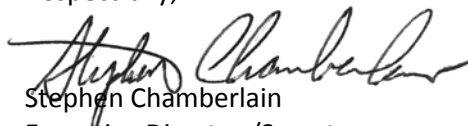
- To Be Presented at the Hearing -

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: Local 236 member Kelly Stone card number 7820274 is a CE-2 who has been working at Lafarge cement for approximately 2 weeks. Members of this classification are not allowed to work on this scope of work.

SETTLEMENT REQUESTED: we are seeking the difference in pay add bene fits for 2 weeks of work and the removal of Mr. Stone from the job site

SIGNED Local 236
 AGGRIEVED EMPLOYEE

SIGNED Paul E. [Signature]
 UNION REPRESENTATIVE

COMPANY'S REPLY TO GRIEVANCE: _____

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

There were mitigating circumstances related to the use of Mr. Stone and Mr. Cottrell at the LaFarge Cement Plant.

The use of Mr. Stone and Mr. Cottrell resulted from the abrupt loss of two journeymen at the site. One of the journeymen had experience and knowledge of the plant.

Work at LaFarge requires MSHA certified worker. No MSHA certified apprentices were available and both of the CE's had the certification necessary. Mr. Cottrell was brought in as a stop gap to ensure the work continued at the job site until a journeyman with the MSHA certification could be brought on site. Additionally, Mr. Stone prior to becoming a CE worked as a nonunion electrician and had knowledge and working experience at the plant as well as training on the plant High Voltage system.