

QUESTIONS & ANSWERS
IBEW 4TH DISTRICT REGIONAL AGREEMENTS

1. ***There is no tool list defined in the Regional Agreements. What tools are required of a Construction Electrician or Construction Wireman?***

Answer: The Regional Agreements state: “All provisions of the Inside Collective Bargaining Agreement shall apply unless modified herein.” All workmen shall be required to supply tools as required by the Inside CBA.

2. ***What is the rate of pay for a Foreman when the Employer utilizes his right to call a Foreman by name?***

Answer: There are no wage differentials for a CE or CW referred as a Foreman in the Regional Agreements. A Journeyman Wireman referred to an Employer as a Foreman, under the Foreman Call by Name provisions, from a Local Union under the Inside CBA, shall receive the Foreman rate of pay, as per the Inside CBA.

3. ***What is the pay week and pay day for the Regional Agreements?***

Answer: The Regional Agreements state: “Wages at the established rates specified herein shall be paid weekly in the shop or on the job at or before quitting time on any day, Monday through Friday of each week, and no more than five (5) calendar days pay will be withheld. Alternative payroll procedures, i.e., electronic and/or automatic deposit, may be utilized by the Employer.” An Employer may pay at his regular schedule, provided it does not exceed the aforementioned five (5) calendar days.

4. ***For the purpose of calculating overtime, how is the workweek determined?***

Answer: The workweek is defined in accordance with the site local union’s appropriate collective bargaining agreement, not the employer’s payroll period.

5. ***How are wage rates and benefits for Construction Electricians and Construction Wiremen determined in the Regional Agreements?***

Answer: The base wages are determined as a percentage of the average taxable base wage pay of Journeymen Wiremen rates contained in the Inside CBA of the Local Unions signatory to the respective Regional Agreement. They are to be calculated on December 1st and become effective January 1st each year of the agreement. The health & welfare rate is determined by the appropriate trustees, and NEBF and NEAP are 3% of gross payroll. The site JATC, LMCC/NLMCC and NECA Administrative Fund are all determined based on the average rates contained in the Inside CBA of the Local Unions signatory to the respective Regional Agreement.

6. ***Who is responsible for monitoring hours worked by CWs and CEs to ensure that when they reach the appropriate hours worked threshold that they will advance to the next classification level at the proper time?***

Answer: This should be no different than what is currently done in most jurisdictions to ensure that apprentices are paid correctly when they advance, or in those areas that have threshold levels for JWs, such as probationary JWs, to make sure they are paid correctly. Ideally, local JATCs should be keeping track of CW hours and IBEW Local Unions should be keeping track of CE hours, and those respective organizations are required to contact the employee’s employer when it is time for them to receive an increase in wages. However, it is recognized that in some areas, the IBEW Local Unions are the ones referring both CWs and CEs. In this instance, it is perfectly acceptable for the IBEW

Local Union to be responsible for notifying the employer when a CW or CE has reached hours worked threshold. It is not the responsibility of the employer to provide a wage increase until so notified, in writing or by email, by the home Local Union or JATC, as the case may be.

7. *How will portability work?*

Answer: An Employer signatory to a Regional Agreement will have full portability within all Local Union's counties that are part of the signed Regional Agreement for work covered by the scope of the Regional Agreement. If an Employer is signed to multiple Regional Agreements, they will have full portability within all Local Union's counties that are part of the Regional Agreements for work covered by the scope of the Regional Agreements. Jurisdiction of a Regional Agreement is all the counties contained within the Regional Agreement. Apprentices may be portable pending approval of the home and Site Local Union Apprenticeship Committee, per the National Standards.

8. *How does an Employer become signatory to a Regional Agreement?*

Answer: An Employer wishing to work under the terms of a Regional Agreement must sign a Letter of Assent to the Regional Agreement that covers the area in which the work is to be performed.

9. *Can an Employer hire a Construction Electrician or Construction Wireman on their own without going through the Local Union Hall?*

Answer: No. The Site Local Union shall be the sole and exclusive source of referral of CE applicants and either the Site Local Union or the Site Local JATC shall be the sole and exclusive source of assignment of CW applicants. If an Employer wishes to hire a CW or CE, they should place a request with the Site Local Union or Site Local JATC. The Local Union or JATC has 48 hours to supply the Employer with an applicant, and if unable to do so, the Employer may secure applicants from any source. If such applicants are hired, the Site Local Union and/or JATC shall be notified of the names, recommended classification and social security number of said employee. If an Employer becomes aware of a potential candidate currently working for a nonunion company and wishes to consider that individual for employment, the Employer should contact the Local Union Organizer and work with that Organizer to recruit said individual.

10. *When performing service work under any of the Regional Agreements, is the Employer required to turn in a Start Form for every job?*

Answer: No. The Employer must complete and forward to the Site Local Union and the IBEW 4th District Office a copy of the Start Form for "blanket service work".

11. *What is the proper procedure for an Employer to request a variance on a project they are bidding which exceeds the scope outlined in the Regional Agreement?*

Answer: If a signatory Employer has the opportunity to secure work that exceeds the limitations contained in the scope of the Regional Agreement that could lead to more employment opportunities for the employees covered by this Agreement, a variance may be requested. It shall be the responsibility of the Employer to complete and submit a Variance Request form to the site IBEW Local Union Business Manager, with a copy to the site NECA Chapter Manager having jurisdiction over the project. Copies of the Variance Request should also go to the IBEW 4th District Office and the NECA Eastern Region Office. All Variance Requests shall be submitted in writing utilizing the approved Variance Request form. The Site Local Union Business Manager must grant or deny any such request for a variance, on the provided form, with a copy to the requesting employer and the site NECA Chapter Manager, within 48 hours of receiving such request.

12. Once a variance is granted, who is to be notified of the variance decision?

Answer: The site NECA Chapter Manager is to notify any signatory contractor who has inquired of a variance on said project.

13. What is the procedure for the handling of a dispute and/or grievance?

Answer: If the local parties are unable to affect an amicable settlement or adjustment of any grievance or controversy within ten (10) business days, the local parties shall reduce the grievance to writing and it shall be submitted to the appropriate Regional Agreement Labor-Management Committee for a final and binding decision. The appropriate Regional Agreement Labor-Management Committee shall make every effort to meet within ten (10) calendar days to hear the grievance, but said time period can be extended by mutual agreement of the parties.

14. What reporting is required at the completion of a project?

Answer: No additional reporting is required.

15. What is the proper wage and fringe benefit contribution for “grandfathered” CW/CEs?

Answer: If the parties to a locally negotiated agreement have agreed to “grandfather” CW/CEs that were applicants for employment prior to the implementation of the Regional Agreement, then those individuals would be paid the “grandfathered” wages and fringe benefit contributions for all work performed under the terms of the Regional Agreement in the home Local Union’s jurisdiction. “Grandfathered” employees employed outside the jurisdiction of their home Local Union shall receive the wage and fringe benefit contribution in accordance with the applicable Site Local Union Agreement.

16. Can a contractor utilize any of the Regional Agreements on residential or teledata projects?

Answer: Yes; even though the Regional Agreements refer to the Inside Collective Bargaining Agreement and Inside Journeymen Wiremen and Apprentices throughout the agreements, Residential Wiremen and Teledata Technicians, as well as their corresponding apprentices, can be utilized on those types of projects, as long as the Employer is signatory to the respective site Collective Bargaining Agreement.

17. Are Apprentices required to make up straight time hours lost for attending mandatory classes to satisfy the 40-hour work week requirement?

Answer: No, straight time hours lost by an Apprentice to attend mandatory training shall be calculated as hours worked, for the purposes of determining overtime pay.