

Construction Wireman Memorandum – The Boston Initiative: Create new Construction Wireman Memorandum of Understanding and add the Construction Wireman Addendum to the Inside and Telecommunications Agreements as follows:

Agreement by and between the Boston Chapter of the National Electrical Contractors Association and Local Union 103 of the International Brotherhood of Electrical Workers.

CONSTRUCTION WIREMAN ADDENDUM TO THE INSIDE CONSTRUCTION AGREEMENT AND TELECOMMUNICATIONS AND INTEGRATED BUILDING SYSTEMS AGREEMENT

TYPE OF WORK COVERED BY THIS MEMORANDUM

CONSTRUCTION WIREMEN, LEVEL 1 – Construction Wiremen, Level 1 shall be limited to

- a) material handling duties while on market recovery construction site, and
- b) prefabrication work, either at the employer’s shop or on a market recovery jobsite.

CONSTRUCTION WIREMEN, LEVEL 2 – Construction Wiremen, Level 2 shall be permitted to work on construction sites performing the duties of an apprentice under the supervision of journeyman wireman. They shall be counted with apprentices in meeting the job site ratios of the Inside and Telecommunications Agreements. They are not permitted to work on prevailing rate projects.

CONSTRUCTION WIREMEN POLICIES AND PROCEDURES

Issues relevant to implementation of the Construction Wiremen Memorandum and Addendum as agreed to and ratified by the Boston Chapter NECA and Local 103, IBEW on August 22, 2019 and the Construction Wiremen Industry Program Guidelines (CWIP) as proposed to the JATC on August 13, 2019:

Construction Wiremen, Level 1

A) The following questions need to be clarified regarding the employment of Construction Wiremen, Level 1

1) Must Employers go through the JATC Office when hiring Level 1 Construction Wiremen?

No, Sec. III, B of the CW Memorandum states that Employers cooperate with the JATC when hiring additional Level 1, Construction Wiremen. Under the Memo, Employers are required to notify the JATC of all Level 1 CWs employed. The JATC’s primary responsibility regarding Level 1 CW’s is to maintain a list of those in the program, assign unemployed Level 1 CW’s to requesting contractors, and assist contractors in finding applicants for employment as Level 1 CW’s. In order to fulfill their mandate to maintain an accurate list of all those Level 1 CWs employed, the JATC could also require that Employers send in notice of terminations. *Recommended Action: The JATC should develop reasonable reporting requirements for Employers.*

2) Are Level 1 Construction Wiremen required to attend school?

No. The JATC is responsible for training all Construction Wiremen in accordance with Sec. VI of the CW Memorandum, but there is no current training requirement for Level 1 CWs. The parties may identify training needs for Level 1 CWs in the future, but no such requirement is being considered at this time. *Recommended Action: none at this time*

3) Are Level 1 Construction Wiremen required to comply with the JATC Drug Testing Policy?

No, unlike Level 2 Construction Wiremen, Level 1 CWs are not subject to the policies and procedures, including the drug and alcohol policy, covered by the CWIP Guidelines. However, in that the IBEW/NECA Workplace Safety Program refers to requirements for “employees” and “members,” Employers that are participants in the program should require CW1s that are performing material handling duties on market recovery jobsites, to comply with requirements of the program as well. *Recommended Action: The parties should consult with legal counsel and MAP regarding this issue.*

4) Do Level 1 Construction Wiremen automatically advance to Level 2 status?

No. The JATC (through the Chairman and Secretary) determines when Level 2 CWs are added to the program (see B.3. above and CWA ¶1) based on the needs of the industry. Workers may request placement as a Level 2 CW, just as they may apply to the apprenticeship program, but all entry and advancement decisions belong to the JATC. *Recommended Action: The JATC should take into account a workers experience as a CW1, just as they would all relevant job experience, and other relevant factors, when making decisions as to entry of Level 2 Construction Wiremen.*

- B) The CWIP must be amended to make clear that only Construction Wiremen, Level 2 (both Electrical and Telecom) are subject to the policies and procedures covered by the CWIP and that Level 1 Construction Wiremen are NOT subject to those policies.

Construction Wiremen, Level 2

- C) The following questions need to be clarified regarding the employment of Construction Wiremen, Level 2

1) Must Employers go through the JATC Office when employing Level 2 Construction Wiremen?

Yes, Sec III, A of the Construction Wiremen Memorandum states that Level 2 CWs shall be assigned by the JATC. *Recommended Action: The JATC should reaffirm this policy.*

2) May unemployed Construction Wiremen be assigned to work if Apprentices are unemployed?

Yes, Employers may add CW2s even if apprentices are unemployed, provided that they are employing a “full complement” of apprentices (CWA, ¶ 8). Furthermore, strict compliance with a prohibition may compromise the JATC’s ability to meet Employers’ jobsite diversity requirements and would mark CW members as second class. *Recommended Action: Bullet 5 on page 1 of the proposed CWIP guidelines prohibit the assignment of CWs in times of unemployment and should be changed. JATC should reaffirm policy that the Training Director should assign unemployed CW2s as they would indentured apprentices (i.e. quasi-chronologically)*

3) How are additional Construction Wiremen, Level 2 brought into the program?

The CW Memorandum states that the assignment of Level 2 CWs to the employer shall be done in accordance with the “Addendum” (CWM, Sec. III,A). The decision on whether or not to bring in new CWs is based on the availability of unemployed apprentices and the contractor’s cooperation in training and employing apprentices, and is *made by the JATC* (CWA, ¶8). The Addendum further states that CWs will not be added if CWs are “continually unemployed.” (CWA, ¶10). *Recommended Action: When Employers or the Union have a request to bring additional CW2s into the program, the Training Director should forward the request to Chairman and Secretary of the JATC for a decision.*

4) In times of unemployment, must Employers replace Construction Wiremen with Apprentices?

No, Employers need not replace currently employed Construction Wiremen with unemployed Apprentices in times of unemployment (CWM, Sec. III and CWA, ¶8). The CWIP Guidelines do not address this issue. *Recommended Action: The JATC should reaffirm this policy*

5) Must an Employer layoff off all Construction Wiremen before laying off Apprentices?

No, for the same reasons as stated for questions 3 and 4. Such a rule could hinder an Employer’s ability to meet jobsite diversity requirements and would mark CW2s members as second class. *Recommended Action: Bullet 1 on page 1 of the proposed CWIP guidelines prohibits the employment of CW’s when apprentices are being laid off and needs to be changed.*

6) Are Level 2 Construction Wiremen counted in the jobsite ratios of the CBA?

Yes, contrary to Paragraph 12 of the CW Addendum, Section I of the Construction Wiremen Memorandum expressly states that CWs *shall* be counted in the jobsite ratios set forth in Sec. 3.12 of the CBA. *Recommended Action: The JATC should reaffirm this policy.*