

February 9, 2005

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

TO: ALL CONTRIBUTORS

SUBJECT: MECHANICAL EQUIPMENT AND SERVICE DIVISION COLLECTIVE
BARGAINING AGREEMENT

ARTICLE 2, RULES 7 AND 8

Dear Contributor,

Rules 7 and 8 of the Mechanical Equipment and Service Division (MES) Collective Bargaining Agreement describes the work that may be performed under that Agreement. Plumbers Local Union #1 and the Association of Contracting Plumbers of the City of New York, Inc., recently concluded negotiations and have agreed to the following description of work that can be performed under the MES Agreement

- Any repair and/or replacement of the present plumbing system at commercial sites.
- The MES Agreement cannot be used on Building Trade Projects.

If you have any questions, please call the Association Office.

Stewart O'Brien

cc: Gene Cardoza	President	Association of Contracting Plumbers of the City of New York, Inc.
cc: Vincent Aspromonte	Vice President	Association of Contracting Plumbers of the City of New York, Inc.
cc: John M. Botto	Treasurer	Association of Contracting Plumbers of the City of New York, Inc.
cc: Lawrence J. Levive	Secretary	Association of Contracting Plumbers of the City of New York, Inc.
cc: Raymond G. McGuire	Counsel	Association of Contracting Plumbers of the City of New York, Inc.
cc: George W. Reilly	Business Manager	Plumbers Local Union #1

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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.

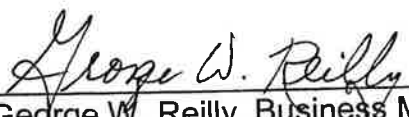
1. **Rule 7** – – The term "commercial sites", as used in Rule 7, means only those sites that are engaged in "business for profit". Examples of sites that are not commercial sites, include but are not limited to: not for profit institutions, such as hospitals, colleges, universities, schools, community 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: