

# **JURISDICTIONAL DISPUTES THE DARK SIDE OF UNION CONSTRUCTION**

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## **I. A FEW EXAMPLES.**

- A. Carpenters and Laborers on Job Site Material Handling and Distribution, Scaffolding Erection and Form Work.
- B. Bricklayers and Laborers vs. Ironworkers on Precast Panel Installation.
- C. Operating Engineers and Unrepresented Employees on Material Testing and Job Site Coring.
- D. Operating Engineers and Laborers on Crusher Operations (Groundsmen) (See Attachment).
- E. Ironworkers and Laborers on Rebar and Wire Mesh Placement and Tie Off (See Attachment).
- F. Operating Engineers and Laborers on Operation of Fork Lifts and Bob Cats.
- G. Cement Masons and Bricklayers – A Fight to the Death.

## **II. STRATEGIES FOR ANTICIPATING AND RESPONDING TO JURISDICTIONAL DISPUTES.**

- A. Pre Job Conferences and Minutes.
- B. Document Initial Complaints.
- C. Maintain Initial Assignment.
- D. NLRB 8(b)(4)(D) Charge must Have Evidence of Restraint and Coercion – Getting a “Friendly Threat.”

## **III. UNION STRATEGIES TO AVOID AN NLRB AWARD.**

- A. Prevailing Wage Picketing.
- B. Subcontracting Grievances Against the General Contractor.
- C. Disclaimers – Are They Unconditional?

**IV. STATUS OF THE NATIONAL PLAN FOR RESOLUTION OF JURISDICTIONAL DISPUTES IN THE CONSTRUCTION INDUSTRY – A WORK IN PROGRESS.**

- A. Limited Agreement from Employer Groups.
- B. Skewed Criteria for Decision Making.

**V. THE FUTURE.**

- A. Fewer General Contractors Will Be Self Performing Work.
- B. CM's Declining to Continue Collective Bargaining Agreements.