

ASSOCIATION BULLETIN

June 26, 2017

TO: All Employers of Local 98 Plumbers & Local 636 Pipefitters

RE: Balancing Overtime, Working Foreman, Supervision Wages

It has come to our attention that as our Industry begins to experience full employment; certain stewards and/or elected officials of the Union have been attempting to require Employers to implement provisions which are NOT included in the Collective Bargaining Agreement ("CBA") such as:

- 1) Balancing Overtime
- 2) Restrictions on Working Foreman
- 3) "Suggested" wages for Supervision

These provisions are cause for great headaches on your jobsites and confusion among the work force regarding what the CBA truly states.

- 1) **Balancing Overtime:** You should be advised there is NO provision in our CBA with Local 636 or with Local 98 which requires an Employer to "Balance Overtime"!!!

Article XIX, section 121 of the CBA with Local 636 reads as follows:

"This Agreement covers the entire understanding between the parties hereto. No oral or written understanding which is not mentioned or referred to herein will be of any force or effect upon the parties hereto." (Underlining added)

Article XVIII, section 147 of the CBA with Local 98 reads as follows:

"This Agreement, together with the Memoranda of Understanding appended to it, covers the entire understanding between the parties hereto. No oral understanding which is not mentioned or referred to herein will be of any force or effect upon any parties hereto." (Underlining added)

This means that, since there is no provision for "balancing overtime" in either of our CBAs, there is NO OBLIGATION FOR EMPLOYERS TO "BALANCE OVERTIME" ON ANY PROJECT YOU MIGHT HAVE!!

- 2) **Restrictions on Working Foreman:** You should be advised there is NO provision in our CBA with Local 636 or with Local 98 which places restrictions on Working Foreman!!!

Article III, section 5 of the CBA with Local 636 reads as follows:

"The Employer shall retain all rights, powers and authority he had prior to entering into this Agreement including...the sole right to...select and appoint supervision; to determine whether or not a foreman will be a working or non-working foreman; ... (Underlining added)

Article I, section 1 of the CBA with Local 98 reads as follows:

"The Employer shall retain all rights, powers and authority he had prior to entering in this Agreement including...the sole right... to determine whether or not a foreman will be a working or non-working foreman; ..." (Underlining added)

- 3) **"Suggested" Wages for Supervision:** You should be advised there is NO provision in our CBA with Local 636 or with Local 98 which details wages for Supervision!!!

These individuals represent your company and are taking on extra responsibilities above and beyond what is required of a Journeyman. Each company and jobsite is unique and therefore this issue has purposefully not been addressed in either CBA to allow each Employer to work out an appropriate compensation package with the individual to which they are delegating responsibility.

In summary, make sure all your jobsite supervision is aware of the above information. If a steward or other elected official from either Local 636 or Local 98 says you have to 1) Balance Overtime, 2) attempt to restrict your foreman from doing work or 3) "Suggest" a certain package for your Supervision on your job, ask him which provision of the CBA requires you to do so. When he cannot find a specific provision in the CBA, point to Article XIX, section 121, in the agreement with Local 636 or to Article XVIII, section 147 of the agreement with Local 98 and tell him, under that provision, you have no obligation to do any of these things. If the steward or other elected official from either Local 636 or Local 98 persists, tell him to file a grievance, IMMEDIATELY NOTIFY THE ASSOCIATION, and make a written memorandum of the conversation ("time, date, place, what was said and by whom). If the steward or other elected official from either Local 636 or Local 98 threatens any sort of "job action" ("strike or slowdown"), inform him that such action would violate Article XVI, section 110, of the CBA with Local 636 or Article XIII, section 98, of the CBA with Local 98, and could result in significant money damages against the respective Union.

When there is full employment, as there is now, stewards or other elected officials from either Local 636 or Local 98 try to impose obligations on Employers that do not exist. Don't let it happen!!



Christopher Freeman
Chief Operations Officer
MCA Detroit

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