

# The Pattern Agreement Guide



# Disclaimer

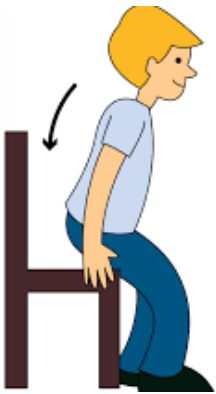
- This is not a Pattern Agreement Guide negotiations session
- This is the most exciting topic on the agenda



# Stand up!



# Sit down if you've ever heard or said one of the following:



- That's Category III language
- We can't accept Category II language
- We can't remove that, it's Category II or Optional language
- CIR will never give you that Category II IBEW language or Optional NECA language
- CIR must grant that, it's Category II language
- We can't modify that, it's Category I

# Who's still standing?



If you're sitting, were you correct (or were they correct) when it was said?



# A Quick Review – What is the Pattern Agreement Guide?



- There is a Pattern Agreement Guide for the Inside, Outside, and Residential Agreements
- You can find them here:





# Warning!

## Too much text on the next slide



Category I provisions, as identified in red in the Table of Contents and in the body of this Guide, are considered Standard Agreement Language by the IBEW International Office and NECA National. By joint recommendation and in written agreement, all Insid/Outside/Reside Construction Agreements between IBEW Local Unions and NECA Chapters must contain all Category I Language verbatim, i.e., no deviations or changes to these clauses are permitted.

Likewise, the agreement may not contain language that is contrary to the intent of the Category I language or circumvents provisions contained in the Category I Language. Additional language that pertains to but does not conflict with the Category I language may follow the language, but is not to be inserted within the language. (This would also apply to Category II and any other verbatim language.)

There are also several places where Alternate Language is provided. This Alternate Language is to be used in lieu of, and not in conjunction with, Standard Language.



Category II Language, as identified in blue, reflects provisions which the IBEW International Office recommends but which NECA National has not endorsed. These provisions need to be negotiated locally. If adopted, this language must be inserted verbatim into the collective bargaining agreement.



Optional Language, as identified in purple, is language that is acceptable to the IBEW International and NECA National, is approvable, and may be included in the agreement if the local parties agree. In some cases, language other than the particular language illustrated may be used; however, some of these clauses must be used verbatim.



<https://pollev.com/iandrews775>



# Is a hot dog sandwich

Yes

No

In a league of its own

Only with skyline chili on it

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# What is the primary agreement type you work under?

Inside

Outside

VDV/Limited Energy/Teledata

Residential

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# How many days prior must written notice be given to change or terminate an agreement?

60 Days

90 Days

120 Days

150 Days

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# 90 Days



**What is the maximum amount of time a grievance can be filed from date of occurrence or the grieving party being made aware of an alleged violation?**

5 Working Days

10 Working Days

30 Working Days

No required language

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# No Required Language

Under the doctrine of exclusive representation under Section 9 (a) (1), an employee or group of employees have the right to present grievances to their employer.

In our Agreements there is a dispute resolution so the employees would have to adhere to it. If the employer, (NECA), refuses to meet to discuss the dispute because there is no time limit stipulated, it would be an unfair labor practice committed by NECA. This would be true with or without binding arbitration.

Keep in mind the Union, by agreeing to binding arbitration (CIR or an alternative such as AAA), has given up the right to strike in exchange for a resolution process.



**If only two Labor Management representatives are present,  
how many total votes do they carry?**

2 Votes

3 Votes

No quorum; Labor Management  
should be rescheduled

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# 3 Votes



# What is the minimum bond or irrevocable letter of credit amount stipulated in Category I language?

\$10,000 total

\$15,000 total

\$25,000 per 15 bargaining  
unit employees

No required language

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# No Required Language

This is a common provision



# Where does Overtime/Holiday Language fall in the Pattern Agreement Guide?

Category I

Category II

Optional Language

Common Provision

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# Common Provision



Respond at [pollev.com/iandrews775](https://pollev.com/iandrews775)

Text **IANDREWS775** to **22333** once to join, then **A, B, C, or D**

## Where in the Pattern Agreement Guide are Foreman ratios established?

- Common Provision **A**
- Category 1 **B**
- Category 2 **C**
- Optional Language **D**

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# Common Provision

Foreman ratios are not Category I, II or Optional. This is a Management Rights covered topic until bargained into an agreement.



# When working 2nd or 3rd shift, and working overtime, what is the appropriate rate?

1.5X the straight  
time rate of pay

1.5X the shift  
rate of pay

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# 1.5X the Shift Rate



# Where is prefabrication language found?

Category 1

Category 2

Optional Language

Common Provision

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# Common Provision

Any restrictive prefabrication or manufacturing language has been collectively bargained.

Are we noticing a theme?



# Can Employers direct hire under Category 1 Language?

No, this conflicts with the IBEW Constitution  
and numerous Local Union bylaws

Yes, without limits

Yes, 24 hours after a call is unfilled

Yes, 48 hours after a call is unfilled

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Yes, 48 hours after a call  
is unfilled



# How are Temporary Employees paid?

Same as a Book 1 JW

Same as a Book 2 JW

Same as a Book 3 JW

Same as a Book 4 JW

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## All the above

Temporary Employees are paid the full wage and benefit scale of a JW.



**Does your agreement have an active "appeals committee?"**

Yes

No

What's  
this?

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# Yes – It deals with Referral

An Appeals Committee is hereby established composed of one member appointed by the Union, one member appointed by the Employer or the Association, as the case may be, and a Public Member appointed by both these members.

It shall be the function of the Appeals Committee to consider any complaint of any employee or applicant for employment arising out of the administration by the Local Union of Sections 4.04 through 4.15 of the Agreement. The Appeals Committee shall have the power to make a final and binding decision on any such complaint which shall be complied with by the Local Union. The Appeals Committee is authorized to issue procedural rules for the conduct of its business but it is not authorized to add to, subtract from, or modify any of the provisions of this Agreement and its decisions shall be in accord with this Agreement.



🌐 When poll is active, respond at **pollev.com/iandrews775**

📱 Text **IANDEWS775** to **22333** once to join

# Are Inside/Residential Apprentices covered by the referral system and procedures?

Yes

No

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No.  
Inside & Residential  
Apprentices are *assigned* by the  
apprenticeship



# Are "special skills" employees subject to reverse layoff procedures (if an agreement contains this language)?

Yes

No

Dependent upon local  
area practice

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No

(b). Paragraph (a) will not apply as long as the special skills requirement as provided for in Section 4.15(a) is required.



# What is the minimum fund balance an apprenticeship must maintain?

\$50,000

\$150,000

1.5X annual operating expenses

No requirement

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There is no minimum  
apprenticeship fund balance  
required



# True or False: an Employer can unilaterally make a Favored Nations claim against the Union?

True

False

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# True

“The Union agrees that if, during the life of this Agreement, it grants to any other Employer in the Electrical Contracting Industry on work covered by this Agreement, any better terms or conditions than those set forth in this Agreement, such better terms or conditions shall be made available to the Employer under this Agreement and the Union shall immediately notify the Employer of any such concession.”



# What is the latest a party can provide specific desired changes (proposals) for negotiations?

In the 90 day notice letter

Anytime prior to  
negotiations commencing

At the first negotiations  
meeting

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No later than the first meeting –  
unless mutually agreed  
otherwise.



# Under Category 1 Language, when can an Employer terminate a steward?

Anytime, with proper notice to the Business Manager

Stewards are to be the last person removed from a job site

Anytime, covered by Management Rights

Depends on area practice and additional language

Not applicable

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# Not Applicable

All steward language is negotiated locally



**True or False: Under 4-10's Optional Language, Friday can be used as a makeup day?**

True

False

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# True

Reminder – 4-10s optional language does not have to be adopted verbatim; many agreements do not have any makeup day



**Under "Right to Reject," if a Union requests a reason, the Employer is obligated to provide one**

Yes

No

Depends on area practice

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# No

- Mountain Pacific NLRB Hiring Hall Case Established Mgt. Right to Reject – 1958
- Parsons Electric Case Reaffirmed Right to Reject Without Furnishing a Reason – 8<sup>th</sup> Circuit Court of Appeals, 1992
- U.S. District Court for the District of Oregon in Kofoed v. Rosendin Electric, 2001 – “A unionized employer need not explain why anyone referred for work by a union hiring hall was rejected for employment if the pertinent CBA does not require an explanation.”



# Can a representative of the employer or association examine the referral list under Category 1 language?

Yes, anytime

Yes, anytime within business hours

No, they can inspect the procedures but not the list

No, only with mutual consent

No, only with approval by the respective IBEW Vice President

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Yes  
Anytime within normal business  
hours



**As an Employer, do you have a copy of the appropriate referral procedures posted in your office?**

Yes

No

I need to check

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Section 4.19. A copy of the Referral Procedure set forth in this Agreement shall be posted on the Bulletin Board in the offices of the Local Union and in the offices of the Employers who are parties to this Agreement.



# Final Thoughts

Color code your CBAs. Share them with your NECA members

Review – is something wrong? If there is, it's time to plan

There are a lot of agreements with modified Favored Nations and Management Rights language.

Keep this fresh to avoid mistakes in the heat of the moment.

Sit down with your Business Manager and discuss – be on the same page!



# Questions?

.VCF



Ian Andrews  
Midwestern Region NECA

Let's connect!



**Linked in**

The logo features a blue circle with a white arc and three stars above the text "NECA", with "LABOR RELATIONS" in smaller text below. The entire slide has a light blue curved background on the left and a solid orange bar at the bottom.  
**NECA**  
LABOR RELATIONS

# Untitled

Current run (last updated Mar 21, 2023 1:34pm)

23

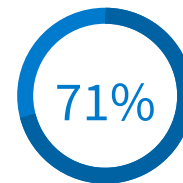
Activities

120

Participants

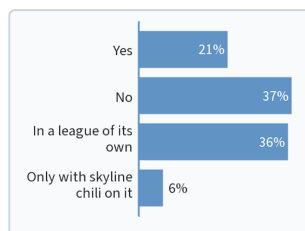
85

Average responses



Average engagement

## Is a hot dog sandwich



Response options

Count

Percentage

Yes

22

21%

**No**

**38**

**37%**

In a league of its own

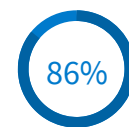
37

36%

Only with skyline chili on it

6

6%

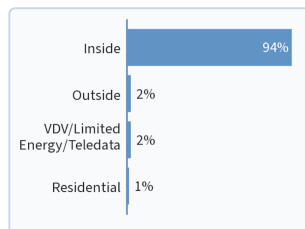


Engagement

103

Responses

## What is the primary agreement type you work under?



Response options

Count

Percentage

**Inside**

**84**

**94%**

Outside

2

2%

VDV/Limited Energy/Teledata

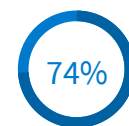
2

2%

Residential

1

1%

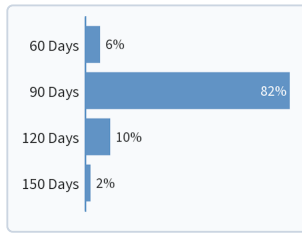


Engagement

89

Responses

## How many days prior must written notice be given to change or terminate an agreement?



Response options	Count	Percentage
60 Days	6	6%
<b>90 Days</b>	<b>83</b>	<b>82%</b>
120 Days	10	10%
150 Days	2	2%

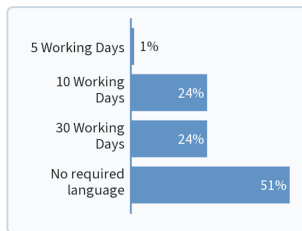


Engagement

101

Responses

## What is the maximum amount of time a grievance can be filed from date of occurrence or the grieving party being made aware of an alleged violation?



Response options	Count	Percentage
5 Working Days	1	1%
10 Working Days	23	24%
30 Working Days	23	24%
<b>No required language</b>	<b>48</b>	<b>51%</b>

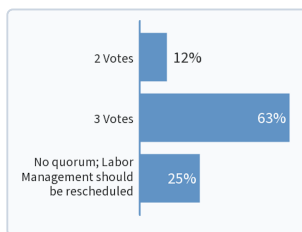


Engagement

95

Responses

## If only two Labor Management representatives are present, how many total votes do they carry?



Response options	Count	Percentage
2 Votes	11	12%
<b>3 Votes</b>	<b>60</b>	<b>63%</b>
No quorum; Labor Management should be rescheduled	24	25%

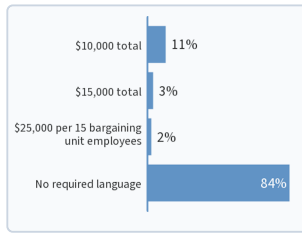


Engagement

95

Responses

## What is the minimum bond or irrevocable letter of credit amount stipulated in Category I language?



Response options

Count

Percentage

\$10,000 total

10

11%

\$15,000 total

3

3%

\$25,000 per 15 bargaining unit employees

2

2%

**No required language**

**78**

**84%**

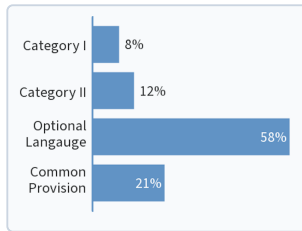


Engagement

93

Responses

## Where does Overtime/Holiday Language fall in the Pattern Agreement Guide?



Response options

Count

Percentage

Category I

7

8%

Category II

11

12%

**Optional Language**

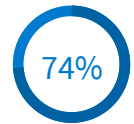
**52**

**58%**

Common Provision

19

21%

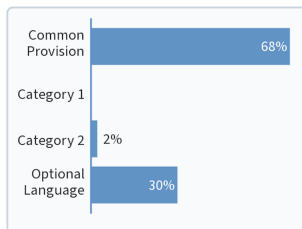


Engagement

89

Responses

## Where in the Pattern Agreement Guide are Foreman ratios established?



Response options

Count

Percentage

**Common Provision**

**62**

**68%**

Category 1

0

0%

Category 2

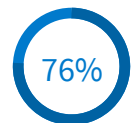
2

2%

Optional Language

27

30%

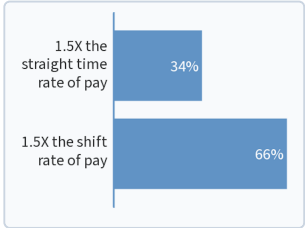


Engagement

91

Responses

When working 2nd or 3rd shift, and working overtime, what is the appropriate rate?



Response options	Count	Percentage
1.5X the straight time rate of pay	30	34%
1.5X the shift rate of pay	59	66%

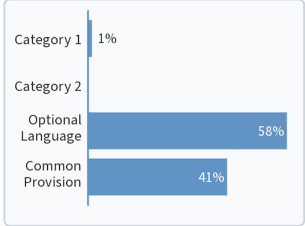
74%

Engagement

89

Responses

Where is prefabrication language found?



Response options	Count	Percentage
Category 1	1	1%
Category 2	0	0%
Optional Language	50	58%
Common Provision	35	41%

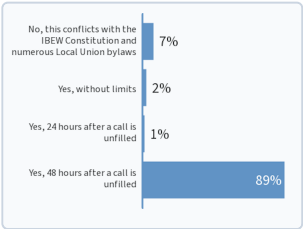
72%

Engagement

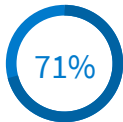
86

Responses

## Can Employers direct hire under Category 1 Language?



Response options	Count	Percentage
No, this conflicts with the IBEW Constitution and numerous Local Union bylaws	6	7%
Yes, without limits	2	2%
Yes, 24 hours after a call is unfilled	1	1%
<b>Yes, 48 hours after a call is unfilled</b>	<b>76</b>	<b>89%</b>

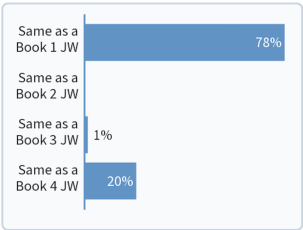


Engagement

85

Responses

## How are Temporary Employees paid?



Response options	Count	Percentage
<b>Same as a Book 1 JW</b>	<b>62</b>	<b>78%</b>
Same as a Book 2 JW	0	0%
Same as a Book 3 JW	1	1%
Same as a Book 4 JW	16	20%



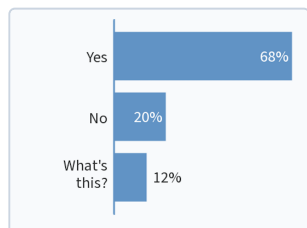
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79

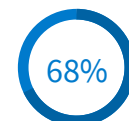
Responses



## Does your agreement have an active "appeals committee?"



Response options	Count	Percentage
<b>Yes</b>	<b>55</b>	<b>68%</b>
No	16	20%
What's this?	10	12%

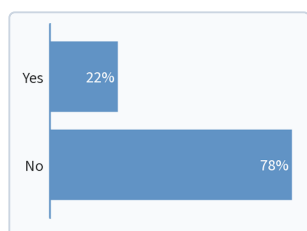


Engagement

81

Responses

## Are Inside/Residential Apprentices covered by the referral system and procedures?



Response options	Count	Percentage
Yes	18	22%
<b>No</b>	<b>64</b>	<b>78%</b>

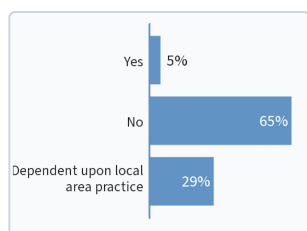


Engagement

82

Responses

## Are "special skills" employees subject to reverse layoff procedures (if an agreement contains this language)?



Response options	Count	Percentage
Yes	4	5%
<b>No</b>	<b>51</b>	<b>65%</b>
Dependent upon local area practice	23	29%

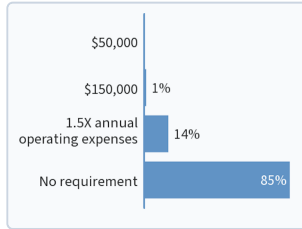


Engagement

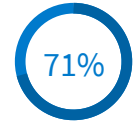
78

Responses

## What is the minimum fund balance an apprenticeship must maintain?



Response options	Count	Percentage
\$50,000	0	0%
\$150,000	1	1%
1.5X annual operating expenses	12	14%
<b>No requirement</b>	<b>72</b>	<b>85%</b>

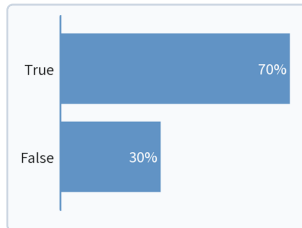


Engagement

85

Responses

## True or False: an Employer can unilaterally make a Favored Nations claim against the Union?



Response options	Count	Percentage
<b>True</b>	<b>55</b>	<b>70%</b>
False	24	30%

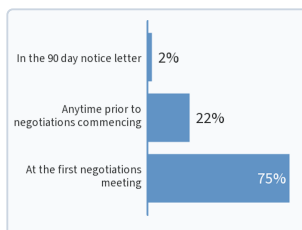


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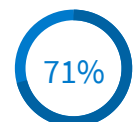
79

Responses

## What is the latest a party can provide specific desired changes (proposals) for negotiations?



Response options	Count	Percentage
In the 90 day notice letter	2	2%
Anytime prior to negotiations commencing	19	22%
<b>At the first negotiations meeting</b>	<b>64</b>	<b>75%</b>

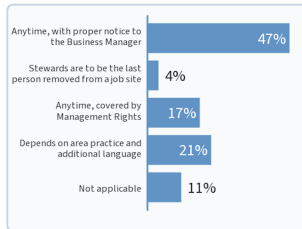


Engagement

85

Responses

## Under Category 1 Language, when can an Employer terminate a steward?



Response options	Count	Percentage
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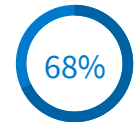
<b>Anytime, with proper notice to the Business Manager</b>	<b>38</b>	<b>47%</b>
--	-----------	------------

Stewards are to be the last person removed from a job site	3	4%
--	---	----

Anytime, covered by Management Rights	14	17%
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Depends on area practice and additional language	17	21%
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Not applicable	9	11%
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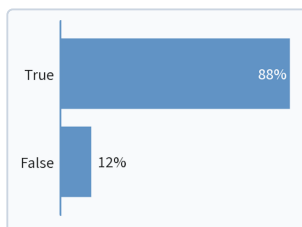


Engagement

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Responses

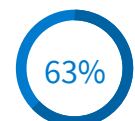
## True or False: Under 4-10's Optional Language, Friday can be used as a makeup day?



Response options	Count	Percentage
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<b>True</b>	<b>67</b>	<b>88%</b>
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False	9	12%
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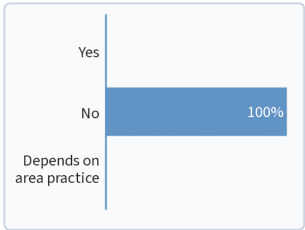


Engagement

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Responses

**Under "Right to Reject," if a Union requests a reason, the Employer is obligated to provide one**



Response options	Count	Percentage
Yes	0	0%
No	71	100%
Depends on area practice	0	0%

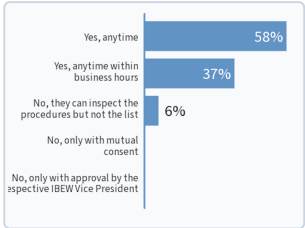


Engagement

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Responses

**Can a representative of the employer or association examine the referral list under Category 1 language?**



Response options	Count	Percentage
Yes, anytime	41	58%
Yes, anytime within business hours	26	37%
No, they can inspect the procedures but not the list	4	6%
No, only with mutual consent	0	0%
No, only with approval by the respective IBEW Vice President	0	0%

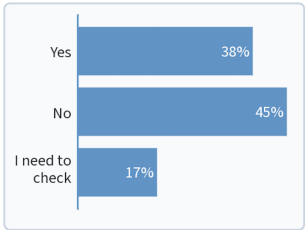


Engagement

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Responses

As an Employer, do you have a copy of the appropriate referral procedures posted in your office?



Response options	Count	Percentage
Yes	31	38%
No	37	45%
I need to check	14	17%



Engagement

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Responses