



The Washington Connection

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Are You Reactive or Proactive?

A recent discussion with a local union's business agent regarding work jurisdiction reminded me of the importance we must place on policing our work. Unfortunately, too often that process is either implemented too late or ignored altogether, resulting in our work being awarded to a non-signatory contractor or assigned to another trade. In either case, it is lost work opportunities for our members.

The chances of turning around or successfully chasing after work that has already been awarded and assigned—and especially when the “Plan for the Settlement of Jurisdictional Disputes” is not stipulated—are not in your favor. Even when the “Plan” is in effect, we can be restrained by an arbitrator's subjective decision. The real key to protecting our work is securing it from the onset!

Protecting our work jurisdiction today is more important than any time in the history our organization. There is heavy competition for the “union work” that is available, as that market continues to shrink in the ever increasing open-shop marketplace. Add to that the fact that the construction economy has not fully recovered from the 2008 recession, and you can understand why there has been a significant increase in jurisdictional disputes among the trades over the past few years.

Although the forecast for the construction industry is starting to trend upwards, we cannot always depend upon outside factors, such as a prosperous economy, to determine our sustainability. We need to be proactive rather than reactive

and focus our goals on maintaining our market share in down times, while significantly increasing it during periods of growth. Securing and policing work for our members should be a daily function of each of our local unions and should include the following fundamentals:

- › First and foremost, you must be knowledgeable about all potential work in your jurisdiction. Every local should have access to construction reports, such as Reed or Dodge. If you cannot afford them, talk to your local building trades council. They may have the means to share access to information on all the potential projects in your jurisdiction.
- › Actively visit the projects in your jurisdiction, particularly new construction projects in the beginning phase. Build relationships with the general contractor's jobsite superintendent; in most cases, it will pay off down the road.
- › Attend and be active in your local Building and Construction Trades Council, and build relationships with the other craft representatives. They can serve as an extra set of “eyes on the streets,” and you can do the same for them. In addition, support and promote PLAs, NMAs and other special agreements that are approved by the council that will provide work opportunities.
- › Attend all pre-bid and pre-job meetings. By attending pre-bid meetings, you can determine who is contemplating bidding the work and plan accordingly. Pre-job meetings are essential because typically work is assigned to particular crafts and contractors at this stage. This is where we want our initial objection heard if the work is assigned improperly, not after the project is in progress.
- › Do not hesitate to contact general contractors or an owner way in advance of work being awarded. Show them that you are aware of and have a serious interest in

the project, no matter how large or small the project. In addition, market your local and your apprenticeship and safety training programs to every potential end-user possible.

- › Communicate with your signatory contractors about upcoming or potential projects. Discuss with them potential manpower needs. We cannot increase market share without their cooperation.
- › Keep a yearly record of the projects your contractors have completed. Organize it by type of roof/waterproofing, size, etc., and important details that may be relevant in a potential jurisdictional dispute. One of the most important criteria in the jurisdictional dispute process is providing evidence that your members (both historically and currently) perform the work in question. Having this information readily available will eliminate a lot of last minute frustrations if a dispute is being arbitrated.

As I referenced earlier, the past four years have had a significant impact on our members, contractors and the entire union. Our overall work hours are down, along with membership numbers. Our ability to rebound from this recessionary period and achieve significant growth in the future will not be realized without an aggressive attitude towards protecting and securing our work from the non-union or another trade in a jurisdictional dispute. In either case, in order for us to be successful we need to be extremely proactive and create work opportunities.

For those locals unions that proactively police and protect their work jurisdiction, I thank you for the hard work and efforts. However, to achieve significant growth in the years to come, we will need that same intense effort from each and every local. ■