

Albany Electrical Contractors  
Association, Inc.

16 WADE ROAD • LATHAM, N.Y. 12110  
518 785-5876 FAX # 518-220-9303



Albany Chapter

February 16, 2016

Joseph Sestito  
T&J Electrical Associates, LLC  
5 Fairchild Square - Suite A  
Clifton Park, NY 12065

Dear Mr. Sestito:

Attached please find a copy of the decision of the Labor Management Committee regarding the grievance filed by Local 236 concerning the improper use of Construction Wiremen and Construction Electricians under the Small Works Addendum to the Inside Agreement.

Per Article I Section 1.07 of the Inside Agreement the Labor Management Committee's decision is final and binding.

Please remit all payments and assessments due to the parties as set forth in Attachment 1 of the decision.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in blue ink, which appears to read "Stephen Chamberlain". The signature is fluid and cursive.

Stephen Chamberlain  
Executive Director

Attachments

cc: Labor Management Committee Members

**ALBANY NECA CHAPTER  
LABOR MANAGEMENT COMMITTEE  
GRIEVANCE DECISION**

**February 12, 2016**

A meeting of the Labor Management Committee (LMC) was held on Wednesday, December 7, 2015 at 11:30 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 T&J Electrical Associates, LLC. (see attached Notice of Grievance Hearing).

Present at the Hearing:

**Committee Members**

**IBEW Local 236**

Don Rahm, Chair  
Michael Torres  
John Mosher

**Albany NECA Chapter**

Jerrald Cherrier, Chair  
Kevin Haggerty  
Eileen LaCorte

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**

Joseph Sestito and Sharon Carpenter from T&J Electrical Associates, LLC  
Stephen Chamberlain on behalf of the Employer

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

The committee found T&J Electrical Associates, LLC violated Article II of the Small Works Addendum to the Inside Agreement multiple times by using CWs and CEs for work that should have been rightfully performed by Journeymen Wiremen under the terms of the Inside Agreement.

As a result of the violations T&J Electrical Associates, LLC is ordered to pay a total of \$4,632.14 as set forth in Attachment 1.

Future repeated violations of Article II of the Small Works Addendum may result in additional penalties including but not limited to the suspension of the Employer's ability to perform work under the addendum.

Respectfully Submitted,



Michael Torres  
LMC Chairman  
IBEW Local 236



Stephen Chamberlain  
Chapter Manager/Secretary  
Albany NECA Chapter

cc: Joseph Sestito, T&J Electrical Associates, LLC  
Sharon Carpenter, T&J Electrical Associates, LLC  
Mr. Mark Lajeunesse, Business Manager IBEW Local 236  
Contractor LMC members

## Attachment 1

To Be Paid to Individual Employees						
Employee	Wages	NEBF	Annuity	Health/ Welfare	Pension	Total Wages and Benefits
Mone, Joseph A.	\$216.00	\$6.48	\$45.60	\$144.24	\$228.24	\$640.56
Salvo, Matthew C.	\$36.00	\$1.08	\$7.60	\$24.04	\$38.04	\$106.76
Wilday, Steven J.	\$316.80	\$9.50	\$30.40	\$96.16	\$152.16	\$605.02
Appan, Bemen	\$50.40	\$1.51	\$7.60	\$24.04	\$38.04	\$121.59
Parker Jr., Gary J.	\$878.85	\$26.37	\$132.05	\$417.70	\$660.95	\$2,115.91

To Be Paid to Identified Fund			
NLMCC and CRLMCC	Training Fund	AMF	Total Funds and Fees
\$7.05	\$23.50	\$11.75	\$42.30

Assessment For Violation of the Small Works Addendum to the Inside Agreement Paid to CRLMCC	\$1,000.00
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Failure to pay the damages and assessment within 30 days of receipt of this decision may result in additional assessments and fees pursuant to the terms of the Inside Agreement.

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

November 25, 2015

Please be advised that notice of a Petition for Grievance is being filed by IBEW Local 236 against T&J Electrical Associates, LLC. with a request that this matter be heard before the Labor Management Committee (LMC) on **Wednesday December 2, at 11:00 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 Contractor as follows:

**Charge:**

- a. IBEW Local 236 alleges T&J Electrical Associates violated the Small Works Addendum to the Inside Agreement.

**Background:**

Grievant alleges that T&J Electrical Associates used Construction Wiremen and Construction Electricians on work outside of the scope of the Small Works Addendum by using four (4) Construction Wiremen and six (6) Construction Electricians on various projects at Hudson Valley Community College, and three (3) Construction Wiremen and one (1) Construction Electrician at Samaritan Hospital in Troy, NY.

**Remedy Sought By Grievant:**

T&J Electrical Associates to pay the difference between the Construction Wireman and Construction Electrician pay rate and benefits and the Journeyman Wireman pay rate and benefits which totals \$35,637.20 plus assessments due Local 236.

**Respondent's Contention:**

--Will Be Presented at the Hearing--

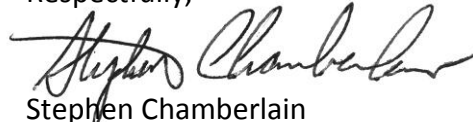
**Attendees:** Local 236 Committee Members: **To be determined by Local.**

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

**To Be Determined** to represent Local 236

**To Be Determined** to represent T&J Electrical Associates, LLC.

Respectfully,

A handwritten signature in black ink, appearing to read "Stephen Chamberlain", is written over the typed name.

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  
Sharon Carpenter, T&J Electrical Associates  
Contractor LMC members

I.B.E.W. LOCAL UNION # 236  
3000 TROY SCHENECTADY ROAD  
SCHENECTADY, NEW YORK 12309  
TELEPHONE: (518) 783-9957  
FAX: (518) 783-5338

**I.B.E.W. LOCAL  
UNION # 236**

**Fax**

**To:** NECA

**From:** Paul Fitzmaurice

**Fax:** 518-220-9303

**Pages:** 2

**Phone:**

**Date:** 11/16/15

**Re:** Grievance

**CC:**

☐ **Urgent**    ☐ **For Review**    ☐ **Please Comment**    ☐ **Please Reply**    ☐ **Please Recycle**

**Please find grievance against T&J for violation of small works addendum.**

Thank you

Paul

Paul Fitzmaurice  
Assistant Business Manager  
518-783-9957 Ext. 3016  
518-783-5336 Fax  
pfitzmaurice@ibew236.org

## INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

## Grievance Form and Record of Proceedings

L. U. 236Co. T & JGrievance No. 1

NAME Paul Fitzmaurice DATE 11-16-15 TIME 11:55 (A.M./P.M.)  
 STATE GRIEVANCE: T & J used 4 CW's and 6 CE's on various projects at Hudson Valley Comm. College and 3 CW and 1 CE at Saratoga Hospital in Troy. This is in violation of the school works agreement.  
 SETTLEMENT REQUESTED: We are looking for T & J to pay the difference between the CW and CE pay rate and benefits and the IU pay rate and benefits. which totals \$35,637.20 plus assessment due local 236  
 SIGNED \_\_\_\_\_ AGGRIEVED EMPLOYEE SIGNED Paul Fitzmaurice UNION REPRESENTATIVE

COMPANY'S REPLY TO GRIEVANCE: \_\_\_\_\_

IS DECISION SATISFACTORY? YES \_\_\_\_\_ NO \_\_\_\_\_ SIGNED \_\_\_\_\_ COMPANY REPRESENTATIVE DATE \_\_\_\_\_  
 HAS CASE BEEN APPEALED? YES \_\_\_\_\_ NO \_\_\_\_\_ SIGNED \_\_\_\_\_ UNION REPRESENTATIVE DATE \_\_\_\_\_

UNION'S REPLY: \_\_\_\_\_

SIGNED \_\_\_\_\_ UNION REPRESENTATIVE DATE \_\_\_\_\_

COMPANY'S REPLY: \_\_\_\_\_

IS DECISION SATISFACTORY? YES \_\_\_\_\_ NO \_\_\_\_\_ SIGNED \_\_\_\_\_ COMPANY REPRESENTATIVE DATE \_\_\_\_\_  
 HAS CASE BEEN APPEALED? YES \_\_\_\_\_ NO \_\_\_\_\_ SIGNED \_\_\_\_\_ UNION REPRESENTATIVE DATE \_\_\_\_\_

UNION'S REPLY: \_\_\_\_\_

SIGNED \_\_\_\_\_ UNION REPRESENTATIVE DATE \_\_\_\_\_

COMPANY'S REPLY: \_\_\_\_\_

IS DECISION SATISFACTORY? YES \_\_\_\_\_ NO \_\_\_\_\_ SIGNED \_\_\_\_\_ COMPANY REPRESENTATIVE DATE \_\_\_\_\_  
 SIGNED \_\_\_\_\_ UNION REPRESENTATIVE DATE \_\_\_\_\_

CASE APPEALED BY: UNION \_\_\_\_\_ DATE \_\_\_\_\_  
 COMPANY \_\_\_\_\_

(IF SPACE IN ANY STEP IS INADEQUATE, ATTACH SEPARATE SHEETS)

