

JURISDICTIONAL ASSIGNMENT PLAN
of the
ALBERTA CONSTRUCTION INDUSTRY
(J.A. Plan)

DECISION OF THE UMPIRE – File #9911

Review of Contractor's Intended Work Assignment
Filter Installation Filterhouse

PROJECT

TransAlta Energy Suncor Facility
Fort McMurray, Alberta

CONTRACTOR
Fluor Constructors
Calgary, AB

PROTESTING PARTY

International Brotherhood of Boilermakers
Iron Ship Builders, Blacksmiths, Forgers & Helpers
Lodge 146
Edmonton, AB
(Boilermakers)

RESPONDENTS

Millwrights, Machinery Erectors & Maintenance Union
Local #1460
Edmonton, AB
(Millwrights)

and

Fluor Constructors Canada Ltd.
(Fluor)

Decision Published
September 21, 1999

1. NATURE OF THE PROTEST

Boilermakers, the protesting party, have stated:

“A brief description of the work to be completed on the above noted job is for the installation of filters inside a Filterhouse.

*The Boilermakers primary basis of protest, but not to form the entire basis of protest would be the **Boilermakers/Millwrights agreement dated October 6, 1964, Article (2) (a).**”*

2. AUTHORITY

The authority of the Umpire is based on the Jurisdictional Assignment Plan of the Alberta Construction Industry, the Application submission by Boilermakers and responses submitted by Millwrights and Fluor.

3. J.A. PLAN, PROCEDURAL RULES

Article IV: Contractor's Responsibility (in part)

Item IV 5(a) states:

"5. The intended work assignment by the Contractor shall be made on the following basis:

- (a) Where a Decision of Record applies to the disputed work, or where an Agreement of Record between the disputing trades applies to the disputed work, the Contractor shall assign the work in accordance with such Agreement or Decision of Record. Where a local trade agreement between two unions has been filed with the Umpire, the Contractor shall assign the work in accordance with such trade agreement providing such trade agreement does not affect another trade."*

Article V: Union's Responsibility (in part)

Item V 4 states:

"4. A Union may file with the Umpire through the Administrator a protest against the indented work assignment of a Contractor on a particular project. Such protest of assignment shall indicate the project, the disputing trades, those trades and parties affected by the dispute, an account of leading to the work assignment, and a full and detailed description of the work in dispute. The Union shall also indicate the basis of its protest of the assignment by the contractor. The Union shall cite any Decision or Agreement of Record on which its protest is based. When no Decisions or Agreements of Record are applicable, the Union shall cite the basis for its protest of assignment. Any Union may also notify the Umpire through the Administrator of a work stoppage engaged in by another Union. Prior to filing a protest, the Union shall advise the Contractor and the Union in possession of the disputed work of its claim for the dispute work and seek to settle the same. (amended by "Plan Amendments No. 2", (02/12/97)."

4. SUBMISSIONS

I have received (from J.A. Plan Administrator Portlock) and reviewed all documentation submitted by the Boilermakers, Millwrights and Fluor.

Both the Boilermakers and the Millwrights submitted their documentation in binders very well presented. The Millwrights binder contained Fluor’s submission.

4.1 Boilermakers

- Further described the nature of their project as required in the J.A. Plan Procedural Rules, Article V, Item 4 by submitting their eleven page letter of September 03, 1999 plus fifteen (15) exhibits.

4.2 Millwrights

In their August 31, 1999 letter stated their position that Fluor made the correct award. Their submission contained seven separate exhibits by documentation, all of which was accepted as Evidence and will be elaborated on in the following section.

4.3 Fluor

Their September 08, 1999 letter provided support documentation.

All documentation submitted by the Boilermakers, Millwrights and Fluor was accepted as Evidence.

Disposition of Submissions

All documentation has been returned to the J.A. Plan Administrator.

4.4 Additional Information

On Monday, September 20, 1999 after I had made my decision and was finalizing its documentation the J.A. Plan Administrator Portlock advised:

- In his August 31, 1999 fax transmission he inadvertently notified the Ironworkers Local #720 (IW) of the Boilermakers Application for Review of Contractors Intended Work Assignment.
- The IW responded with a submission.
- He contacted the IW and referred to the Boilermakers submission where the IW was not named as an affected trade.
- He did not circulate the IW submission

Exhibit 13 of the Boilermakers' submission contains a copy of the July 28, 1999 IW and Boilermakers Agreement which is abundantly clear and states

1. The Ironworker shall erect the structural steel supports.
2. The Boilermakers shall erect the filter house, base and filter.

The above settlement is made without prejudice to either International's claim for future work of this nature.

This settlement shall be in effect for this job only."

This Agreement:

- Follows Canadian Plan Arbitrator David H. Fagan's June 30, 1999 Decision. Reference J.A. Plan files #9906 (review) and #9907 (reconsideration)

EVIDENCE

5. REVIEW OF SUBMISSIONS

5.1 Boilermakers

- August 31, 1999 fax cover page from J.A. Plan Administrator Portlock requesting submission for JA Plan file #9911.
- August 27, 1999 handwritten J.A. Plan Application for Review of Contractor's Intended Work Assignment. Affected trades:
 - Millwrights Local 1460
 - Boilermakers Lodge 146.
- August 27, 1999 letter (2 pages) to J.A. Plan Administrator Portlock from Boilermakers outlining their position on the installation of filters inside a filter house.

Comment – stated “their primary basis of protest, but not to form the entire basis of protest would be the Boilermakers/Millwrights Agreement dated October 6, 1964, Article (2)(a)”.

- Copy of October 6, 1964 Agreement (4 pages) between the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers and the United Brotherhood of Carpenters and Joiners of America.

Comment – by September 17, 1999 fax to Millwrights states “this is to confirm the various agreements sent to the Umpire, including the M/W –B/M Agreement dated

October 6, 1964, are International agreements that the Millwrights L.U. 1460 is bound to honour.

- September 3, 1999 letter (11 pages) to J.A. Plan Administrator Portlock from Boilermakers outlining their position on the installation of non-mechanical filters at the Ft. McMurray project.

Comment – letter states:-

- *Priority consideration be given to J.A. Plan article VI item (i) over other factors such as past assignment, or areas of practice.*
- *The use and function of non mechanical filters*
- *They are installing the filter house as well as the inlet air duct to the gas turbine.*
- *They have no dispute with any craft over the installation of the gas turbine itself or any other mechanical equipment on this project.*
- *Then explains the fifteen exhibits.*

Exhibits

- .1 3 drawings of #12 – Filter House

Comment –Letter states – “contains a sketch and general arrangement drawings and identifies the location of the non-mechanical filters contained within the filter house. Also identified on one of these drawings is an expanded view of the filter cartridge installation. The filter cartridge is shown as a two-piece assembly where a cylindrical filter cartridge slides onto a conical shaped filter cartridge. Both cartridges attach to a mandrel frame which is permanently attached to the tube sheet, installed by the Boilermakers, in the filter section of the filter house. There are a total of 360 filter cartridge assemblies to be installed into this filter house nowhere on these drawings is there any reference to mechanical moving parts where the filter house or these filter assemblies are concerned. These two-piece cartridge type filters are part of the non-mechanical air filtration system”.

Note: the Millwrights have not disputed this statement.

- .2 July 12, 1999 letter from Fluor Constructors to JA Plan concerning JA Plan #9909 outlining installation procedures for Gas Turbine Intake Systems for ABB Project, Suncor (16 pages).

Comment - The descriptive information contains: very detailed information on the equipment functions and design

- *the self-cleaning system; filter cartridges; installation instruction – step 16 refers to installing filter elements including the torque required for the nuts.*

- .3 Boilermakers International July 19, 1999 fax transmission from Mark Krajewski, Projects Manager Airguard Gas Turbine Systems to Dale Branscum II regarding Pulse-Guard Intake Air Filter House.

Comment – appears the original To & From in this letter were correct and should not have been reversed by handwritten From & To.

- technical information on equipment function.

- .4 Copy of October 6, 1964 Agreement between the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers and the United Brotherhood of Carpenters and Joiners of America.

Comment – Article Two – Dust Collectors

(a) Dust collection bags or containers which are not operated mechanically shall be installed by the Boilermakers.

(b) Dust collection bags or containers which are operated mechanically shall be installed by the Millwrights.

- .5 August 6, 1973 letter from Henry Harden Boilermakers to Lucky Johnson, Special Assistant to International President, Kansas City concerning dispute between Boilermakers and Millwrights over installation of inlet air duct, plenum, exhaust duct or stacks, gas turbine peaking units at Southern California Edison Company.

Comment – Letter states “is a settlement of a dispute between Boilermakers and Millwrights agreeing the installation of the inlet air duct which includes the filters shall be the work of the Boilermakers”.

- .6 November 17, 1970 letter from Jeff Johnson IBB #146 to Lucky Johnson, Special Assistant to International President, Kansas City concerning dispute between Boilermakers and Millwrights over installation of filters in Houston Texas notifying him of assigning the work to Boilermakers.

- .7 Excerpt (1 page) from Minutes of Boilermakers-Millwrights Joint Committee Meeting – February 14-16, 1973 – knocked down dust collector-Fizr Inc. Project, Emeryville, California.

Comment – one dispute covered by October 06, 1964 Agreement, article 2(a) & (b).

- .8 Excerpt from Minutes of Boilermakers-Millwrights Joint Committee Meeting, Winnipeg, Canada – August 9, 1960 re dust collectors and hydro pulpers and similar equipment.

*Comment****Dust Collectors***

- (a) *The shell, framework and supports shall be the work of Boilermakers. Dust collecting equipment, bags, container etc; which attach to work installed by Boilermakers shall be the work of Boilermakers.*
- (b) *Completely assembled dust collectors shall be handled and placed on foundations by Boilermakers.*
- (c) *Assembly and installation of mechanical equipment shall be the work of the Millwrights. Dust collecting equipment, bags, containers, etc; which attach to the mechanical parts installed by Millwrights shall be the work of the Millwrights.*

- .9 Textbook excerpt giving definition of “digestor”, “pulp” “Pulper” and “pulping”.
- .10 TEC Balance of Equipment – Phase 1- Advanced Equipment Chart.

Comment – Filter House with canisters assigned to Boilermakers.

- .11 August 31, 1999 letter from R.P. Carter, Industrial Relations & Safety, Fluor Constructors International Inc. to Dale Branscum IBB, Kansas City stating their position on Umpire Beatson’s decision.

Comment – This letter refers to

- *A number of gas turbine plants performed by Flour in the United States where the assignments were consistent with the Boilermakers installing both the filter houses and internal filters.*
 - *Previous J.A. Plan decision on this matter which upheld the assignment of the filter house to the Ironworkers and the filters to the Millwrights.*
 - *Subsequent Ironworkers and Boilermakers reached an agreement on the installation of the filter house on this project.*
 - *Millwrights would not defer to the Boilermakers.*
- .12 June 30, 1999 fax transmission to (3 pages) Ron Galey, Spantec and James Phair, International Association of Ironworkers attaching June 30, 1999 letter of Arbitrator Fagan (3 pages).

Comment – In his June 30, 1999 Decision, Arbitrator David H. Fagan, Canadian Plan for the Settlement of Jurisdictional Disputes in the Construction Industry in considering the review of J.A. Plan file #9906 Decision found that the intake air filter house, related ducting, air dampers and the power rigging of the filters should be assigned to the Boilermakers based on two (2) Agreements of Record and the Hart Decision.

- .13 August 3, 1999 fax transmission to Fluor Constructors, Intern. Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers and James Phair from Phil Benson, Administrator stating decision on work assignments for the installation of structural steel supports (Ironworkers) and filter house, base and filter (Boilermakers).

August 3, 1999 letter from Richard Albright IBB International Vice-President to John Rowe, Dean Milton, Cory Channon and James Johnson concerning offer of settlement in relation to the jurisdictional dispute.

August 3, 1999 letter from Richard Albright, IBB International Vice-President to James Phair detailing work assignments.

July 28, 1999 letter from James Phair to Rick Albright including Addendum A for filter house dispute.

Addendum A is July 28, 1999 Agreement between the IW and Boilermakers agreeing on this project.

1. IW shall erect the structural steel supports.
2. Boilermakers shall erect the filter house, base and filter.

Comment – with this agreement the Boilermakers withdraw their request to the Canadian Plan for an appeal of the July 20, 1999 J.A. Plan decision.

- .14 April 7, 1994 letter from Phil Benson to James Phair, Intern. Assoc. of Bridge, Structural and Ornamental Iron Works Charles w. Jones, and Intern. Brotherhood of Boilermakers and Michael Necula, PCL Industrial Contractors attaching Arbitrator Hart's March 29, 1994 Opinion and Decision in the jurisdictional dispute over the installation at Foothills Pipe Line Compressor station, Monchy, SK. (4 pages).

Comment – Arbitrator's decision assigned the installation of the plenum (including filters) ducting and stack to the Int. Brotherhood of Boilermakers.

- .15 24 letters outlining awarding work assignments.

Comment – letter states:

“is information regarding final work assignments where a vast number of multi-craft contractors throughout North America have assigned the installation of filters and filter houses to the Boilermakers. This information references over 60 separate gas turbine installations. This evidence clearly demonstrates the Boilermakers predominance in performing the installation of filters associated with gas turbines throughout the industry.”

The greater number of these assignments apply to United State's projects, a few Canadian projects are referenced.

5.2 MILLWRIGHTS

- Millwrights letters of:
 - August 31, 1999 stated “Flour made the correct award of Filter Installation to Millwrights. Millwrights have history of installing filters on numerous Gas Turbine Powered Compressor Stations in Alberta and Western Canada”
Their submission was supported by additional documentation labeled Intake Filters/Cannisters was divided into Sections A to G inclusive.
 - September 02, 1999 provides a detailed description of the process of providing clean combustion air to various styles of engines (drivers).
 - Refers to the Millwrights/IW Agreement dated May 01, 1971 (Tab C) that covers rigging of machinery and equipment including the installation of gas turbines and their components.

Comment – not applicable to this dispute under J.A. Plan Procedural Rules reference Article II DEFINITIONS “Agreement between Unions” ..., they do not affect the claims or rights of work jurisdiction of Unions not party to the Agreement.

- Tab A • Agreement between the United Brotherhood of Carpenters and Joiners of America and the United Association of the Plumbing and Pipe fitting Industry of the United States and Canada (Pumps and Compressors) - October 06, 1964.

Comment – not applicable to this dispute under J.A. Plan Procedural Rules reference Article II DEFINITIONS “Agreement between Unions” ..., they do not affect the claims or rights of work jurisdiction of Unions not party to the Agreement.

- Tab B • A.D. Ross & company Limited May 29, 1972 letter to Edmonton UA re Alberta Gas Trunk Line Company Limited Bens Lake compressor station assigning free air and exhaust system.... to the Millwrights Local 1460
- Cana Industrial Contractors Ltd. August 14, 1975 letter to Millwrights 1460 re Dispute over Ducting and Silencer installation at City Powerhouse, Clover Bar assigning the installation of and silencer to Millwrights Local 1460.
 - Nicholls Radtke & Associates Limited October 23, 1981 letter to whom it may concern re Awards for Compressor Stations at Raymore and North Bay assigning the Intake Plenum installation and Align under the UA-MW Agreement.

Comment – not applicable to this dispute under J.A. Plan Procedural Rules reference Article II DEFINITIONS “Agreement between Unions” ..., they do not affect the claims or rights of work jurisdiction of Unions not party to the Agreement.

- Tab C • Agreement between United Brotherhood of Carpenters and Joiners of America and the International Association of Bridge, Structural and Ornamental Iron Workers –May 01, 1971.

Comment – not applicable to this dispute under J.A. Plan Procedural Rules reference Article II DEFINITIONS “Agreement between Unions” ..., they do not affect the claims or rights of work jurisdiction of Unions not party to the Agreement.

- Tab D • PCL Industrial Constructors Inc., May 31, 1993 letter to ??(not addressed) re Praxair Canada Inc., Prentiss 11 Air Separation Plant, Prentiss, Alberta containing final jurisdictional and equipment work assignments awarding the air suction filter house to UP-Piping; SM/BM Agreement – Intake ducting and the “Disassembled” to MW/IW Agreement (Mechanical).

- Comstock Canada Ltd. July 26, 1999 facsimile transmission attention Gary Caroline re duct work at sixteen (16) TCPL stations from 1981 to 1998 plus a six (6) additional stations from 1980 to 1987 on Comstock’s past practice on duct work at TCPL assigning the intake ducts including manifold support steel filter house to Ironworker- Millwrights Composite crew.

Comment – no specific mention of filters.

- Nicholls Radtke December 08, 1989 letter to IW L.U. 700 re Sombra/Bickford Pool Compressor and Metering Station advising past practice of assigning and intake and exhaust to a composite crew of equal members of IW, MW and UA.
- Nicholls Radtake July 04, 1988 final award re Union gas Dawn Compressor Station in the areas for the compressor main skid and inlet and exhaust to equal number of UA/MW/IW.
- Interpro Contractors Ltd. March 19, 1982 letter to IW Local 771 re Compressor station C392-01, Piapot, Saskatchewan Air Intake Structures assigned the installation of the Air Intake Structures, Intake silencer and Air Filter as per the IW/MW Agreement.

- Nicholls Radtake November 08, 1999 letter to IW Local 759 re Nipigon Power Project assigning Air Intake Filter House to IW/MW/??

Comment – can not distinguish third party, letter barely legible

- Delta Catalytic June 17, 1993 letter to IW Local 97 re Main Gas Turbine Unit, Crowsnest Compressor station assigning installation of the, intake to IW/MW.

- Declarations by Arthur M. Mills of Gibbons, AB, Victor Fluter, (May 1/72), Edgar Allen (April 27/72) and Sam Yarrow (April 15/70) all of Edmonton, AB concerning installation of air intake and exhaust systems.

Comment – no mention of filters.

As a general comment to Tab D much of the material submitted is not applicable to this dispute under J.A. Plan Procedural Rules reference Article II DEFINITIONS "Agreement between Unions" ..., they do not affect the claims or rights of work jurisdiction of Unions not party to the Agreement.

- Tab E
- Agreement between the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers and the United Brotherhood of Carpenters and Joiners of America covering the United States and Canada –October 06, 1964.

Comment – ARTICLE TWO – Dust Collectors is highlighted.

See comments noted in Boilermakers evidence.

(a) refers to disassembled dust collectors being the work of the Boilermakers as is dust collecting bags or containers which are not operated mechanically.

(b) refers to assembly and installation of mechanical equipment in connection with dust collectors being the work of Millwrights as is dust collecting gabs or containers operated mechanically.

Exhibit 4 of the Boilermakers submission is the same Agreement.

The Millwrights submission is silent on the Boilermakers claim “these non-mechanical filter cartridges are of a sufficient relationship to the dust collection bags or containers to establish proper jurisdiction, which is to the Boilermakers”.

- Tab F
- APPRENTICESHIP TRAINING – Millwrights Program – Alberta Career Development and Employment, Apprenticeship and Trade Certification.

Highlighted in this Millwrights Program is:

A. Industrial/Stationary Engines

13. Explain purpose of various types of filters and maintenance procedures

4. Engine servicing and preventative maintenance (a) filters – (i) air overhaul of stationary/Industrial Engines Gas and steam Turbines

B. Gas and steam turbines

5. Gas Turbines

8. maintenance servicing (c) filters.

Also submitted was the bound manual for this program.

Assignments made for this project only.

Comment – It does not follow that this course content establishes jurisdiction.

- Tab G
- March 4, 1999 letter Spantec Constructors Ltd. Concerning Nova Chemical, Joffre Co-Gen Project – Field Work Assignment, Intake Filter House.

Comment – Assignment 1. erection of support steel, framing, ducting, filter house sections, etc – Ironworkers.

Assignment 2. Installation of filters – IW power rig, Millwrights install.

- August 31, 1999 covering letter outlining Millwrights position on award of filter installation.
- September 11, 1999 stating position and outlining recent contracts awarded.
- Three letters concerning other disputes and their awards.
- March 22, 1999 letter from Millwrights to Spantec Constructors outlining their position on awarding of work assignment.

Comment – agreeing that work of the filter house falls under the terms and conditions of the Millwrights-Ironworkers Agreement.

- March 31, 1999 – Spantec Constructors – Intake Air Filter House, Duct & Expansion Joint, Nova Co-Gen Project – minutes of meeting held March 17, 1999 meeting outlining their position on work assignments for installation of power rig and aligning and connecting actuator arms. Reference made to the installation of Air Intakes and Filters with the Ironworker in Canada having 14 Awards by 11 Contractors whereas the Boilermakers in Canada have 8 Awards by 4 Contractors.

Comments – Addendum A (Exhibit 14 of the Boilermakers submission) by July 28, 1999 agreement on the Filter House and Filter, transAlta Energy Suncor facility, fort McMurray, Alberta the IW and Boilermakers agree to the following for this job only.

1. *The Ironworkers shall erect the structural steel supports.*
2. *The Boilermakers shall erect the filter house, base and filter.*

- March 4, 1999 letter from Spantec Constructors Ltd. Concerning Nova Chemical, Joffre Co-Gen Project – Field Work Assignment, Intake Filter House c/w filters etc.

Comment - second copy - identical to first.

- Also submitted was:
 - four (4) page agreement J.A. Plan Procedural Rules reference Article II Definitions “Agreement between Unions” (Tab A)
 - twelve (12) page agreement J.A. Plan Procedural Rules reference Article II Definitions “Agreement between Unions” (Tab C)
- -seventy-seven (77) page complete Millwrights Apprenticeship Training Pr

5.3 FLUOR

September 08, 1999 letter to J.A. Plan Administrator Portlock attaching information on the work which consists of the installation of filter elements in the filter house and advising the filters are cleaned using pulse air.

Attached information included:

- Higgott-Kane Installation Instruction (one page) for gas Turbine Intake system for ABB Project – Suncor.
- Fourteen (14) page document entitled

PRELIMINARY
Book 1 – Operation Manual
Book 2 – Maintenance Manual
Book 3 – Parts Catalog
Book 4 – Appendix
For
Pulse-Guard
Self-cleaning
Intake Air Filtration System
Job:
Transalta/Suncor
Location: Alberta, Canada
H.K. PO# 9022-PG-002
Airguard Control No. C954017
Prepared for:
ABB Power Generation Ltd.
Baden, Switzerland
&
Higgot-Kane Industrial Noise Controls Ltd.
Cambridge, Ontario, Canada
Prepared by:
AIRGUARD
Gas Turbine Systems
P.O. Box 32758
Louisville, Kentucky, USA, 40232
Revision: F
Issued: March, 99

ABB Power Generation/Transalta/Suncor
Preliminary Air Intake Filter Operations Manual, Maintenance Manual & Parts Catalog.

Comment – this Air Intake Filter Operations Manual, Maintenance Manual & Parts Catalog provided a very detailed description of the work in question and explained in detail the Pulse-Guard filter and its' operation.

6. J.A. PLAN ARTICLE II: DEFINITIONS:

Defines:

"Agreements between Unions" - There are various types of Agreements - Agreements of Record and other National, Provincial and Local Agreements. These Agreements are not binding on other crafts not signatory to the Agreements and, insofar as the Canadian Plan is concerned, they do not affect the claims or rights of work jurisdiction of Unions not party to the Agreement.

"Agreements of Record" - are those Agreements between Building Trades Unions which have been recorded with the Canadian Plan and are binding on the signatory Unions. These are the only Agreements contained in the "Green Book". Agreements of Record are applicable only to the parties signatory to such agreements.

"Decision of Record" – Decisions of Record are those which appear in the publication commonly referred to as the "Green Book" published and approved by the Building and Construction Trades Department, AFLCIO (current issue) and are international or national in scope. They are applicable to all trades even though a dispute which resulted in a Decision of Record may originally have involved only two trades.

They are not to be confused with job decisions rendered by the Canadian Plan which apply only to the SPECIFIC JOBS and crafts named in the job decisions. However, the Canadian Plan is required to give due consideration to Decisions of Record in arriving at job decisions.

Decisions of Record in the "Green Book" do not appear in chronological order and are always referred to by dates.

7. J.A. PLAN ARTICLE VI: PROCEDURES TO BE USED BY THE UMPIRE

In making my decision I have followed this procedure.

8. FINDINGS

From the Evidence submitted I find:

- There is an applicable Agreement of Record dated October 6, 1964 between the Boilermakers and the Millwrights that clearly states among other items that non-mechanical operated dust collecting bags or containers shall be installed by the Boilermakers.
- The filters on this job are not mechanically operated.
- A large number of previous awards to the Millwrights were based on the IW/Millwrights Agreement, which is not applicable to this job.

- The IW/Boilermakers July 28, 1999 Agreement was made as the result of Canadian Plan Arbitrator Fagan's June 30, 1999 Decision assigning the work to the Boilermakers.
- J.A. Plan Administrator in not making available the IW submission did not abuse the principle of "natural justice". The IW/Boilermakers July 28, 1999 Agreement is abundantly clear. The parties agreed to the Boilermakers erecting the filter house, base and filter

9. THE RULING

I award this work to the Boilermakers.

The umpire costs are to be paid equally by the Millwrights and the Boilermakers.

W.A. Weir, Umpire
J.A. Plan/Alberta Construction Industry
September 21, 1999