

# LABORGRAM

ASSOCIATION OF CONTRACTING PLUMBERS OF THE CITY OF NEW YORK, INC.  
44 West 28th Street, 12th Floor, New York, N.Y. 10001 212-481-4580 Fax 212-481-7185 www.acpcny.org

February 27, 2014

TO: ALL MEMBERS AND PROMOTION FUND CONTRIBUTORS

RE: **QUESTIONS CONCERNING THE APPLICATION OF THE COLLECTIVE BARGAINING AGREEMENTS WITH PLUMBERS LOCAL UNION #1**

Dear Member/Contributor:

Certain questions arise concerning the application of the "A" and "MES" Division Collective Bargaining Agreements with Plumbers Local Union #1.

Questions such as --

1. ***What rate should Helpers be paid when working on "A" jobs because no Apprentices are available?***

Helpers working on "A" jobs because no Apprentices are available (see attached Laborgram dated November 27, 2007) --

Wages - 8 hours at their Helper wages for 7 hours work.

Fringes - Helper fringes.

Overtime - double time wages/fringes.

2. ***Does Local #1 have to approve the hiring of new Helpers?***

No "approval" from Local #1 is required to hire a Helper but Local #1 must be notified (see Article I, Section 3 - "MES" Division Collective Bargaining Agreement

"Upon hiring any Journeymen or Helpers an Employer **must notify** the Union which **shall issue** a temporary membership card valid for 60 days. Thereafter, in order to continue employment the Employee must be sponsored by such Employer and shall be accepted as a member of the Local Union." (*emphasis added*)

and attached Laborgram dated September 24, 2012)

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3. ***Who determines the classification level of a Helper and on what basis?***

In order to be moved up in grade a Helper must have actively worked a certain number of hours (For example, a Helper initiated into Local #1 on January 1, 2009 but who did no work in the industry in 2010, 2011, 2012 or 2013, is not a Fifth Year Helper on January 1, 2014). The Association and Local #1 are in discussion on the appropriate number of work hours to qualify a Helper for a grade change.

4. ***Do Local #1 contractors have to pay "A" rates on straight "repair and replacement" jobs in government facilities?***

NO (see attached Laborgram dated September 13, 2011)

5. ***Can a Local #1 contractor pay "MES" rates for straight "repair and replacement" in private buildings if working directly for the owner even though other trades may be Building Trades?***

YES (see attached Memorandum of Understanding)

6. ***What rate should Helpers be paid when they become Apprentices?***

Fringes - Helpers who are at least 2<sup>nd</sup> Term who become Apprentices, receive 2<sup>nd</sup> Term Apprentice fringes (see attached Memorandum from the Trade Education School).

Wages - First Term Apprentice wages but Employers customarily pay them what they were making as Helpers.

7. ***When can I use the alteration ratio for brand new tenant space in a new building?***

See "A" Division Collective Bargaining Agreement, Paragraph 11 - Ratio of Employees.

"On all new construction jobs, the job shall be deemed "new" construction

including "Tenant" work for the purpose of establishing the ratio of

Employees until all base contract fixtures are set and installed or a Temporary

Certificate of Occupancy is issued. (*emphasis added*)

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Please remember to **CALL YOUR ASSOCIATION OFFICE** for the answers to questions regarding the Collective Bargaining Agreements.

Sincerely,

The Executive Board  
of the  
Association of Contracting Plumbers  
of the City of New York, Inc.

## Attachments

cc: John J. Murphy	Business Manager	Plumbers Local Union #1
Donald T. Doherty, Jr.	Financial Secretary-Treasurer	" " " "
Michael Apuzzo	Business Agent-at-Large	" " " "

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November 27, 2007 - 1<sup>ST</sup> PUBLICATION  
 UPDATED AS OF JULY 10, 2013

TO: ALL MEMBERS AND PROMOTION FUND CONTRIBUTORS

RE: MECHANICAL EQUIPMENT & SERVICE ("MES") DIVISION

-----  
**WAGES AND FRINGE RATES FOR HELPERS WORKING ON "A" DIVISION JOBS BECAUSE  
 NO APPRENTICES ARE AVAILABLE**

Gentlemen:

Please be advised that Plumbers Local Union #1 and the Association of Contracting Plumbers of the City of New York, Inc., have agreed to the following wage and fringe benefits when "MES" Division Helpers are authorized to work on "A" Division jobs because no Apprentices are available. (See "A" Division Collective Bargaining Agreement – Paragraph 38)

7 Hour Day

WAGES - Helpers shall be paid an hourly rate that, in total, would equal the same amount as if they worked an 8 hour day.

<u>HELPER CLASSIFICATION</u>	<u>CURRENT WAGE RATE</u>	<u>DAILY RATE</u>	<u>HOURLY RATE FOR HELPER IN LIEU OF APPRENTICE</u>
1ST YEAR 1st Term	\$10.00	x 8 Hours = \$ 80.00	÷ 7 Hours = \$11.43
2nd Term	\$10.00	x 8 Hours = \$ 80.00	÷ 7 Hours = \$11.43
2ND YEAR	\$13.56	x 8 Hours = \$108.48	÷ 7 Hours = \$15.50
THIRD YEAR	\$14.56	x 8 Hours = \$116.48	÷ 7 Hours = \$16.64
FOURTH YEAR	\$16.06	x 8 Hours = \$128.48	÷ 7 Hours = \$18.35
FIFTH YEAR	\$18.06	x 8 Hours = \$144.48	÷ 7 Hours = \$20.64

FRINGES – Helper Fringe Benefits.

OVERTIME - For the 8th hour of work, or on any Saturday, Sunday or Holiday, the overtime rate for Wages and Fringe Benefits will be Double Time (Helper wages and fringe benefits).

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**NOTE: THIS ONLY APPLIES TO HELPERS WORKING ON "A" JOBS BECAUSE NO APPRENTICES ARE AVAILABLE. (i.e. not United Association National Residential Agreement or Target jobs.)**

If you have any questions regarding this matter, please call this office.

Kind regards.

*Stewart O'Brien*

Stewart O'Brien

SO/rs

cc: Andru Coren	President	Association of Contracting Plumbers of the City of New York, Inc.
Ralph J. DeMartino	Vice President	" " "
Thomas Maniuszko	Treasurer	" " "
John M. Botto	Secretary	" " "
Eugene Boccieri	Immediate Past President	" " "
Raymond G. McGuire	Counsel	" " "
John J. Murphy	Business Manager	Plumbers Local Union #1
Walter Saraceni	Administrator	Plumbing Industry Board, Local #1

## LABORGRAM

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~~September 24, 2012~~ UPDATED July 30, 2013  
New material is italicized

TO: ALL MEMBERS AND PROMOTION FUND CONTRIBUTORS

### **“MES” DIVISION - HIRING AND OTHER ISSUES**

Dear Contributor,

Many Employers have recently been contacted by Plumbers Local Union #1 (“Local #1”) regarding **“MES” Hiring, Staffing and Work Practices**. Accordingly, the Association wants to remind Employers of their rights and obligations under the “MES” Division Collective Bargaining Agreement.

Article 1, Section 3 of the “MES” Division Collective Bargaining Agreement states --

**SECTION 3.** Upon hiring any Journeymen or Helpers an Employer **MUST** notify the Union which **SHALL** issue a temporary membership card valid for 60 days. Thereafter, in order to continue employment the Employee must be sponsored by such Employer and **SHALL** be accepted as a member of the Local Union. (*emphasis supplied*)

It is therefore very clear that the final decision making authority of hiring the “MES” workforce lies with the Employer. Local #1 has sought to standardize the hiring process with the implementation of a form. This form is a “Notification Form” from the Employer to Local #1 of the Employer’s decision (see attached). Approval by Local #1 is **not** required. Also be advised that the Helper classification is determined by the rate of pay as indicated on the form. Meaning that if you want someone to be classified as a First Term, First Year Helper, you should indicate \$10.00. Providing the background/experience of the Employee is **not** a requirement except that the United Association Constitution provides that someone cannot be classified as an “MES” Journeyman unless they have five years of experience in the trade.

Employers have also reported that Local #1 has been requesting to meet with their "MES" Members at the shop and on the Employer's time. Employers can, of course, agree to that request. Employers can also help Local #1 advise "MES" Members of the dates of "MES" Union meetings which are scheduled after work. Local #1 can discuss any Union issues with them during those meetings.

*Also be advised that the Hiring/Notification Application Form has been revised with 2 changes (copy of the updated form is attached). The first change is that the form will no longer be accepted if faxed; it **MUST** be emailed back to Local #1. The second change is the addition of a question asking whether the individual has a valid OSHA 10 card. **AS A REMINDER:***

*NEW HELPERS: Upon hiring of a new Helper, the Helper will subsequently be advised by the Union that they must obtain OSHA-10 training in order to be accepted as a Local #1 member (i.e. an Employer may choose to "sponsor" a Helper as a member of Local #1 60 days after initial hiring). The Executive Board of Local #1 will not accept any Helper as a member unless proof is provided by the prospective member that he/she successfully completed an approved OSHA-10 course within the previous four (4) years. In other words a new Helper does not need to have an OSHA-10 card upon hiring but must have the OSHA-10 before acceptance in the Union.*

Please call the Association (212-481-4580) with regard to any questions you may have on this topic.

Sincerely,

Stewart O'Brien

cc: Andru Coren	President	Association of Contracting Plumbers of the City of New York, Inc.
Ralph DeMartino	Vice President	" " "
Thomas Maniuszko	Treasurer	" " "
John M. Botto	Secretary	" " "
Eugene Boccieri	Immediate Past President	" " "
Raymond G. McGuire	Counsel	" " "
John J. Murphy	Business Manager	Plumbers Local Union #1
Richard Garner	Business Agent	" " "



# PLUMBERS LOCAL UNION NO. 1

## SERVICE DIVISION

### HIRING/NOTIFICATION APPLICATION FORM

PLEASE FILL OUT THE FOLLOWING FORM AND  
EMAIL BACK TO [jkim@ualocal1.org](mailto:jkim@ualocal1.org)

PLEASE PRINT CLEARLY

DATE: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

EMPLOYER (COMPANY) NAME:		MASTER PLUMBER'S NAME AND NUMBER:	
STREET ADDRESS:			
CITY:	STATE:	ZIP:	
AUTHORIZED REPRESENTATIVE (PRINT NAME):		AUTHORIZED REPRESENTATIVE (TITLE):	
PHONE:	FAX:		
SIGNATURE OF AUTHORIZED REPRESENTATIVE:	E-MAIL:		

ABOVE NAMED EMPLOYER IS HIRING  SPONSORING  THE FOLLOWING PERSON:

DOES THIS INDIVIDUAL HAVE A VALID OSHA 10 CARD? Y \_\_\_\_\_ N \_\_\_\_\_

IF YES, WHAT IS THE DATE OF ISSUE OF THE CARD? \_\_\_\_\_

NAME:	
S.S. #:	DATE OF BIRTH:
STREET ADDRESS:	
CITY:	STATE: ZIP:
HOME PHONE #:	CELL PHONE #:
<p><b>CLASSIFICATION</b>  <b>TEMPORARY MEMBERSHIP CARD VALID FOR 60 DAYS</b></p> <p>HELPER YEAR 1 TERM 1 <input type="checkbox"/>      HELPER YEAR 3 <input type="checkbox"/>          HELPER YEAR 1 TERM 2 <input type="checkbox"/>      HELPER YEAR 4 <input type="checkbox"/>          HELPER YEAR 2 <input type="checkbox"/>              HELPER YEAR 5 <input type="checkbox"/>          JOURNEYMAN <input type="checkbox"/>              (UA-MS) <input type="checkbox"/></p>	<p>PAST TRADE RELATED EXPERIENCE (IN YEARS) _____</p> <p>IS THIS PERSON CURRENTLY EMPLOYED BY YOU? Y ___ N ___</p> <p>IF YES, DATE OF HIRE _____ / _____ / _____</p> <p>IF YES, AT WHAT WAGE RATE? (HELPERS ONLY) \$ _____ PER HR.</p>

**FOR OFFICE USE ONLY**

SUBMITTED ON: _____	REVIEWED BY: _____	FOLLOWED UP ON: _____
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September 13, 2011

TO: ALL MEMBERS AND PROMOTION FUND CONTRIBUTORS

RE: "MES" DIVISION COLLECTIVE BARGAINING AGREEMENT – RULE 7

Dear Contributor:

Rule 7 of the "MES" Agreement allows the use of "MES" Journeymen and Helpers when performing, among other things, the ***"repair and replacement of the present plumbing systems at commercial sites."***

The Association and Local #1 have signed a Memorandum of Understanding (copy attached) which defines "commercial sites." In effect the "MES" Agreement can be used in government buildings, private schools, and profit making commercial and residential buildings. The "MES" rates **cannot be used** in institutions such as hospitals, colleges, public schools, museums, libraries, etc. Even in these buildings, though, Local #1 contractors can "Target" the job to use "MES" rates if they believe non-signatory contractors will be bidding using the "MES" rates.

Kindly note that Rule 8 of the "MES" Agreement **does not allow** the use of that Agreement on "Building Trades Projects." Given recent developments that now allow general contractors/construction managers to sub to both union and non-union contractors at the same site, it is no longer clear what a "Building Trades Project" means. The Association will be meeting with Local #1 to clarify that phrase.

Should you have any questions regarding this matter, please call this office.

Sincerely,



Stewart O'Brien

SO/rs

cc: Gene Bocchieri

President

Andru Coren  
Nick Covino  
Reed Rickman  
Raymond G. McGuire  
Vinny Aspromonte  
George W. Reilly

Vice President  
Treasurer  
Secretary  
Counsel  
Immediate Past President  
Business Manager

Association of Contracting Plumbers  
of the City of New York, Inc.

" " "  
" " "  
" " "  
" " "  
" " "

Plumbers Local Union #1

## MEMORANDUM OF AGREEMENT AND UNDERSTANDING

This Memorandum shall serve to formalize certain agreements and understandings between the Association of Contracting Plumbers of the City of New York, Inc. and Plumbers Local Union No. 1 of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada made in connection with their Mechanical Equipment and Service Collective Bargaining Agreement (hereafter the "MES Agreement") covering the period October 1, 2009 through September 30, 2013.

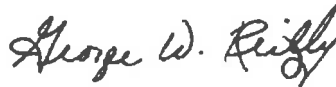
Specifically, the parties want to clarify the Scope of Work covered by the MES Agreement as detailed in Rule 7.

1. Rule 7 – "Commercial Sites" as used in Rule 7 do not include institutions such as hospitals, colleges, universities, public schools, community centers, social service facilities, museums and libraries. Employers may apply to use the MES Agreement at non-commercial sites pursuant to Article 12 of that Agreement (Target).
2. The MES Agreement allows any "service work" as that term has been historically used in the plumbing industry.

For the Association of Contracting Plumbers  
of the City of New York, Inc.

  
Eugene Bocchieri, President

For Plumbers Union Local No. 1

  
George W. Reilly, Business Manager

Date: September 6, 2011

# MEMORANDUM OF AGREEMENT AND UNDERSTANDING

This Memorandum shall serve to formalize certain agreements and understandings between the Association of Contracting Plumbers of the City of New York, Inc. (hereafter the "Association") and Plumbers Local Union No. 1 of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada (hereafter the "Local Union") made in connection with the recently concluded negotiations on their Mechanical Equipment and Service Collective Bargaining Agreement (hereafter the "MES Agreement") covering the period October 1, 2001 through September 30, 2005.

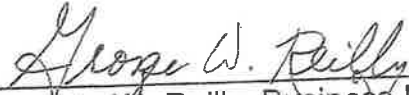
Specifically, the parties want to clarify the Scope of Work covered by the MES Agreement as detailed in the amended Rule 7 and new Rule 8 which are attached hereto.

1. **Rule 7** -- The term "commercial sites", as used in Rule 7, means only those sites that are engaged in "business for profit". Examples of sites that are not commercial sites, include but are not limited to: not for profit institutions, such as hospitals, colleges, universities, schools, community centers, social service facilities, museums, libraries, government facilities, etc.
2. **Rule 7 / Rule 8** -- The MES Agreement allows any "service work" as that term has been historically used in the plumbing industry.
3. **Rule 8** -- The provisions of the MES Agreement do not apply to work, otherwise covered under Rule 7, performed on Building Trade Projects except where the plumbing contractor is contracted directly by the owner/developer. In such cases, the work can be performed under the MES Agreement even if other work at the site is being performed by Building Trades local unions.
4. **Retroactivity** -- The parties acknowledge that the Scope of Work, as defined in Rules 7 and 8, was not agreed to until November 2004 but will cover the MES Agreement for the period beginning October 1, 2001. The parties agree that no Employer shall be held responsible, through any arbitration or other process, for performing work that may be in violation of the new definition of Scope of Work when they performed the work consistent with the previous definition.

For the Association of Contracting Plumbers  
of the City of New York, Inc.

  
Eugene Cardoza, President

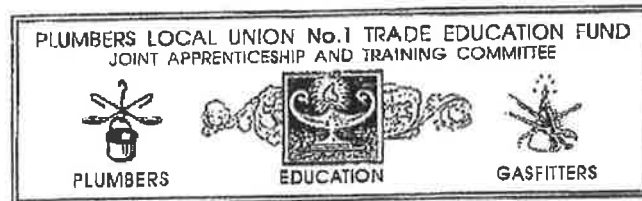
For Plumbers Union Local No. 1

  
George W. Reilly, Business Manager

Date:

JOHN J. MURPHY  
JATC Co-Chair - Labor

Ph. (718) 752 - 9630



VINCENT ASPROMONTE  
JATC Co-Chair - Management

Fax (718) 752 - 9634

UA PLUMBERS LOCAL 1 TRAINING CENTER  
NEW YORK CITY  
37-11 47th Avenue, Long Island City, N.Y. 11101

ARTHUR O. KLOCK JR.  
Director of Trade Education

FOR INFORMATIONAL PURPOSES ONLY

### Service Division Helper

transition to

### Building Trades Division Apprentice

The Bargaining Parties have agreed that if a Service Helper in at least the 2<sup>nd</sup> Term is accepted to the Apprenticeship program, fringe benefits during that apprentice's six month 1<sup>st</sup> grade Apprentice probationary period will be based on the 2<sup>nd</sup> Grade Apprentice rate.

*The intent of this agreement is to prevent Service Helpers who have already established medical coverage from experiencing a break in that coverage.*

*Please be advised that there is no difference in the pay scale between first and second grade apprentice.*

*The relevant difference is in the medical contribution made by the employer to the employee's medical fund.*