

DECISION OF THE UMFIRE

PROTEST OF FINAL WORK ASSIGNMENT
RESILIENT FLOORING CARPETS

NOVA-SCLAIR ADMINISTRATION WORK ASSIGNMENT
JOFFRE SITE, ALBERTA

CONTRACTOR BIRD CONSTRUCTION COMPANY

Disputing Trades

International Brotherhood of Painters & Allied Trades, Local Union 177. Edmonton

United Brotherhood of Carpenters and Joiners of America, Local 2103 Calgary and
Local 1325 Edmonton

**Protest of Work Assignment - Resilient Flooring and Carpets
Nova Joffre – Sclair Administration Building**

Description of the Work

The description of the disputed work was provided by Bird Construction in a letter to the JAPlan Administrator dated September 29, 1998,

1. Resilient Flooring and Carpet – The offices and conference room are covered with direct glue down carpet. The remaining areas are either unfinished or covered with welded seamed vinyl sheet flooring.

Nature of the Protest

The work assignment by Bird Construction of carpet, soft-floor, tile and resilient flooring, to Carpenters Local 2103 June 25, 1998.

The above assignment is objected to by the Painters and Allied Trades Local 177.

The Painters request a decision from the Umpire regarding resilient flooring and carpets.

Authority

The authority of the Umpire is based on the Jurisdictional Assignment Plan of the Alberta Construction Industry, the request and documentation submitted by the Painters and the response submitted by the Carpenters.

Painters submission

The Painters did not further describe the nature of their protest but went straight to evidence to make their case. Their protest also mentioned Tile but the mark-up sheet does not show that they claimed the work nor was any evidence submitted in support of this claim therefore tile work does form part of this consideration.

Carpenters Submission

The Carpenters position is that the contractor made proper assignments of the work.

Painters Evidence

The Painters submitted several pages from the Jurisdictional Handbook containing Agreements and Memoranda of Understanding.

Of the eight decisions noted assigning various types of resilient flooring and carpet to the painters, six were job specific ie. the decision was effective on that particular job only. Of the two decisions that were not job specific one is of particular interest because it involved an Alberta project and assigned carpeting to the Painters. The Decision of Record dated July 6, 1942 influenced many of the decisions on soft floor, and dealt with Asphalt and Rubber Tile, Roll and Sheet Linoleum. In this the work in Kansas City and

west was assigned to the Painters. and the work east of Kansas City was assigned to the Carpenters.

Carpenters Evidence

The Carpenters submitted a series of decisions from the Jurisdictional Disputes Board.

The six decisions dealt with various types of flooring including; wood parquet, resilient Flooring and carpeting, all of which were assigned to the carpenters. All the decisions were job specific. The wood parquet and stretch-wood tile flooring was assigned to the carpenters on the basis of trade practice, or because the Decision of Record dated July 6, 1942 did not apply. The resilient flooring and carpeting on located east of Kansas City was also assigned to the carpenters. There were no carpeting or resilient flooring jobs assigned to the carpenters on projects west of Kansas City.

Other Rulings

A 1995 decision by the Alberta Labour Relations Board dealing, with bargaining, rights was part of the carpenters evidence. This decision dealt with its representation of drywall tapers and had no application to this dispute.

Summary

In all but two cases the Decisions of Record submitted by the parties were job specific and effective only on one particular job. In the other two cases one in California and one in Alberta, the made on the basis of the July 6, 1942. Decision of Record, assigning resilient flooring work in Kansas City and west to the Painters. These two decisions carry more weight because the Board intended they apply generally.

All decisions either followed the July 6, 1942 Decision of Record or noted that the decision did not apply to the type of flooring in dispute. Resilient flooring however is covered by the decision.

It also should be mentioned that .the Alberta decision involved. dispute over carpeting specifically. The Board assigned this work to the Painters on the basis of the July 6, 1942 Decision of Record.

Ruling

In view of the resilient flooring and carpeting shall be assigned to the Painters.

G.R.Beatson Umpire
JAPlan / Alberta Construction, Industry