

**PROCEDURAL RULES GOVERNING THE
JOINT LABOR MANAGEMENT GRIEVANCE COMMITTEE (JLMGC)
OF THE ASSOCIATED MAINTENANCE CONTRACTORS (AMC)
AND THE
GENERAL PRESIDENTS' COMMITTEE (GPC)
FOR THE
GENERAL PRESIDENTS' PROJECT MAINTENANCE AGREEMENT (GPPMA)**

Introduction

The grievance procedure set forth in Article VII of the General Presidents' Project Maintenance Agreement (GPPMA) is designed to encourage the prompt resolution of disputes, other than jurisdictional dispute, that may arise during the course of a project. The Joint Labor/Management Grievance and Interpretations Committee has adopted the following procedural rules to facilitate the processing of grievances in accordance with Article VII.

Proper and Timely Submission of Grievances

In order for a grievance to be considered by the JLMGC, the parties must comply with the procedures set forth in Article VII of the GPPMA. All grievances must be filed within five (5) working days after the alleged violation was committed. Grievances shall be appealed to the next highest step within ten (10) working days after the meeting in the lower step, although the parties may, by mutual agreement in writing, waive the time limit. The ten (10) working day time limit applies only to Steps 1 through 4 of the grievance procedure. Grievances submitted to Step 5 must be submitted to the GPPMA Standing Arbitrator no later than thirty (30) calendar days after the date of the failure of the JLMGC to render a decision, unless the parties, by mutual agreement in writing, waive the time limit. Settlement of grievances may be reached at any step of the grievance procedure, which shall be final and binding upon the parties. Any such settlement shall not establish any precedent or have any impact on GPPMA procedural rules.

Only where the parties have failed to reach an amicable settlement or adjustment at the lower steps shall the grievance be submitted to Step 4 of the grievance procedure

for consideration. It shall be the burden of the party pursuing the grievance to ensure proper compliance with the previous steps of the grievance procedure.

Submission of Grievances to Step 4

Any grievance formally submitted to Step 4 of the grievance procedure must be filed by e-mail with the GPPMA administrative office on the GPPMA Grievance Form Fact Sheet attached to these procedural rules and available on the NABTU website at <https://nabtu.org/wp-content/uploads/2019/08/@GRIEVANCE-FORM.pdf>, and must include a statement of the procedural history of the grievance verifying that the parties have complied with the lower steps of the grievance procedure and have been unable to effect a settlement. The grievance must also include a concise statement of procedural issue(s), if any; a concise statement of substantive issue(s); reference to specific applicable provisions of the GPPMA and/or relevant GPPMA Interpretation Bulletins that have allegedly been violated; a brief statement of the facts; a short statement of the rationale explaining why the grievance should be sustained; a request for a specific remedy; along with any relevant documentation for consideration of the specific grievance. The opposing party or parties shall be copied on the e-mail to the GPPMA administrative office. A Local Union wishing to submit a grievance to Step 4 must do so through its National or International Union.

Upon receipt of a grievance formally submitted to the GPPMA administrative office for processing under Step 4, the GPPMA administrative office within two (2) working days shall notify the union and contractor by e-mail of the date when the grievance will be scheduled for a hearing. The opposing party shall be notified via e-mail by the GPPMA administrative office to submit its position and all related documentation to the GPPMA administrative office and the party filing the grievance via e-mail **no later than 5:00 p.m. (EST) on the tenth (10th) working day following the date of the notice from the GPPMA administrative office.** It is important for all parties to note that the designated dates are a **deadline for all concerned parties** to submit any and all documentation pertaining to the grievance and no additional written materials will be accepted after the deadline.

However, a party may submit a written request to the GPPMA administrative office for an extension of time to submit its position and all related documentation. The maximum allowable extension shall be five (5) additional working days beyond the original designated deadline.

The parties will be afforded and encouraged to supplement the written record by making a personal appearance before the JLMGC, which will conduct a formal hearing on the grievance. If a party fails to submit a written position and documentation in a timely manner, the hearing will proceed based on the materials submitted timely and any oral presentations. No additional written materials may be submitted at the hearing or after the deadline.

Joint Labor/Management Grievance Committee

Structure

The JLMGC shall be composed of six (6) representatives appointed by the General Presidents' Committee and six (6) representatives from the AMC. Any GPC or AMC representative of the JLMGC whose organization is party to a grievance brought before the Committee to be heard at Step 4 may not serve as a Committee member to hear the grievance. In the event that any of the designated representatives for the GPC or AMC are unavailable to serve or have a conflict of interest on any given issue, the President of the AMC and the Administrator of the GPPMA retain the authority to appoint alternates for their respective organizations. Meetings of the JLMGC shall be chaired by an Impartial Moderator appointed by the JLMGC.

Scope of Authority

The JLMGC shall have no authority or jurisdiction, directly or indirectly, to add to, subtract from, change, modify or supplement any of the specific provisions of the GPPMA. The JLMGC shall only rule on issues of fact. Additionally, matters of interpretation of the GPPMA are vested solely within the purview of the Joint Interpretations Committee.

Notice of Hearing

The Administrator of the GPPMA shall notify all representatives of the JLMGC of the time and place that a hearing will be convened. Such notification shall be made by e-mail and must be made not less than fourteen (14) calendar days prior to the scheduled

meeting. At least two (2) working days prior to the hearing, the Administrator of the GPPMA shall e-mail all representatives of the JLMGC a copy of the written submissions of the parties to the grievance for review prior to the hearing.

Hearing Procedure

The Administrator of the GPPMA, the Secretary of the AMC and the GPPMA Standing Arbitrator may attend the JLMGC hearing but shall not have a vote. The JLMGC will meet on an as needed basis to hear and adjudicate grievances as quickly as practical, typically at the GPPMA monthly committee meetings. In addition, a party submitting a grievance to Step 4 may request an expedited hearing of the matter. The expedited processing of a grievance will typically occur within thirty (30) days from the date that the GPPMA administrative office receives the dispute from the requesting party.

Once a Step 4 hearing before the JLMGC is scheduled, the parties to the grievance will be afforded an opportunity to appear before the Committee in order to supplement the written record. Appearances by interested parties from the affected local union will be at the discretion of the affected International Union. **Persons not directly party to the Agreement may not participate, as an advocate or spectator, in the proceedings of the JLMGC. However, the JLMGC may entertain written positions, as part of testimony, from organizations not party to the GPPMA.** Participation in a hearing through either a personal appearance by outside legal counsel on behalf of a party or telephonically by any party will not be allowed.

Issues placed before the JLMGC shall be heard and decided within the course of one hearing. One representative of each party to the dispute shall present the argument. Either party may call witnesses to offer testimony. Such testimony will not be under oath.

Voting Procedure

Once the hearing is completed, the parties shall be excused and the JLMGC shall begin deliberations and conduct a vote in a private executive session. The parties to the grievance shall not be permitted to attend the executive session.

The voting procedure of the JLMGC shall be one of simple majority conducted by a secret ballot method. Voting shall require six (6) representatives of the AMC and six (6) representatives of the GPC. In the absence of twelve (12) representatives, the voting process may go forward with no less than three (3) representatives of the AMC and three

(3) representatives of the GPC, provided that the JLMGC agrees to such reduced numbers. Regardless of the number of AMC and GPC representatives present, each group shall cast an equal number of votes.

All decisions rendered at Step 4 of the grievance procedure shall be final and binding upon the parties to the dispute and shall not be subject to any appeal. Further, all determinations will be based on the facts presented and reviewed, both written and oral, in each case and will apply to that specific grievance only. A written record of the JLMGC determination shall be prepared by the Impartial Moderator and distributed by the GPPMA administrative office.

If the Committee's vote results in a deadlock, a party may submit the matter to the GPPMA Standing Arbitrator in accordance with Step 5 of the grievance procedure.

In addition, it is expected and understood that the parties involved will comply with any determination rendered under the grievance procedure. A determination rendered at any step of the grievance procedure is final and binding and enforceable in Federal District Court.

GRIEVANCE (ARTICLE VII) FORM FACT SHEET

GENERAL PRESIDENTS' COMMITTEE ON CONTRACT MAINTENANCE

PARTY FILING GRIEVANCE:

INDIVIDUAL SUBMITTING: _____ TITLE: _____

ADDRESS: _____

TELEPHONE: _____ FAX: _____

E-Mail _____

OPPOSING PARTY:

CONTACT PERSON: _____ TITLE: _____

ADDRESS: _____

TELEPHONE: _____ FAX: _____

E-Mail _____

PROJECT INFORMATION:

CLIENT/LOCATION:

DATE GRIEVANCE OCCURRED:

APPLICABLE AGREEMENT PROVISIONS ALLEGEDLY VIOLATED:

APPLICABLE GPA INTERPRETATION (if any):

BRIEF STATEMENT OF FACTS:

REMEDY SOUGHT:

GRIEVANCE MEETINGS

Briefly state, in the space provided, the following pertinent facts:

Date of meeting, whether in person or telephone; location of meeting, if appropriate; those in attendance; briefly state the issues of discussion and if any agreement or consensus was reached:

Step 1: DATE _____ LOCATION _____

Step 2: DATE _____ LOCATION _____

Step 3: DATE _____ LOCATION _____

(ATTACH SUPPORTING DOCUMENTATION)

THIS FORM AND SUPPORTING DOCUMENTATION MUST BE SUBMITTED BY E-MAIL TO THE GPPMA ADMINISTRATIVE OFFICE AT [INSERT E-MAIL ADDRESS]. THE E-MAIL MUST SHOW THAT THE OPPOSING PARTY WAS COPIED ON THE E-MAIL AND SENT THIS FORM AND ALL SUPPORTING DOCUMENTATION SUBMITTED TO THE GPPMA ADMINISTRATIVE OFFICE.