

**ALBANY NECA CHAPTER  
LABOR MANAGEMENT COMMITTEE**

**GRIEVANCE DECISION**

**November 17, 2017**

A meeting of the Labor Management Committee was held on **Friday November 17, 2017** at the Albany NECA Chapter Office, 16 Wade Road, Latham, New York, for the purpose of addressing a grievance filed by IBEW Local 236 against Kasselmann Electric, Inc. (Kasselmann) (See attached Notice of Grievance Hearing).

Present at the Hearing:

**Committee Members**

**IBEW Local 236**

Mark Lajeunesse

Mike Torres

John Mosher

Albany NECA Chapter Manager/Secretary      Stephen Chamberlain

IBEW Local 236 Assistant Business Manager      Paul Fitzmaurice

**Albany NECA Chapter**

Kevin Haggerty

Eileen LaCorte

Joseph Miner

**For Grievant**

Paul Fitzmaurice on behalf of IBEW Local 236

**For Respondent**

Kevin Heelan – Kasselmann Electric, Inc.

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

Regarding the primary charge of Article II, Section 2.22, the committee found that Kasselmann violated the Inside Agreement by using a non-union contractor for work within the jurisdiction of the Local and within the scope of the Inside Agreement, and as such failed to recognize the Local as the sole and exclusive representative of employees performing work within the jurisdiction, both trade and territorial, of the Local as set forth in Article II, Sections 2.11 paragraphs (a) and (b).

The committee directs Kasselmann Electric to affirm to the Local in writing that they will abide by the terms of the Inside Agreement, and when subcontracting work will use only contractors who are signatories to the Inside Agreement.

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Any future violations of Article II, Section 2.22 of the agreement may result in significant monetary assessments against Kasselmann Electric.

Respectfully Submitted,



Michael Torres  
LMC Chairman  
IBEW Local 236



Stephen Chamberlain  
Chapter Manager/Secretary  
Albany NECA Chapter

Attachments

cc: Kevin Heelan, Kasselmann Electric, Inc.  
Mark Lajeunesse, Business Manager IBEW Local 236  
John Mosher, President IBEW Local 236  
Paul Fitzmaurice, Assistant Business Manager IBEW Local 236  
Contractor LMC members

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

**November 3, 2017**

Please be advised that notice of a Petition for Grievance has been filed by IBEW Local 236 (Local) against Kasselmann Electric, Inc. (Kasselmann) with a request that this matter be heard before the Labor Management Committee (LMC). The hearing will be **10:00 am Friday November 17, 2017** at the Albany NECA Chapter, 16 Wade Road, Latham, NY.

The grievance to be heard stems from charges filed by the Local against Kasselmann as follows:

**Charge:**

The Local alleges a violation of Article II, Sections 2.11(a) and (b) and Section 2.22 of the Inside Agreement.

**Background:**

The Local claims that Kasselmann employed Garnet Technology Solutions Inc. a non-union contractor to perform work at Adirondack Community College on September 5, 2017.

**Remedy Sought By Grievant:**

Removal of Garnet Technology Solutions from the worksite, a monetary settlement to be determined by the LMC, and a letter signed by the owner of Kasselmann pledging adherence to the collective bargaining agreement.”

**Respondent’s Contention:**

- To be presented at the hearing -

**Attendees:** Local 236 Committee Members:

**To be determined by Local.**

Contractor Committee Members:

Kevin Haggerty  
Eileen LaCorte  
Joseph Miner

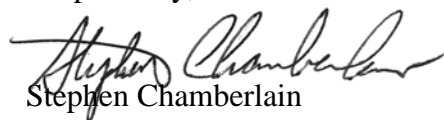
To represent Local 236:

**To be determined**

To represent Kasselmann Electric, Inc.:

**To be determined**

Respectfully,

  
Stephen Chamberlain

Executive Director /LMC Secretary

**Attachments**

cc: Kevin Heelan, Kasselmann Electric, Inc.  
Mark Lajeunesse, Business Manager IBEW Local 236  
John Mosher, President IBEW Local 236  
Contractor LMC members

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# Fax

**To:** NECA

**From:** Paul Fitzmaurice

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**Fax:** 518-220-9303

**Pages:** 2

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**Phone:** 518-785-5876

**Date:** 9/5/17

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**Re:** Grievance

**CC:**

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

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Please be advised the grievance is being filed against Kasselmann Electric for willfully violating Sec.2.11(a) and (b), and Sec 2.22 of the CBA.  
Thanks, Paul.

Paul Fitzmaurice  
Assistant Business Manager  
IBEW Local 236  
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# INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

## Grievance Form and Record of Proceedings

L. U. 236

Co. \_\_\_\_\_

Grievance No. \_\_\_\_\_

NAME Paul Fitzmaurice DATE 9-5-17 TIME \_\_\_\_\_ A.M./P.M. \_\_\_\_\_  
EMPLOYEE I.D. NO. \_\_\_\_\_ DEPT. \_\_\_\_\_

STATE GRIEVANCE: Karzelman Electric hired a non signatory Tele Data Contractor to perform work at Adirondack Community College in violation of CBA Sec. 2.11(a) (b) and Sec 2.22

SETTLEMENT REQUESTED: Garnett T/D to be immediately removed from the project and a monetary settlement to be determined by the LMC. Also a letter signed by the owner of Karzelman pledging adherence to the CBA.

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

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

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)

## **Respondent's Contention**

### **Regarding Charges:**

Under Article II, Section 2.11(a) and (b) as a signatory contractor it is clear that Kasselman recognizes the Local as the sole and exclusive representative of all employees performing work within the scope of the collective bargaining agreement as well as the jurisdiction of the Local.

Regarding the main charge under Article II, Section 2.22 Kasselman accedes that Garnet Technology Solutions was working as a subcontractor on the Adirondack Community College project. Kasselman contends that best efforts were made to seek bids from union-contractors, the customer required that the work be done in a timely manner and despite Kasselman's efforts none of the union contractors submitted a responsive bid. The customer's deadline for the work dictated that Kasselman quickly identify and hire a contractor.

Kasselman has not used Garnet Technologies on any further work. As a result of this Kasselman has brought teledata work in-house using IBEW Local 236 members.

The respondent respectfully requests that the committee dismiss this grievance.