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ALBANY ELECTRICAL CONTRACTORS ASSOCIATION, INC.

MEMO / FAX

To: Albany NECA Membership

From: Lou DeBour, Chapter Manager. 

Date: January 8, 2007

Re: Signed Small Works Addendum to Inside Agreement

I have attached a copy of the New York Small Works Addendum to the Inside Agreement, which was reviewed and approved after discussion with Local 236 by the NECA Chapter A Rate Negotiation Team. This Small Works Addendum to the Inside Agreement may be used immediately to bid jobs covered under the function of this document. Please contact me should you have any questions.

Cc: Ben Nest, NECA Regional Representative
Don Rahm, Business Manager, Local IBEW Local 236

**Small Works Addendum
to the
Inside Agreement
between
IBEW Local 236 and Albany Chapter NECA**

PURPOSE

A contractor must be signatory to a letter of assent to IBEW Local 236'S Inside Construction Agreement before the following provisions apply.

ARTICLE I

EFFECTIVE DATE and CHANGES

This Addendum will take effect on January 1, 2007 and will expire on May 31, 2008.

ARTICLE II

TYPE OF WORK COVERED

Doctor's offices and dental offices where they are free standing and not attached to or part of a hospital or medical facility, gas stations, auto sales agencies, restaurants, convenience stores, motels, retail facilities, residential buildings and places of worship.

The Small Works Addendum is not applicable if a specialty agreement applies to the specific work or jobsite and it is registered with NECA Chapter Office (i.e. the NMA, the GPA, a Building Trades Agreement, etc.). This Addendum does not apply to jobs covered by Federal or State prevailing wage laws.

The scope may be expanded, for a particular project, only by the Business Manager responsible for the geographical jurisdiction where the work is to be performed. If permission is granted to an employer(s), then the Business Manager is to notify the Chapter Office and provide the name of the project and the employer(s) given permission.

Prior to start of any job to be performed under this addendum the employer shall notify the Local Union by fax or e-mail within 24 hours of starting a job, the job address, approximate duration and estimated manpower at peak.

ARTICLE III

CHANGES, GRIEVANCES, and DISPUTES

Changes, grievances, and disputes will be handled as provided in the Local Union and NECA Chapter negotiated inside construction agreement.

Any grievance not brought to the attention of responsible opposite parties to this Addendum in writing within 15 working days of knowledge of its occurrence shall be deemed non-existent. In the absence of a deadlock, the Labor-Management Committee's decision shall be final and binding. Should the Labor-Management Committee fail to agree or adjust any matter, such shall then be referred in writing within 15 working days to the IBEW Third District Vice President and the NECA Regional Director for adjudication. This decision shall be final and binding.

ARTICLE IV

MANAGEMENT RIGHTS

The Employer shall, therefore, have no restrictions except those specifically provided for in the collective bargaining agreement and this addendum, in planning, directing and controlling the operation of all his work in deciding the number and kind of employees to properly perform the work in hiring and laying off employees, in transferring employees from job to job within the geographical jurisdictions contained in this addendum, in determining the need and number as well as the person who will act as Foreman, in requiring all employees to observe the employer's and/ or owner's rules and regulations not inconsistent with this Addendum, in requiring all employees to observe all safety regulations, and in discharging employees for proper cause.

ARTICLE V

HOURS/WAGES/WORKING CONDITIONS

The employer has the right to establish flexible work schedules for the performance of electrical work to satisfy owner and/ or customer requirements. There shall be no shift differential requirements for the CW/ CE classifications.

No overtime shall be paid until (40) hours in the workweek or (10) hours in the workday have been worked. The overtime rate shall be paid at time and one-half (1-1/2) the regular straight-time rate.

Double the straight time wages shall be paid only for the Holidays listed in the site Local Unions Inside Construction Agreement.

ORGANIZING/ REFERRAL

The IBEW standard referral system will be used by the employer to obtain workers with the "Inside Wiremen" Classification. If there is a lack of union Construction Wiremen/Electricians pool of workers available, the employer may hire "Construction Wiremen/Electricians" to meet necessary job composite rates and to adequately staff small works projects.

The employer will promptly notify the Business Manager of the names, recommended classifications and social security numbers of such applicants; and send the applicants to the Local Union for processing. The Local Union will then refer those employees back to the recruiting employer. The only time that this may not take place would be in periods of excessive unemployment or the availability of an adequate manpower pool of Construction Wiremen/Electricians.

If an Inside Journeyman Wireman is hired to work under this addendum as a Construction Electrician - that individual can only be utilized on projects and perform work defined in this addendum as a Construction Electrician.

ARTICLE VI

PORTABILITY

Full portability shall apply to all worker classifications between New York Local Unions with a small works addendum, provided the type of work being performed is covered by the site Local Unions Addendum, otherwise National Portability Rules shall apply. Portability shall not interfere with an apprentice's training and/ or school attendance. The JATC where the apprentice is indentured shall have final authority over the apprentice's work assignments.

ARTICLE VII

WAGES

The Inside Wireman wages used in this Addendum to calculate the Construction Wireman / Electrician levels shall be based on the site Local Union's approved Inside Construction Agreement. **The wages and Fringes for Inside Wireman, Forman and Apprentices working under this Addendum shall be based on the site Local Union's approved Inside Construction Agreement.**

CONSTRUCTION WIREMAN/ ELECTRICIAN

MINIMUM WAGES

Construction Wireman Step 1A	(1000 hrs.)	\$9.00 p/hr.
Construction Wireman Step 1B	(1000 hrs.)	\$10.00 p/hr.
Construction Wireman Step 2	(2000 hrs.)	\$11.00 p/hr.
Construction Wireman Step 3	(2000 hrs.)	45% of IJW rate
Construction Wireman Step 4	(2000 hrs.)	50% of IJW rate
Construction Electrician Level 1	(2000 hrs.)*	55% of IJW rate
Construction Electrician Level 2	(2000 hrs.)*	65% of IJW rate
Construction Electrician Level 3	(2000 hrs.)*	75% of IJW rate

*plus testing

Note: IJW is Inside Journeymen Wireman

Once selected and positioned at the appropriate level, Construction Wireman /Electrician will be required to work a minimum 1000 hours to determine if they have been awarded the proper classification level in the program or if they are able to perform to local industry standards and expectations. A Construction Electrician cannot be evaluated for "Inside Wireman" status by the JATC until a minimum of 2000 hours has been worked with the employer.

Wages at the established rates specified herein shall be paid weekly in the shop or on the job at or before quitting time Friday of each week; and no more than five (5) calendar days pay will be withheld. Alternative payroll procedures, (i.e. electronic deposit and/or automatic deposit) may be utilized by the Employer. However, employees laid off through no fault of their own shall be paid in full 1/2 hour prior to quitting time or if the employee is signed up for electronic transfer the money shall be transferred to his or her account within 24 hours. Employees who where discharged or voluntarily quit shall be paid their wages on the normal payday. On all jobs covered by this addendum, inside indentured apprentices can only be utilized as stipulated in the applicable inside collective bargaining agreement.

ARTICLE VIII

EMPLOYER CONTRIBUTIONS FOR

CONSTRUCTION WIREMEN/ELECTRICIANS

Construction Wireman Step 1A receives NEBF Only:

NEBF 3% OF GROSS LABOR PAYROLL

Construction Wireman Step 1B through Step 4 and Construction Electrician Level 1 through Level 3 receive the following:

NEBF 3% OF GROSS LABOR PAYROLL

Training Contribution \$0.25 per hour worked

NLMCC \$0.01 per hour worked

Annuity \$0.50 per hour worked

Welfare/ Ins. Benefit \$4.00 per hour worked

The Wages and Fringes for Inside Wireman, Foreman, and Apprentices working under this Addendum shall be based on the site Local Union's approved inside Construction Agreement

LLMCC (if applicable), and NECA service charges/NEIF (where applicable) will be paid in accordance with the applicable Inside Construction Agreement.

All contributions listed above to be sent together with a completed payroll report prescribed by the Trustees mailed to reach the Trustees or the designated agent of the Trustees no later than 15 calendar days following the end of each calendar month.

ARTICLE IX

TRAINING

The JATC shall be responsible for all training of Construction Wiremen Step 1 - 4 and inside wiremen upgrade training for Construction Electricians 1, 2 and 3.

ARTICLE X

SUPERVISION

Work performed by Construction Wireman/Electricians will be limited only by what the employer or the employer's field representative deem as appropriate and within the individual's qualifications to properly perform safely and in a workmanlike manner. In this regard, Construction Wiremen/Electricians may work alone if deemed qualified by the employer and permitted by local statute.

Nothing contained in this addendum shall prevent an owner from doing electrical work for short periods of time when it would be impractical to add additional employees All other terms and conditions not specifically amended by the Addendum shall be as defined in the Applicable Inside Construction Agreement.

Signed:

Albany Electrical Contractors
Association, NECA, Albany
Chapter

By 

Date 1-05-07

Signed:

Local Union 236 International
Brotherhood of Electrical
Workers


By 

Date 1-05-07

ALBANY ELECTRICAL CONTRACTORS ASSOCIATION, INC.

MEMO / FAX

To: Albany NECA Board / Membership

From: Lou DeBour, Chapter Manager 

Date: January 22, 2007

Re: Clarification and Implementation Procedures concerning the Small Works Addendum

I have attached a copy of the procedures and points of clarification concerning the implementation of New York Small Works Addendum to the Inside Agreement to New York State NECA Chapters.

The attached document is intended to emphasize clarity regarding potential issues that may arise regarding the issue of wages under the existing Inside Rate and under the provisions of the Small Works Addendum. As an example, any journeymen working under the Small Works Agreement rate cannot be paid more than the wage established under the Small Works Addendum. If journeymen is working on a job and is compensated under the prevailing Inside Rate, he cannot readily be transferred to a Small Works project and then be paid at the Inside Rate. Once his role is completed on that particular Inside Rate job, he must return to the hall for re-assignment. Or should the contractor have laid him off, he must, again, return to the hall before he can be approved to work on a Small Works job. As a point of clarification, a journeyman has to be directly assigned from the hall to a Small Works job. He/ she cannot be transferred from a prevailing wage project to a Small Works project by the contractor. Once laid-off from a prevailing Wage project, the journeymen can decide if he/ she would like to take existing work on a Small Works job and be compensated at the rate established under the Small Works Addendum. The journeymen will be compensated at that rate within his / her classification.

Cc: Don Rahm, Business Manager, Local IBEW Local 236

Procedure for Implementing the Addendum

The Addendum must be approved by the Third District Vice-President.

The Construction Wireman and Construction Electrician Classifications needs to be inserted properly in your By-Laws.

The Labor Management Committee must agree to make the Points/Items for Clarification the policy to govern the Addendum. The Points/Items for Clarification should be properly inserted into the minutes of the Labor Management Committee Meeting so there is no misunderstanding as to the rules and policy of the Small Works Addendum.

The Small Works Addendum then should be signed by Both the NECA Chapter and the Local Union.

**Small Works Addendum
to the
Inside Construction Agreement**

POINTS/ITEMS FOR CLARIFICATION

How is an employer to know if a specialty agreement applies to the specific work or jobsite involved?

**The employer can check with the Local Union Business Manager.
The employer can obtain a list from the Chapter Office.**

In “Type of Work”, what is meant by “retail facilities”?

The intention is for standard retail facilities, i.e. shoe stores, clothing stores, up to and including big box stores such as Wal-Mart, Lowe's, Home Depot, Target, etc. "Retail facilities" does not include grocery stores.

Does this include shopping malls?

This includes the individual store in the mall not the common areas.

In “Type of Work” what is meant by "they are free standing and not attached to or part of a hospital or medical facility"?

The intention is for independent Doctor Offices. Not to include satellite offices of a hospital or medical facility.

What is the difference between a clinic and a Dr.'s Office?

A clinic is where they have diagnostic and procedural equipment and perform out patient procedures.

What is the difference between a motel and a hotel?

A Hotel is a commercial establishment offering lodging to travelers, having restaurants, meeting rooms, banquet facilities, stores, etc., and may be attached to a convention center. A motel is a structure providing travelers with lodging and parking facilities adjacent to their rooms.

In “Type of Work” what is meant by “restaurants”?

The intent with “restaurants” is where they are free standing and not in or attached to a arena, convention center, hospital, office building or any facility that is covered by the inside collective bargaining agreement. i.e. Burger King, Applebee's, Red Lobster, etc.

Does this addendum include food courts?

No.

Will a contractor be required to contact the local union prior to bidding any jobs that fall within the “small works” scope of work?

No. Once adopted contractors are encouraged to actively pursue the type of work defined in the addendum

Can a traveling contractor lay off existing employees and replace them with other workers under the portability provision on a job that has already been started?

No. The intent is not to allow those workers already on the project to be laid off and replaced by new workers under portability.

Will maintenance work fall under this addendum?

Maintenance work on all facilities defined in the scope of this addendum will apply.

Under "flexible hours", what is a normal workweek?

The intent of this section is that a normal work week will be consecutive days such as 4-10 hour days or 5-8 hour days Sunday thru Saturday.

Will a contractor be permitted to use a rolling 7 day work schedule?

Yes. As stated in the Addendum, the employer has the right to establish a flexible work schedule to satisfy the job requirements.

Are Sunday's time and one half?

No.

Can an employee refuse to work on any one day?

Yes. If an employee refuses to work on a Sunday or any other day and no other work is available, the employee must receive a “reduction of workforce” layoff.

What working conditions (holidays, shift rate etc) prevail on composite crew jobs (mixed crews of IJW, Apprentices, and CW/CE)?

The working conditions for IJW and Apprentices are stated in the Inside CBA and the working conditions for CW/CE are stated in the Addendum.

If a local union cannot supply the contractor with the required manpower, does this mean that the contractor can hire “off the street”?

Yes, Subject to the reporting requirements contained in the Addendum.

Can a contractor request lower levels of Construction Wireman/Electricians when higher level Construction Wireman/Electricians are available?

Yes. But contractors must understand we must make this agreement work for all workers in a fair and equitable manner.

Can an Inside Journeyman Wireman work as a Construction Electrician?

Yes, an IJW can work under this addendum as a CE. There are two ways to obtain employment:

First, the IJW can notify their Business Manager that they are willing to accept employment under the terms and conditions of the Addendum.

Secondly, a contractor can hire an IJW directly, and must adhere to the reporting requirements

Once an IJW is hired to work as a CE:

-that individual must notify his home Local Union.

-that individual can only be utilized on projects and perform work defined in this addendum as a CE.

Can an employer move an IJW to a CE when that is the only work available?

Yes, but the IJW must be laid off as an IJW and be hired as a CE.

The IJW is available for referral under the Inside CBA and the IJW and Employer must adhere to the reporting requirements of this addendum.

Can an employer move a CE (with the IJW classification) to the IJW level?

No. IJW can only be obtained through the proper referral procedure.

Does this mean that there is no moving IJW to CE and back?

Yes. There will be no flip flopping of IJW to CE and back again.

If employed as a CE, how would that affect an IJW's standing, if he/ she is on one or several referral book(s)?

It is intended that employment under the addendum would not affect the IJW's status on the referral book(s) however, each IJW is subject to the referral rules established by the local union(s) and their employers.

Can an IJW working as a CE quit to take a referral as an IJW?

Yes. This type of quit is not to be a reason for "refusal" in the inside CBA referral procedure.

Are there any limitations to an IJW quitting a job and being referred as an IJW?

No.

If an IJW is hired as a CE, what benefits will be paid?

The wage and benefit schedule contained in the addendum shall apply. If an IJW is qualified under a different Health Plan or Annuity, then reciprocity can be utilized.

Can a contractor hire an IJW directly as an IJW, and utilize him (her) as an IJW on a job, identified in *this* addendum?

No. IJW can only be obtained through the proper referral procedure. However, if an IJW is obtained by the contractor through a proper referral, there is no restriction on the use of that IJW.

Can a contractor that has signed a letter of assent with other local unions in New York and are doing work under this addendum, have full portability within the other local unions?

Yes. However, if a contractor obtains manpower from, or has an employee who becomes a member of another local union, that contractor would be required to sign the proper letters of assent.

If a contractor hires "off the street" to fill manpower requirements for Construction Wireman/Electricians, which local union is required to take the new hire as a member?

The new hire is made a member in the local where he resides, provided the local union has the proper classification. Otherwise, the site local union will take him in as a member.

Note: There is no referral procedure, for CW/CE at this time.

Which local union is responsible for the training

The members home local union.

Will the classifications listed in the addendum, (upon becoming a member) be required to pay assessments?

Yes. Classifications and assessment amounts must be specified within the local union by-laws.

Can an Inside Apprentice be utilized to perform work under this addendum?

Yes. However all provisions of the applicable apprenticeship agreement must remain in effect, meaning that an apprentice cannot run work, and must be under the supervision of an IJW etc.

Must a contractor be a member of NECA to utilize this addendum?

No. But all contractors will be encouraged to become part of the IBEW/NECA partnership.

What does excessive unemployment mean?

In determining excessive unemployment for construction wiremen/electricians it will mean 15% of total membership of construction wiremen/electricians being unemployed and available for employment for 3 consecutive months.

Will an employee be required to work (travel) outside his/ her home local unions jurisdiction?

No. If an employee refuses to travel and no work is available locally that employee must receive a "reduction of workforce" layoff.

Can a CW level 4 opt to work for level 2 pay?

No. No level CW/ CE can opt to work for lower level wages.

If an IJW is working as a CE under this Small Works Addendum, what percentage of IJW does he/ she receive?

The highest rate - 75 %. An IJW can only be employed as a CE Level 3.

Can a Construction Electrician, Level 3, seek Inside Journeymen Wiremen status? How does this process work?

Yes, But a Construction Electrician, Level 3, cannot be evaluated for "Inside Wiremen" status by the JATC until a minimum of 2000 hours has been worked with the employer(s). These are "cumulative hours" with one or more (multiple) employers. (See Training Section of the Addendum).

Are the local unions going to recruit manpower and advertise for the Small Works Addendum worker?

The Local Union and Organizers should have a list of potential applicants for employment, but the Local Union is not required to advertise.

Who would determine if a job qualifies under the scope of the Small Works Addendum?

The scope is clearly defined in the Addendum and *Points/Items for Clarification*. Any question or dispute concerning the "Type of Work" covered by this Addendum shall be resolved by the Labor Management Committee.

How fast can we expect a response regarding a job question, especially if bids would be due in a short time frame?

That will be up to the Business Manager and/ or the Labor Management Committee.

However, the scope may be expanded, for a particular project, only by the Business Manager responsible for the geographical jurisdiction where the work is to be performed.

This is an excellent time for the contractors and Local Union to create a working relationship and use the IBEW/NECA partnership to expand market share.

If a company advertises for men to work under the Small Works Addendum and is successful in obtaining them, however, in the meantime the local union secures men to work under this program, would they be allowed to keep those people that were advertised for?

Yes, but the Contractor and the Business Manager should be in close contact in situations like this.

If there is a lack of union Construction Wiremen/Electricians available, the employer may hire "Construction Wiremen/Electricians" to meet necessary job composite rates and to adequately staff small works projects. The employer will promptly notify the Business Manager of the names, recommended classification and social security numbers of such applicants, and send the applicants to the local union for processing. The local union will then refer those employees back to the recruiting employer. The only time that this may not take place would be in periods of excessive unemployment or the availability of an adequate manpower pool of Construction Wiremen/Electricians. Any questions or disputes regarding this clause shall be referred to the Labor Management Committee.

Will a Small Works Addendum worker have some type of identification designating what level of Construction Wiremen/Electrician that he/she is qualified? Who will keep track of this?

Identification, if any (other than dues receipt is yet to be decided/ determined.

The JATC shall be responsible for all training of Construction Wireman Steps 1--4 and Inside Wiremen upgrade training for Construction Electricians 1, 2 and 3.

The craft certification will be monitored by Local JATC.

Should a contractor have a Journeymen Wiremen sign a statement that he is willing to work under the Small Work Addendum prior to beginning work for the wages and benefits covered in the addendum?

No, Please note the reporting requirements in the *Points/Items for Clarification*.

Will the adoption of the union By-Laws delay implementation of the Addendum in those unions whose By-Laws have not been updated?

The Local Union By Laws is an internal union matter and will not effect implementing the addendum, but membership for CW/ CE may be delayed.

When will the standards for the Construction Wiremen, be made available, regarding what qualifications will be necessary to move into the next level?

There are no standards. Standards are for apprentices. The evaluation and advancement requirements will be established by the Local's JATC signed to the Small Works Addendum.

The NJATC will have more information in the future.

These requirements will be standardized in N.Y. so that all Local Unions and JATC's are doing the same thing.

Are there any safety requirements? (OSHA training, two-man rule on 480 volts, NFPA-70e etc.)

OSHA training/ Safety, NFPA-70e and the Safety Requirements stated in the Inside CBA are not superseded by this Addendum, i.e. two-man rule on 480 volts, etc.

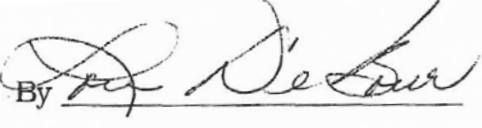
The Small Works Addendum is not applicable if a Specialty Agreement applies to the specific work or jobsite and it is registered with the NECA Chapter Office.

This can be a written or verbal notice if both parties agree to it.

This signature page acknowledges the Points/ *Items for Clarification* has been read, it's intent understood and agreed too by both parties.

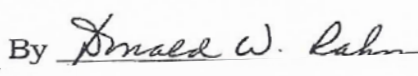
Signed:

Albany Electrical Contractors
Association, NECA, Albany
Chapter

By 
Date 1-05-07

Signed:

Local Union 236
International Brotherhood
of Electrical Workers

By 
Date 1-05-07