



Date: August 27, 2004

Memo To: Members of the Board of Governors, NECA

From: J. Michael Thompson, Secretary-Treasurer

Subject: Ordinary Proposals/Resolutions

In accordance with Article VI, Section 8 of the NECA Bylaws, the attached twelve proposals/resolutions were properly submitted and were directed to, or evidently intended for, submission to the October 16, 2004 meeting of the Board of Governors, being held at the Westin Bonaventure Hotel in Los Angeles, California.

The attached proposed changes, if adopted, shall become effective immediately unless otherwise indicated.

pc: Chapter Presidents
Chapter Managers

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ORDINARY PROPOSAL #1 - Re: Adoption of Mission 2004 Report (submitted by NECA Executive Committee)

WHEREAS, NECA and the IBEW have a common interest in advancing and improving the union electrical construction industry;

WHEREAS, The Presidents of NECA and the IBEW appointed a special joint task force to critically review the current market landscape and identify areas, operations, prejudices, and possibilities that can be altered or adopted to enable NECA and the IBEW to regain its position in the electrical construction industry;

WHEREAS, The task force issued a report - Mission 2004 - containing recommendations in 17 areas where they feel the national organizations can work together to create a more effective and competitive partnership;

WHEREAS, The NECA Executive Committee has endorsed and supports the report recommendations;

WHEREAS, The NECA leadership desires the support of the organization's governing body in advancing these recommendations, now, therefore, be it

RESOLVED, That the NECA Board of Governors endorses and supports the recommendations of the Mission 2004 Report, and be it

FURTHER RESOLVED, That each Governor will encourage their chapter to support and implement these recommendations.

COMMENT FROM NECA HEADQUARTERS

To assist NECA in moving forward with the recommendations in the Mission 2004 Report endorsement and support of the Board of Governors and Chapters is sought. This proposal is recommended FOR adoption.

May 14, 2004

To: All Inside and Outside Construction Local Unions of the IBEW
All NECA Chapters

From: Ben Cook, President, NECA
Ed Hill, International President, IBEW

Over the past several months, a special Task Force that we have appointed has been hard at work. Their charge was to critically review the current market landscape and identify areas, operations, prejudices, and possibilities that can be altered or adopted to enable NECA and the IBEW to regain our position in the electrical construction industry.

The Task Force has held a number of meetings, involving many hours of discussions. They have literally reviewed and discussed hundreds of ideas covering a broad range of Industry concerns.

Following their most recent meeting, held in conjunction with the NECA-IBEW VDV/IBS Conference, the joint task force reached a consensus on a number of recommendations. These recommendations cover 17 areas where the Task Force feels the national organizations can work together to create a more effective and competitive partnership. Much work remains to be done and fleshing out the details to turn these concepts into effective programs will be a primary activity of the national organizations, but we sincerely thank the members of the Task Force for their efforts and congratulate them on the results.

Included with this letter is a summary of the Report and Recommendations offered by the Task Force. Some of these recommendations relate to items that have been identified before; others relate to items that have developed in importance over the past few years. All of them are worthy of further review, discussion, and resolution.

You will be hearing more from us as we move forward to more fully develop these recommendations into programs that our industry can put to use. In the meantime, please review the document attached. Consider its findings and how you might utilize them to improve the competitive situation in your local area.

Sincerely,



Ben Cook
President, NECA

Fraternally,



Edwin Hill
International President, IBEW

MISSION 2004
SUMMARY
of the Report and Recommendations
of the IBEW-NECA Labor Relations Task Force

The Labor Relations Task Force report contains several recommendations for development by the parent organizations. As previously stated they are general in nature and form a consensus opinion of what needs to be done by both parent organizations in order to become a more competitive partnership. Taken collectively they form the design for a stronger organized electrical construction industry. However, it is important to understand that the means to achieve these recommendations have not been completed at this time and this is an important part of the process that will need to be accomplished by the parent organizations, if the recommendations contained in this report are to be achieved. The report recommends that the parties continue to investigate the feasibility of these initiatives and where deemed possible, work towards their adoption and implementation. A summary of the report's recommended action areas follows:

- Develop an Electrical Industry Smart Card for all IBEW members that could include information about training, special skills, electrical licenses (where applicable), and substance abuse testing.
- Work towards including Standard Category I CIR language in all IBEW-NECA Agreements.
- Develop a standardized benefit reporting form and include provisions for the submittal of one check and/or one wire transfer for all funds.
- Encourage all JATCs to promote training programs for all newly organized workmen; inside, outside, and VDV apprentices; and journeymen. Develop and encourage regional training and day school with the intent of producing journeymen wiremen more rapidly.
- Develop a program that supports the full utilization of apprentices by all employers. Develop methods to positively encourage or provide incentives for contractors' use of apprentices.
- Educate and encourage all local and regional joint trust funds to participate in the IBEW-NECA proxy voting and investment tracking programs.
- Pursue the necessary research to establish the feasibility of and subsequent development of National IBEW-NECA programs for Health Care, Workers Compensation, Fringe Benefit bonds and performance bonds.
- Develop a policy that supports the concerns of construction users with respect to excessive absenteeism and overtime.
- Support the efforts of the Industry's task force on developing a Substance Abuse policy.

- Develop a program that requires training for our Industry’s foremen and general foremen.
- Continue to promote the implementation of local programs that promote the benefits of the IBEW-NECA partnership and continue support for the NLMCC program.
- Support the establishment of LMCC programs in all local areas and adopt a local Industry Awareness and Code of Excellence program. Continue to encourage the use of the Partnering Program in local areas.
- Adopt a policy that supports increased productivity and works toward the elimination those items that limit the productivity of the workforce.
- Continue to support the elimination of unnecessarily restrictive clauses in agreements.
- Support a policy that would encourage the local parties to adjust the normal workday where customers require them.
- Investigate the concept of developing incentive programs for entering and competing in selected markets (particularly for Residential and VDV work).
- Support regularly scheduled joint Industry meetings, both national and local, that can assist both parties in recruiting new members and increasing market share.

Members of the NECA-IBEW Labor Relations Task Force:

NECA

Milner Irvin	NECA Vice President District 3
Walter Parks	NECA Vice President District 10
Robert Egizii	NECA Vice President At Large
Richard A. Parenti	NECA Eastern Region Executive Director

IBEW

Frank Carroll	IBEW Vice President 2 nd District
Donald Siegel	IBEW Vice President 3 rd District
Jon Walters	IBEW Vice President 8 th District
Mike Mowrey	IBEW Vice President 9 th District

ORDINARY PROPOSAL #2 - Re: Substance Abuse Language (Submitted by the NECA Executive Committee)

WHEREAS, NECA and the IBEW have long recognized the dangers and costs that alcohol and other chemical abuses can create in the electrical contracting industry;

WHEREAS, NECA and the IBEW have previously developed standard “enabling” language that the local parties could use, at their option, to establish the contractual basis for a substance abuse program in their area;

WHEREAS, This optional language has lead to great success in some areas, but has left a patchwork of program requirements and gaps across the country which are difficult for employers and employees to understand and do not meet the needs of today’s customers;

WHEREAS, The Joint NECA-IBEW Labor Relations Task Force has identified our industry’s inconsistent approach to the prevention of substance abuse on the job site as one of the major obstacles in achieving on-the-job safety, efficiency, productivity, and increased market share;

WHEREAS, To address this problem, NECA and the IBEW have developed new Category I *Substance Abuse* language as well as a *Local Area Wide Substance Abuse Testing Policy* that establishes basic testing requirements, criteria, and safeguards, and will assure a more consistent and complete substance abuse prevention effort in all local areas of the country; now, therefore, be it

RESOLVED, That NECA, through its Board of Governors, shall reaffirm its support and recommendation of the new Category I Substance Abuse Language and Local Area Wide Substance Abuse Testing Policy.

COMMENT FROM NECA HEADQUARTERS

The Substance Abuse Language and Required Minimum Standards attached to this proposal provide a long-awaited program to assure a drug-free workplace for our industry. This program only establishes minimum standards; therefore, it should be compatible with many currently existing programs as well as those desiring a higher level of compliance. This proposal is recommended FOR adoption.

ARTICLE XI SUBSTANCE ABUSE LANGUAGE

Section 11.01. The dangers and costs that alcohol and other chemical abuses can create in the electrical contracting industry in terms of safety and productivity are significant. The parties to this Agreement resolve to combat chemical abuse in any form and agree that, to be effective, programs to eliminate substance abuse and impairment should contain a strong rehabilitation component. The local parties recognize that the implementation of a drug and alcohol policy and program must be subject to all applicable federal, state, and local laws and regulations. Such policies and programs must also be administered in accordance with accepted scientific principles, and must incorporate procedural safeguards to ensure fairness in application and protection of legitimate interests of privacy and confidentiality. To provide a drug-free workforce for the Electrical Construction Industry, each IBEW local union and NECA chapter shall implement an area-wide Substance Abuse Testing Policy. The policy shall include minimum standards as required by the IBEW and NECA. Should any of the required minimum standards fail to comply with federal, state, and/or local laws and regulations, they shall be modified by the local union and chapter to meet the requirements of those laws and regulations.

August 23, 2004

**THE NECA/IBEW LOCAL AREAWIDE SUBSTANCE ABUSE TESTING
POLICY**

REQUIRED MINIMUM STANDARDS

- 1) Each employer shall have the right to request drug-free applicants for employment from the drug-free applicant pool for each specific designated job or the employer may choose to hire only drug-free applicants for all employees.
- 2) Each applicant and/or employee to be eligible for employment through the drug-free applicant pool shall, where lawful, submit to a substance abuse test, demonstrate compliance, and remain in compliance with the substance abuse policy. Where lawful, each applicant and/or employee shall be tested every ____ calendar years (not less frequently than every 2 calendar years.) Local area substance abuse policies are permitted to be voluntary and those applicants and/or employees choosing to be tested, and who are compliant, would be available for employment in the drug-free applicants pool.
- 3) Each applicant and/or employee to be eligible for employment through the drug-free applicant pool shall submit to random drug testing unless random drug testing is prohibited by applicable law. Random drug testing will be required for ____ % (not less than 25%) of the group available for testing each calendar year. Every person in the drug-free applicant pool has an equal chance of being chosen for testing every time a random selection is drawn.
- 4) Drug, prohibited substance, and alcohol testing will be required for “Reasonable Cause” situations and those situations shall be clearly defined in the local policy and will include use, possession, transportation, concealing, buying, selling, dispensing, or receiving prohibited substances. Supervisory personnel should be trained in the proper methods of observation to determine reasonable cause behavior.
- 5) All non-compliant tests and/or actions will require review by a Medical Review Officer (MRO.) The MRO may require accelerated testing. All releases to return to work following a non-compliant test and/or action will require the MRO’s release. A release from the MRO does not guarantee an employment opportunity with the former employer.
- 6) All substance abuse testing policies shall contain a rehabilitation component which will provide an applicant and/or employee who has a non-compliant test and/or action result the opportunity to become compliant with the local area substance abuse policy and to become eligible for employment through the drug-free referral applicant pool.
- 7) Drug testing will be conducted by an independent testing laboratory holding a current certification from Substance Abuse and Mental Health Services Administration (SAMHSA), National Institute on Drug Abuse (NIDA) or other appropriate agency.

- 8) Urine analysis should be the primary method of testing for prohibited drugs. Initial testing will be accomplished using immunoassay testing for screening and will require gas chromatography/mass spectrometry (GC/MS) for a confirmatory test. All alcohol testing will be accomplished using an evidential breath testing device (breathalyzer.) *(Local areas may utilize other approved/recognized means of testing if negotiated and agreed to at the local level.)*
- 9) Collection of urine specimens shall be conducted in accordance with the current procedures set forth in the HHS Urine Specimen Collection Handbook or other appropriate recognized guidelines. Split samples will be taken to allow for an additional test, which employees may request.
- 10) All test results will be reviewed by a Medical Review Officer (MRO). The MRO shall be a physician that has training and expertise with substance abuse testing and must have a valid certification. The MRO shall, to the extent that they are applicable, follow the procedures set forth in the HHS Medical Review Officer Manual for Federal Workplace Drug Testing Programs or other appropriate recognized guidelines.
- 11) A Third Party Administrator (TPA) will be utilized for all drug-testing programs.
- 12) Applicants and/or employees must comply with the terms and conditions of the substance abuse policy in the area where the work is performed.
- 13) The local parties agree that government mandated or customer required and implemented substance abuse policies are beyond the scope of this policy and this policy is not intended to affect government mandated or customer required and implemented substance abuse policies. (For example, this shall include the current DOT requirements and CDL guidelines.)
- 14) Local Unions shall not be responsible for substance abuse testing, or costs associated with substance abuse testing. Substance abuse policies shall contain hold harmless and/or indemnification clauses for local unions negotiating substance abuse policies. Specifically, substance abuse policies shall provide that, by implementation of this Program, the Local Union does not assume legal responsibility for ascertaining or monitoring the drug-free or alcohol-free status of any employee, or for providing employees a safe workplace.

August 23, 2004

Memorandum of Understanding

NECA and the IBEW have entered into negotiations concerning Category I language mandating a national substance abuse testing program and these discussions and the proposed language encompass “applicants.” Nothing in these discussions or the Category I language itself shall be construed as NECA having given up the position that absent adoption or continuation of this new language contractors are free to drug test applicants.

While the proposed language contains a rehabilitation provision that seeks to return workers to employment as soon as possible after a non-compliant test and appropriate treatment, this provision does not override individual contractors’ disciplinary policies that call for the termination of workers for the use, possession, sale, distribution, or transportation of prohibited substances. In other words, notwithstanding the fact that the national language will provide that a worker who has had a non-compliant result on a substance abuse test may become eligible for re-employment and returned to the available for work list after having met with the Medical Review Officer and completing any course of rehabilitation required, a contractor’s policies may provide that workers who use (non-compliant test results), possess, sell, distribute or transport prohibited substances will be terminated and not be eligible for re-employment with that firm. Local unions and chapters, however, shall be free to negotiate mandatory reinstatement provisions if they so choose.

Further, nothing in these discussions or the Category I language itself shall be construed as the IBEW or its Local Unions having assumed the legal responsibility for ascertaining or monitoring the drug-free or alcohol-free status of any employee, or for providing employees a safe workplace.

Signed for NECA:

Signed for IBEW:

John M. Grau
CEO

Edwin D. Hill
International President

Date: _____

Date: _____

August 23, 2004

ORDINARY PROPOSAL #3 - Re: Absenteeism and Overtime (Submitted by the NECA Executive Committee)

WHEREAS, NECA and the IBEW both subscribe to the principle of a fair day's pay for a fair day's work;

WHEREAS, Absenteeism creates disruptions in work flow and causes manning problems that cut into the productivity of the workers who properly report for work;

WHEREAS, Typical collective bargaining agreements between NECA chapters and IBEW local unions provide that any hours worked outside of the normal workday are paid as overtime hours, regardless of the number of hours the individual worker has worked in a day or in a week;

WHEREAS, Employees who do not report for work at starting time, or at all, during straight time hours, but then are available to work "overtime" hours unjustly enrich themselves while unnecessarily driving up the cost of the job they are working on, threatening the employer's prospects of future work for that customer and future jobs for IBEW workers;

WHEREAS, Construction purchasers, through organizations such as the Construction Users' Round Table, have expressed concern about excessive absenteeism and overtime;

WHEREAS, The Joint NECA-IBEW Labor Relations Task Force recommends adoption of a policy to address these concerns;

WHEREAS, The Category I *Managements Rights* clause gives the employer broad authority to adopt rules and regulations to effectively and efficiently manage his jobs; now, therefore, be it

RESOLVED, That NECA strongly encourages all employers to adopt and promulgate company policies that provide that overtime work is not guaranteed and the employer may refuse to assign overtime hours to any worker who has failed to work eight hours in that day, or 40 hours in that week, when those hours were available. Additionally, these policies should provide that any employee who has three or more unauthorized absences in the previous 12 months shall be subject to discharge.

COMMENT FROM NECA HEADQUARTERS

Absenteeism and overtime abuse are problems affecting the entire construction industry. The Construction Users Roundtable (CURT) along with the union building trades and construction trade associations, including NECA, have developed programs addressing these problems. One element of the program calls for all construction contractors to establish absenteeism and overtime policies. These policies fall within the management rights clause found in NECA-IBEW labor agreements. This proposal encourages NECA contractors to establish such policies, an example of which is attached. It is recommended FOR adoption.

NOTE: The following policies and work rules are given solely as an example of what these policies may look like. Contractors are free to draft their own policies based on their own personal business interests.

SAMPLE ABSENTEEISM AND TARDINESS
POLICY AND WORK RULES

(Adapted from the CURT Tripartite Study on Absenteeism)

It is understood that absenteeism or irregular attendance is not in the best interest of the company. In the event an employee is going to be absent from work for whatever reason, the employee is required to notify his/her immediate supervisor as soon as possible. The employee shall state the reason for the absence. Unexcused absences will result in disciplinary action.

The time period to monitor: rolling thirty-day window.

Infractions are: absent; late in; early out; long breaks; and long lunch periods.

Exceptions are: Pre-approved time off and doctor's slips.

First infraction: a verbal warning shall be given and documented.

Second infraction: a written warning will be given and documentation put in the employee's personnel file.

The third infraction during any thirty-day window will be grounds for immediate dismissal.

Absent for three consecutive days without proper notification will be grounds for immediate discharge.

Absent for two consecutive days without proper notification will be considered a second infraction.

Owner requirement on individual projects may exceed these requirements; however, employees will be notified of what the requirements are.

SAMPLE OVERTIME POLICY

Overtime is not guaranteed. It is the policy of this company to refuse to assign overtime hours to any worker who has failed to work eight hours in that day or forty hours in that week, when those hours were available. Exceptions to this policy by the company on any particular day or job is not a waiver of the right to enforce this policy subsequently.

ORDINARY PROPOSAL #4 - Re: Flexible Work Days (Submitted by the NECA Executive Committee)

WHEREAS, There currently exists no Category I language addressing flexibility in the starting time of the work day;

WHEREAS, Typical collective bargaining agreements between NECA chapters and IBEW local unions provide for a uniform starting time for all jobs in that jurisdiction regardless of type, location, or other factors, and variance from the stated start time can only be accomplished through specific mutual agreement or the paying of overtime;

WHEREAS, It is often desirable to have flexibility in the starting time of a job to meet site conditions such as the season, traffic, site congestion, employer needs, or customer requirements;

WHEREAS, The Joint NECA-IBEW Labor Relations Task Force recommends a policy of adjusting the normal workday/work week to meet job needs; now, therefore, be it

RESOLVED, That NECA enter into discussions with the IBEW for the purpose of developing Category I language that will establish as a minimum a work day between the hours of 6:00 a.m. and 6:30 p.m. and that will allow contractors to vary the starting time of the work day by up to at least two hours, or language that will afford the contractor the greatest possible flexibility in establishing the work day to meet the needs of the customer and/or job requirements.

COMMENT FROM NECA HEADQUARTERS

This proposal sets forth NECA's goal to establish more flexible workhours at the employer's discretion. Workhours are not currently Category I language. If the IBEW agrees to create a new Category I clause regarding workhours it would become standard in all NECA-IBEW labor agreements. This proposal is recommended for adoption.

ORDINARY PROPOSAL #5 - Re: Mandatory Local Labor-Management Cooperation Committee
(Submitted by the NECA Executive Committee)

WHEREAS, An agreement to establish a National Labor-Management Cooperation Committee (NLMCC) was approved by the Board of Governors in 1995 and renewed in 2000;

WHEREAS, The NLMCC has initiated a number of programs to implement its mission of improving the relationship between signatory contractors and the IBEW at all levels, explore means of becoming more competitive, increase employment opportunities, and promote union electrical work to end users;

WHEREAS, The effectiveness of many of the National LMCC's programs is directly tied to the chapters and local unions being positioned to utilize the program through a similar locally instituted LMCC;

WHEREAS, One of the goals of NECA and the IBEW in implementing the NLMCC was to encourage the formation of similar LMCCs in all local areas;

WHEREAS, A number of areas still have not implemented a local LMCC; now, therefore, be it

RESOLVED, That NECA, through its Board of Governors, shall reaffirm its support and recommendation that the existing Optional Local LMCC language be made Category I: Provided, however, that nothing in this resolution shall require funding for the Local LMCC and the decision of whether the Local LMCC shall be of the funded or unfunded type and the level of such funding shall be made by the local parties.

COMMENT FROM NECA HEADQUARTERS

Local Labor-Management Cooperation Committees (LMCC) have benefited many areas. Currently, it is optional for a local area to establish an LMCC, but if so elected, standard LMCC language must be used. This proposal would establish the standard language as Category I language and require its inclusion in all NECA-IBEW labor agreements. Funding of LMCCs remains optional. This proposal is recommended FOR adoption.

ORDINARY PROPOSAL #6 – Re: Giving chapters and IBEW local unions more flexibility in negotiating shift premiums and minimum day durations (Submitted by Quad-Cities Chapter, NECA)

WHEREAS, NECA's Standing Policy Statement 13 (Labor Relations) provides for a coordinated and cooperative effort between constituent Chapters and the National Association and features a high degree of local responsibility, while at the same time providing for methods by which the National Association can promote and safeguard the labor relations and business interests and goals of the industry;

WHEREAS, This same policy states that NECA will continue to develop harmonious relationships with the International Union and its constituent locals to promote labor stability and improve the economic and financial interests of the industry;

WHEREAS, The policy states that immeasurable savings have been brought to the industry and to the general public by diligent efforts to promote and maintain full and uninterrupted productivity while striving for economical-realistic terms of employment;

WHEREAS, The policy states that every effort should be made on the part of all parties concerned, including the National Association, its Chapters, its Members, supervisory personnel, the IBEW and local unions to provide the maximum possible productivity per manhour of labor in order to meet competition and also to promote consumer use of the services of trained and skilled electrical craftsmen;

WHEREAS, Under this policy, changes have been made to Category 1 language over the intervening time to address issues such as the five-year apprenticeship program, the restated NEBF clause, portability, CIR, the shift clause and other issues;

WHEREAS, Wages and benefits are a mandatory subject of bargaining, which, in the case of shift premiums, has been taken away from local parties to negotiate;

WHEREAS, Every local Chapter and IBEW area is unique, such that all wage rates, benefits, and premiums should be negotiated locally to best fit the individual market area;

WHEREAS, Category 1 and Optional Category 1 shift premiums are less competitive in today's working environment with the non-union sector not hampered by high percentage differentials, minimum day durations, and shifts of less than eight hours, and that such language prevents local parties from negotiating more competitive shift premiums and schedules;

WHEREAS, NECA and the IBEW have worked harmoniously together by adopting Optional Category 1 Shift Language with the intent of making our signatory contractors more competitive, now, therefore, be it

RESOLVED, That NECA and the IBEW will recognize and approve lesser, more competitive shift premiums and minimum day duration requirements that are negotiated by the local parties, while affirming that the shift premiums in Category 1 and Optional Category 1 Shift language shall be the maximum approvable premiums.

COMMENT FROM NECA HEADQUARTERS

If adopted this proposal would require negotiations with the IBEW. It differs from Ordinary Proposals #7 and #8 in that more competitive shift premiums would be negotiated at the local level and not achieved through new Category I shift premiums. As it is intended to improve contractor competitiveness and flexibility it is recommended FOR adoption.

ORDINARY PROPOSAL # 7 - Re: Change in Category I Shift Language (Submitted by District 9, NECA)

WHEREAS, NECA has a desire to further the interests of its Members within the Electrical Contracting Industry;

WHEREAS, A significant factor in the successful conduct of enterprise by NECA Members involves specifying competitive wages and conditions within the collective bargaining agreement;

WHEREAS, The ability of NECA Members to respond to customer needs and specifications, including flexible work hours, impacts their ability to compete;

WHEREAS, Shift provisions as set forth in Category I Language influence the competitiveness of NECA Members working under the Collective Bargaining Agreement; now, therefore, be it

RESOLVED, That NECA will pursue the adoption of the following Category I shift language:

When so elected by the contractor, multiple shifts of at least five (5) days duration may be worked.

When two (2) or three (3) shifts are worked:

Workmen on the day shift shall receive eight (8) hours pay at the regular hourly rate for eight (8) hours work.

The swing shift shall consist of eight (8) consecutive hours. Workmen on the swing shift shall be paid at the regular hourly rate of pay plus 10% for all hours worked.

The graveyard shift shall consist of eight (8) consecutive hours. Workmen on the graveyard shift shall be paid at the regular hourly rate of pay plus 15% for all hours worked.

A lunch period of thirty minutes shall be allowed on each shift.

The majority of hours worked on any one shift shall determine the shift (either swing shift or graveyard shift).

There shall be no requirement for a day shift when either the second or third shift is worked.

COMMENT FROM NECA HEADQUARTERS

The intent of this proposal is to reduce the current Category I shift premiums. The proposed language, however, raises questions and may lead to unintended interpretations. As an example, paid lunch periods may be inferred. The current alternate Category I shift language addresses the eight hours pay for eight hours worked issue that concerned some owners and contractors under the standard Category I shift language. Lower shift premiums in the alternate Category I shift language would be preferable to the language stated in this proposal. Due to the technical problems with this language, the NECA Executive Committee has offered Ordinary Proposal #8 as a substitute. The recommendation is to vote AGAINST this proposal.

ORDINARY PROPOSAL # 8 - Re: Shift Premiums (Submitted by the NECA Executive Committee)

WHEREAS, Market conditions have changed since the original Category I Shift Language was agreed to in 1978;

WHEREAS, The non-union pay for work performed on shifts at a lower premium level than that required in our agreement, creating a competitive disadvantage for the organized electrical construction industry;

WHEREAS, In recognition of this competitive pressure, the National Maintenance Agreement, among others, contains a more competitive schedule of shift premiums which has been one of the factors for that agreement's success in gaining work for organized electrical contractors and their IBEW employees; now, therefore, be it

RESOLVED, That NECA enter into discussions with the IBEW for the purpose of adjusting the shift premiums called for in the Category I Shift Language to more competitive levels.

COMMENT FROM NECA HEADQUARTERS

Please note the comments to Ordinary Proposal #7. This substitute proposal allows more flexibility in working on language that would achieve lower Category I shift premiums. It is recommended FOR adoption.

ORDINARY PROPOSAL #9 - Re: Category I Referral Language (Submitted by Connecticut Chapter, NECA)

RESOLVED, The National NECA's Labor Relations Department shall be authorized to engage in negotiations with the IBEW to modify Category I language pertaining to the referral of applicants for employment to allow employers to select employees by name from the list of referral applicants and allow employees to solicit work directly from employers.

COMMENT FROM NECA HEADQUARTERS

This proposal increases employer flexibility and it is recommended FOR adoption.

ORDINARY PROPOSAL #10 - Re: Reserve Finance Policy (Submitted by NECA Executive Committee)

WHEREAS, NECA has revised its bylaws including provisions regarding the accumulation of association reserves;

WHEREAS, Section 9.3 (b) of the revised bylaws states that the Executive Committee shall be responsible for financial management, reserve accumulation and investments in accord with policies and directives of the Board of Governors;

WHEREAS, The Board of Governors needs to formally adopt a reserve finance policy providing direction to the Executive Committee, now, therefore, be it

RESOLVED, That the following shall be the NECA Reserve Finance Policy:

NECA Reserve Finance Policy

NECA shall establish and maintain a financial reserve for the purpose of providing stability of association operations and responding to unpredictable problems and opportunities. It shall be a goal to maintain restricted reserve funds equal to the annual operating expenses of the association. The minimum fund shall be equal to at least six months operating expenses and not in excess of two years operating expense. Operating expenses are averaged over a five-year period.

The Executive Committee may utilize up to 7% of the value of the restricted reserve fund for annual operations. The value shall be determined at fiscal year end. To meet short-term cash needs the Executive Committee may transfer additional amounts to the operations account provided such amounts shall be returned to the restricted reserves during the following fiscal year. All other withdrawals from the restricted reserve require prior authorization by the Board of Governors.

The restricted reserve shall be managed by recognized professional investment managers in a formal, diversified plan approved by the Executive Committee and may be invested in traditional vehicles such as stocks, bonds, and cash. The reserve may also be used to finance a permanent building and property for use as association offices.

COMMENT FROM NECA HEADQUARTERS

If the proposal to revise the bylaws is adopted a reserve finance policy is necessary to comply with Section 9.3(b) of the new bylaws. This policy establishes parameters for the Executive Committee in their management of the Association's reserve. With reference to the last sentence of the policy, there are not current plans to purchase an Association office building. It merely allows that option. This proposal is recommended FOR adoption.

ORDINARY PROPOSAL #11 - Re: Reporting of Board of Governors Ballot Results (Submitted by NECA Governance Task Force)

WHEREAS, The NECA Board of Governors has by past policy cast secret ballot votes;

WHEREAS, In order to foster transparency in the governance of NECA the votes cast by each governor should be made public to the members, now, therefore, be it

RESOLVED, That following a meeting of the Board of Governors at which a ballot vote is taken, the Secretary-Treasurer shall make available to each chapter a tally of each ballot vote showing the number of votes and decision cast by each governor.

COMMENT FROM NECA HEADQUARTERS

Under current policies adopted by the Board of Governors ballot votes are secret. Some have suggested that the vote of each governor should be known. The governing documents do not address this issue and allow the governors to determine under which system they wish to operate. The NECA Executive Committee recommends a vote AGAINST this proposal.

ORDINARY PROPOSAL #12 - Re: Inserting article defining NECA Brand into Strategic Plan (Submitted by NECA Marketing Committee)

WHEREAS, The NECA Brand is a direct response to the business development and image priorities of the NECA Strategic Plan and further has implications for the membership and organizational effectiveness priority;

WHEREAS, The NECA Brand describes who we are and how we view our association and will serve as the foundation for future NECA marketing and public relations activities;

WHEREAS, For the NECA Brand to gain widespread acceptance and recognition within NECA and with the diverse customer groups served by NECA members, the brand must be an integral part of the NECA Strategic Plan; now, therefore, be it

RESOLVED, That the following article defining the NECA Brand be inserted into the NECA Strategic Plan following the article titled “NECA’s Envisioned Future” to become a permanent part of the governing documents of the association.

The NECA Brand

Crucial to understanding the NECA Brand is this fact: our ultimate value to customers resides in the confidence they have in us, not the work we do for them. To re-establish dominance in the market, then, we must acknowledge that we are in the Confidence Building Business. So the Essence of the NECA Brand is confidence and its work is supporting professional relationships that are based on that confidence.

There are three key elements of the NECA Brand.

The Persona or Personality. At the core of the NECA Brand is a persona that is highly professional; immersed in the customer’s reality; quick to see solutions; and able to implement them efficiently and well. It is a given that the NECA persona is a master of the industry’s key issues, technologies, and best practices. He is able to see the big picture as well as details of implementation. The NECA persona is confident of the value he brings to each customer. This, in turn, reinforces the customer’s confidence in the NECA Brand.

The Seen elements of the Brand include the NECA logo, the “Think NECA” identifier, a clean uncluttered design as well as words and images that speak to the customer’s reality.

The Unseen elements of the NECA Brand include a relationship-driven focus, a peer-to-peer attitude, a person-to-person approach to delivering messages, and an honest, straightforward tone of voice.

Successful branding requires long-term commitment, consistency and integration. Our discipline for staying the course is simple. In order to be considered “on strategy,” all of our initiatives, communications and tools must successfully pass through a “confidence” filter. The filter is based on key questions that help reveal if, how and how much the activity supports the Brand. While the NECA Brand respects our strong roots in the craft, it is forward-looking and fueled by NECA’s long-term strategic goals and aspirations. It is designed so that all Brand activities ultimately generate increased business opportunities for our members.

COMMENT FROM NECA HEADQUARTERS

The Marketing Committee has spent considerable time and effort in developing a NECA Brand strategy. Appropriately, the NECA Strategic Plan should be revised to reflect this strategy. This proposal is recommended FOR adoption.