

**PROCEDURAL RULES GOVERNING THE  
GRIEVANCE REVIEW COMMITTEE (GRC) OF THE  
GRIEVANCE ADJUDICATION PROCEDURE (ARTICLE 13)  
OF THE NATIONAL CONSTRUCTION AGREEMENT (NCA)  
BETWEEN  
NORTH AMERICAN CONTRACTORS ASSOCIATION (NACA)  
AND  
NORTH AMERICA'S BUILDING TRADES UNIONS (NABTU) AND  
SIGNATORY UNIONS**

**Introduction**

The grievance procedure set forth in Article 13 of The National Construction Agreement (NCA) is designed to encourage the prompt resolution of disputes, other than jurisdictional disputes or violation of Article 20 of the NCA, that may arise during the course of a project. The Grievance Review Committee (GRC) as referenced in Article 13, Section 13-1d of the NCA has adopted the following procedural rules to facilitate the processing of grievances in accordance with Article 13.

**Proper and Timely Submission of Grievances**

In order for a grievance to be considered by the GRC, the parties must comply with the procedures set forth in Article 13 of the NCA. All grievances must be filed within five (5) working days after the alleged violation was committed, or if the violation was not ascertainable within five (5) working days after first knowledge of the facts giving rise to the grievance. 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 Step 3 of the grievance procedure. Grievances submitted to Step 4 must be submitted to the NCA Standing Arbitrator no later than thirty (30) calendar days after the date of the failure of the GRC 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 NCA 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 3 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 3**

Any grievance formally submitted to Step 3 of the grievance procedure must be filed by e-mail with the NABTU Field Services office on the NCA Grievance Form Fact Sheet attached to these procedural rules and available on the NABTU website at <https://nabtu.org/wp-content/uploads/2022/04/NCA-4-12-22-Grievance-Procedural-Rules-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 NCA and/or relevant NCA 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 NABTU Field Services office. A Local Union wishing to submit a grievance to Step 3 must do so through its National or International Union.

Upon receipt of a grievance formally submitted to the NABTU Field Services office for processing under Step 3, the NABTU Field Services 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 NABTU Field Services office to submit its position and all related documentation to the NABTU Field Services office and the party filing the grievance via e-mail **no later than 5:00 p.m. (EST) on the tenth (10<sup>th</sup>) working day following the date of the notice from the NABTU Field Services 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 NABTU Field Services 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 GRC, 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.

## **Grievance Review Committee (GRC)**

### **Structure**

The GRC shall be composed of six (6) representatives of the unions signatory to the NCA appointed by the Administrator of the NABTU Field Services office and six (6) representatives of the NACA appointed by the Chairman of the NACA. Any NABTU or NACA representative of the GRC whose organization is party to a grievance brought before the Committee to be heard at Step 3 may not serve as a Committee member to hear the grievance. In the event that any of the designated representatives for the NABTU or NACA are unavailable to serve or have a conflict of interest on any given issue, the Chairman of NACA and the Administrator of the NABTU Field Services office retain the authority to appoint alternates for their respective organizations. Meetings of the GRC shall be chaired by an Impartial Moderator appointed by the GRC.

### **Scope of Authority**

The GRC 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 NCA. The GRC shall only rule on issues of fact. Additionally, matters of interpretation of the NCA are vested solely within the purview of the Joint Administrative Committee (JAC).

### **Notice of Hearing**

The Administrator of the NABTU Field Services office shall notify all representatives of the GRC 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 NABTU Field Services office shall e-mail all

representatives of the GRC a copy of the written submissions of the parties to the grievance for review prior to the hearing.

### **Hearing Procedure**

The Administrator of the NABTU Field Services office, the Secretary/Treasurer of the NCA and the NCA Impartial Moderator may attend the GRC hearing but shall not have a vote. The GRC will meet (if necessary) in January, April, September and December each calendar year. In addition, any party to a Step 3 Grievance may request an expedited hearing of the matter. The expedited processing of a grievance will typically occur within thirty (30) calendar days from the date that the NABTU Field Services office receives the notice from the party requesting an expedited hearing. Any expedited hearing will take place at a geographic location mutually agreed to by the parties. Should the NABTU Field Services office receive and accumulate four (4) or more Step 3 grievances more than thirty (30) calendar days prior to one of the four (4) scheduled GRC meetings (Jan, Apr, Sep, Dec), the NABTU Field Services office will schedule an expedited GRC meeting to hear the backlogged Step 3 grievances if one of the four (4) scheduled GRC meetings will not occur within thirty (30) calendar days of the NABTU Field Services office receiving the fourth Step 3 backlogged grievance.

Once a Step 3 hearing before the GRC 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 in the proceedings of the GRC. Members of the NABTU/ signatory unions and/or NACA may sit in the "hearing" part of the GRC strictly as "observers" but they may not ask questions or actively participate in the proceedings and will be excused from the hearing room by the Impartial Moderator when the GRC goes into "executive session" to review the grievance and render a decision. However, the GRC may entertain written positions, as part of testimony, from organizations not party to the NCA. 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 GRC 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 GRC 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 GRC shall be one of simple majority conducted by a secret ballot method. Voting shall require six (6) representatives of the NACA and six (6) representatives of the signatory unions. In the absence of twelve (12) representatives, the voting process may go forward with no less than three (3) representatives of the NACA and three (3) representatives of the signatory unions, provided that the GRC agrees to such reduced numbers. Regardless of the number of NACA and signatory union representatives present, each group shall cast an equal number of votes.

All decisions rendered at Step 3 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 GRC determination shall be prepared by the Impartial Moderator and distributed by the NABTU Field Services office.

If the Committee's vote results in a deadlock, a party may submit the matter to the NCA Standing Arbitrator in accordance with Step 4 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, binding, and enforceable in Federal District Court.

\*\*\*\*\*

**GRIEVANCE (ARTICLE 13) FORM FACT SHEET\***  
**FOR THE NATIONAL CONSTRUCTION AGREEMENT (NCA)**

**PARTY FILING GRIEVANCE:** \_\_\_\_\_

Individual Submitting: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_ Cell: \_\_\_\_\_

**OPPOSING PARTY:** \_\_\_\_\_

Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_ Cell: \_\_\_\_\_

**PROJECT / GRIEVANCE INFORMATION:**

Client/Location: \_\_\_\_\_

Date Grievance Occurred: \_\_\_\_\_

Applicable NCA Provisions Allegedly Violated: \_\_\_\_\_

Applicable NCA Interpretation Bulletin Allegedly Violated (if any): \_\_\_\_\_

Brief Statement of Facts: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Remedy Sought: \_\_\_\_\_

\_\_\_\_\_

\*\*\*\*\*

*\* This form and supporting documentation must be submitted by email to the NABTU Field Services Office at ([shari@NABTU.org](mailto:shari@NABTU.org)). The email must show that the opposing party was copied on the email and sent this form and all supporting documentation submitted to the NABTU Field Services Office.*

**HISTORICAL RECORD OF STEP 1 AND STEP 2  
UNDER THE NATIONAL CONSTRUCTION AGREEMENT (NCA)  
ARTICLE 13**

**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) and those in attendance*
- *Issues of discussion and if any agreement or consensus was reached*

Step 1: DATE \_\_\_\_\_ LOCATION \_\_\_\_\_

---



---



---



---



---



---

Step 2: DATE \_\_\_\_\_ LOCATION \_\_\_\_\_

---



---



---



---



---



---

(ATTACH SUPPORTING DOCUMENTATION)

\*\*\*\*\*

**\*THIS FORM AND SUPPORTING DOCUMENTATION MUST BE SUBMITTED BY EMAIL TO THE NABTU FIELD SERVICES OFFICE AT [\[SHARI@NABTU.ORG\]](mailto:SHARI@NABTU.ORG). THE EMAIL MUST SHOW THAT THE OPPOSING PARTY WAS COPIED ON THE EMAIL AND SENT THIS FORM AND ALL SUPPORTING DOCUMENTATION SUBMITTED TO THE NABTU FIELD SERVICES OFFICE.**