

# Carpenters Chief Takes Aim At Green Book

*McCarron States That Building Trades Book Is Outdated; Wants To Allow Contractors To Assign Jurisdiction*

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The Building Trades' "Green Book" is outdated and should be replaced with a system that allows owners and contractors to assign work and resolve jurisdictional disputes, Carpenters and Joiners of America President Douglas McCarron said July 20.

During an interview with BNA, McCarron also proposed that disputing unions pay up to \$50,000 per day in fines to project owners when cross-union jurisdiction issues lead to work stoppages. Additionally, he responded to critics' charges that the Carpenters raid other construction unions for members and discussed what could lead to an attempt at reconciliation between the Carpenters and the Building and Construction Trades Department, AFL-CIO.

## MCCARRON: CONTRACTORS SHOULD ASSIGN WORK

Allowing contractors to assign work jurisdiction would make the trades unions stronger, McCarron said, "because we would all train harder to make sure that we had the most productive, highly skilled people to do the work." Taking the decision-making out of union hands would reduce the number of jurisdictional disputes, he said.

"I think we should just step back and let the contractor assign it, and if there is a dispute, let the owner settle it," he said. The basis for his position, according to McCarron, is the fact that, as the party funding a particular project, the owner is ultimately everyone's employer. So, the owner should make the final decision on the most economical way to complete the project, he said.

Projects covered by labor agreements should include contract language stipulating a \$25,000 to \$50,000 per day penalty — paid to owners — when union jurisdictional disputes lead to a work stoppage, according to McCarron. That type of penalty structure, he said, would help counter negative perceptions that have generated from the trades' past history with union jurisdictional disputes. The penalty essentially says, "Mr. Owner, Mr. Customer, we will not shut down your job," McCarron said.

Work stoppages that result from union jurisdiction disputes are comparatively miniscule, McCarron said, but they give open shop contractors a public relations advantage over union employers. They give an open shop employer the advantage of promising an owner the job will not be hindered by jurisdictional issues, he said. All a union contractor can ensure, by contrast, he said, is that they have good working relations with their union counterparts, which minimizes the risks of jurisdictional disputes.

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*National Carpenters Union President Doug McCarron with representatives of the Builders Association and the Chicago Regional Council of Carpenters after McCarron spoke at the Association's Fall Meeting in 2004. Pictured, from left: Builders Association President Al Leitschuh; Martin C. Umlauf of the Regional Council; J. David Pepper of Pepper Companies; Jim Sikich of W.E. O'Neil Construction Company; McCarron; Frank Libby of the Regional Council; Steve Lenz of the George Sollitt Construction Company; and Jeff Issacson of the Regional Council.*

“We are giving the nonunion sector a marketing tool,” McCarron said. He said some nonunion shops are telling owners, “Hey, your job could get shut down or delayed because of a jurisdictional dispute.”

But the Plan for the Settlement of Jurisdictional Disputes, also referred to as the “Green Book,” is outdated and too static to effectively serve as a dispute resolution tool, according to McCarron. The Green Book, he said, assigns work by craft, regardless of a trade union’s training abilities or adoption of technological changes.

“The Green Book was established 100 years ago,” when union work represented 80 percent of the construction market, McCarron said. He questioned the wisdom of continuing to rely on the Green Book during a time when union representation has shrunk significantly in the market.

The union membership rate in the construction industry is 15.6 percent, the Bureau of Labor Statistics reported Jan. 28, 2009, in Union Members in 2008.

McCarron cited a number of examples of significant worksite changes that have altered how jobs are conducted. For example, he pointed out that concrete is not mixed on the job site anymore—it comes premixed, and that a lot of equipment that was previously assembled at the worksite is now prefabricated. The next 10 years

could quadruple the changes the industry has seen in the past 20, “So are we going to still rely on the Green Book?” he asked.

### EFCA: A WORK IN PROGRESS

On the issue of legislation, McCarron called the congressional debate over the Employee Free Choice Act (S. 560, H.R. 1409) “a work in progress.”

“We were pushing to get it done before the August recess,” but then Senate Majority Leader Harry Reid (D-Nev.) said that was not going to happen, according to McCarron. “So we are looking at September or [some point during] the rest of the year-post health care reform,” he said.

“The Senate is the problem,” McCarron said. He said progress on passing the bill is being stymied by Democratic opponents of the bill’s card-check provisions, which would amend the National Labor Relations Act to require the National Labor Relations Board to certify a union as the bargaining representative of a group of employees if a majority of them sign valid union authorization cards.

However, provisions that would require mandatory arbitration are still in the legislation and should make it into the final bill, McCarron said. “But they are talking about expediting an election in 10 days.”

“That will be interesting — how that would work,” he said.

He said he sees the election provision as helpful because employers would be either prohibited from meeting to dissuade employees from forming a union, or if they did meet, would be required to give union representatives equal time and access to the workers to make pro-representation counter arguments.

### KEY TO JOB SITE SAFETY IS ENFORCEMENT

On the issue of recent regulations intended to help reduce injuries and fatalities on construction jobs, McCarron said, “You can have all the laws on the books you want. They need to be enforced—with fines and real consequences—for people to be safe.”

“From everything I hear from the Obama administration and Department of Labor,” according to McCarron, what the unions considered lax enforcement under the Bush administration is changing towards a stronger focus on compliance. In their own training programs, Carpenters representatives explain to their members where a lot of the break points are on safety, he said. A nonunion worker does not get that level of training, he added.

The construction industry has made safety a priority, according to McCarron, but he said there is still work to be done.

### DAVIS-BACON SURVEYS NEEDED

McCarron also said Department of Labor prevailing wage determination surveys have to be done faster to establish new benchmarks. The surveys are crucial, he said, to update determination information that the Bush administration either did not update or processed too selectively. As a result, some markets have not been surveyed since the early 1990s, he said.

McCarron acknowledged that there may be a few issues in current Davis-Bacon Act rules that could be tweaked, but he said enforcement to ensure that employers pay prevailing wages in compliance with the law is the biggest issue relating to the act for his union.

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than \$300 million in value used BIM for architectural and structural design. Participants reported improved communication and understanding of the project because of BIM technology.

The AGC of Greater Milwaukee is looking upon the new standards as a positive development for the industry as a whole.

“Public agencies not surprisingly often serve as incubators in terms of trying to progress new initiatives,” Fabishak stated. “I think that the more we find our owners asking for this, it begins to move the industry in a direction that will provide better value, more transparency and understanding of how projects will fit together.”

Even while embracing the benefits of BIM regulations, through, Fabishak said he advocates a “thoughtful and cautious” vetting of new technologies in order to create real benefit for builders.

“The same degree of cautiousness that exists in our industry relative to change is probably not uncharacteristic of public owners,” he said. “It’s a matter of best practices. If there’s a better way to milk the cow, then let’s figure it out.”

Napier, the DOA Project Manager and a BIM specialist, recommended that contractors begin to “develop awareness and monitor application” of BIM because of the changes to come. He also said that the DOA is basing the guidelines on open standards for interoperability, meaning that they are not locking into one brand of BIM software.

“We have implemented, we believe, within the capability of the technology and the capability of those using it,” Napier said, emphasizing that full implementation “is going to be a long process, years to come.”