

# National Joint Adjustment Board for the Sheet Metal Industry

## DECISION

SMART Local Union 54  
900 West 34<sup>th</sup> Street, Suite 54  
Houston, TX 77018

Sabine Area Sheet Metal Contrs. Assn.  
3050 West Cedar Street  
Beaumont, TX 77702

Re: Article X, Section 8: SMART Local Union 54  
& Sabine Area Sheet Metal Contractors Association

Ladies and Gentlemen:

The National Joint Adjustment Board (NJAB) for the Sheet Metal Industry met August 29, 2016 in San Francisco, CA to hear the above-referenced matter.

Ron Sanders and Jeremy Kotlarz appeared on behalf of the Employers' Association. Bill Kenyon and Trey Berryman appeared on behalf of the Local Union.

A review of the record demonstrated that all procedural requirements had been met. The matter, therefore, was properly before the NJAB for decision.

Based on the record and testimony of the parties, the NJAB rendered the following unanimous decision:

The parties are directed to execute a three-year agreement with the following terms and conditions:

1. Wage and fringe increases as follows:

July 1, 2016	\$1.00
July 1, 2017	\$1.00
July 1, 2018	\$1.00

2. The contract shall provide for overtime after 40 hours as follows:

(c) All hours worked in excess of forty (40) hours per week shall be paid at the rate of one and one-half (1 ½) times the regular rate, provided the Employee had the opportunity to have worked the initial forty (40) hours, Monday through Friday. If working four ten (4-10) hour days, the same shall apply.

If an employee is hired, terminated, has an excused absence as defined in (1), (2), or (3) below or a holiday falls in the middle of the week, the employee will not be penalized for overtime already accumulated.

- a. Absences due to medical reasons are excused when documented by a letter from the doctor;
- b. Absences due to a death in the immediate family, defined as parents, spouses, siblings and children, are excused when documented;
- c. Jury duty is an excused absence when documented.

(d) Workers shall be at their place of work at the starting time. Place of work shall be the location or floor where the physical work is performed on a new construction job site, as well as on a tenant build out, remodeling or repair job. Workers shall be at their place of work until quitting time unless another location has been established by the foreman or superintendent.

3. A new Article XIII on classified workers shall be added as follows:

Section 1. Classified workers may be employed in the following ratio:

- A. One classified for any Employer who employs an apprentice:
- B. Thereafter, the ratio will be one (1) classified worker for each additional two (2) apprentices. Thereafter alternate as follows: 1-1, 1-2, etc.
- C. In the event of a reduction in force the classified will be laid off before the apprentice to keep the ratios as stated above. If there is a special circumstance then prior approval between employer and Business Manager is required.
- D. It is not the intent of this Article to eliminate or reduce the incentive for application into the Apprenticeship Program. Classified Workers will be enrolled into the apprenticeship program after being employed by the employer for two (2) years. The joint Apprenticeship and Training Committee shall evaluate the qualifications of Classified Workers for such openings.

Classified workers may perform any work covered by Article 1 of what they are capable and will work under the general direction of a journeyman. The wage rate for classified workers will not be less than forty percent (40%) and no more than eighty (80%) of the journeyman wage rate. They shall be covered by the Sheet Metal Workers National Health Fund according to Article XII, section 1 (c). Pension contributions shall be at forty percent (40%) of the journeyman contribution rate.

In the event the Employer is entitled to employ a classified worker and the Union fails to comply with the Employer's written request to furnish a classified worker within forty-eight (48) hours, the Employer may directly hire such employees, and refer them to the Union Hall within seven (7) days.

4. ITI, NEMI and SMOHIT contributions shall be paid on all classifications.

No further changes, except those agreed to locally by the parties, are directed.

Your attention is directed to the following language contained in the Procedural Rules of the NJAB under Article X, Section 8 (a):

“The unanimous decision of said Board shall be final and binding upon the parties, reduced to writing, signed and mailed to the parties as soon as possible after the decision has been reached.”

BY ORDER OF THE BOARD

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CO-CHAIR

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CO-CHAIR

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DATE