



“Happiness is when what you think, what you say and what you do are in harmony.”

Mahatma Gandhi

GREATER CLEVELAND

MANAGER’S COMMENTS

One of the things we in the unionized electrical contracting industry pride ourselves on is the Council on Industrial Relations. The CIR, founded in 1920, exists as a means to peacefully settle labor disputes within the industry.

Each CIR panel is made up of 12 members, six from the IBEW and six from NECA. Under the system, with a “CIR Clause” in the collective bargaining agreement, all labor and management disputes which cannot be settled locally must be brought to CIR for adjudication. All decisions rendered by CIR are unanimous as all panel members must agree before a decision becomes official. The decisions are legal and binding.

That information, along with the following statement “The process has worked well with over 8,000 decisions issued since inception making the CIR process a shining example of successful labor-management relations,” comes from the CIR website. (www.thecir.org)

One thing about CIR I believe is not widely known however, is that not every case is decided by the panel of 12 on the same day as the case is heard, as is customary. On very rare occasions, the panel cannot reach a unanimous decision as is required of them. In those instances, the case is sent to the top staff of the parent organizations or what is referred to as the Executive Council. They are not bound by a time limit to render a decision, so in some cases, they could and have taken years to make a decision.

What seems to trigger a case getting to the Executive Council are grievances that, while being brought in a particular jurisdiction, could have a decision that is applicable in all jurisdictions.

As I said, these type of cases have taken what one might consider an inordinate amount of time to finally decide but considering the enormous number of people who could be affected, it’s reasonable to expect the Council to look at every aspect of the case before agreeing on a decision.

So speaking of an actual decision in these types of cases that may take over a year to arrive at, it shouldn’t be unreasonable to expect the decision be a clear and inarguable document. Now I’m sure an attorney would say there’s no such thing since they get paid to argue even if there’s nothing to argue about but the whole idea of CIR is to settle disputes so as to end controversy. And in those cases that have decisions that are meant to settle a particular type of grievance so it does not come before Council in every jurisdiction where the contractor has work, it is imperative that the decision leaves no doubt about its meaning.

I say all that because in my 40 plus years in this industry and life in general, there are people who, when something doesn’t go their way will find a way to twist the words and facts given the slightest chance. Therefore, clarity is a must.



MANAGER'S COMMENTS CONTINUED

Also, it should be incumbent upon the parent bodies that they intercede immediately in instances where parties either do not understand, choose to or are encouraged by others to ignore and or provide their own interpretations of the decision. The whole purpose of these Executive Council decisions, I believe, is to stop further CIR filings over the same issue and end the controversy.

We owe a debt of gratitude to the originators of CIR,

a joint committee led by Mr. L.K. Comstock and Mr. Charles P. Ford, true leaders who put into place a structurally sound conflict resolution system that shields our customers from adverse effects of labor management disputes.

While I agree the CIR has been successful overall, we should be aware that it's not perfect. It can't be....humans are involved but we are far better off with it than without it.

IFEB CONFERENCE

This November, the International Foundation of Employee Benefit Plans, held their Annual Conference. The Annual Conference is a highly intensive educational seminar that educates everyone from new trustees to legal professionals to administrators and investors. There were classes aimed at everyone and everything that relates to employee benefit plans and apprenticeship trust funds.

Sitting in on these classes can be a bit overwhelming. ERISA law is basically a handful of rules that prohibit nearly every transaction possible. From there, ERISA rolls back the prohibited transactions by issuing hundreds if not thousands of exemptions. There are however a few main ideas that were particularly important and could provide lessons outside of ERISA funds too.

Trustees must live up to a standard called the "prudent man" standard. Essentially, the decisions that are made must be decisions that a prudent man would

make. Ironically, the standard should be called "expert man" because it is a far higher standard than simply being prudent.

A prudent man is not haphazard in his decisions. He has sound **logical and ethical reasons** for taking the actions that he does, and can clearly **communicate the process** for his decisions. A prudent man is not necessarily judged by the outcome of his decisions but rather the process he has taken to get there. A hallmark trait of a prudent man is that they must often ask advice from experts on topics that they are not as knowledgeable, and then must distinguish between good and bad advice.

In short, being a prudent man entails making logical and ethical decisions, being able to communicate a decision making process, asking advice from more knowledgeable individuals and the ability to assess the merit of advice.

MANHOURS

Cleveland Division thru October:	2,554,734
Lake Erie Division thru October:	529,738
Northeast Ohio Division thru September:	<u>236,807</u>
Chapter Total:	3,321,279



ECONOMIC NEWS

1. After experts predict a stock market collapse with a Trump victory maybe the definition of “expert” should be amended or the mantel be more carefully bestowed.
2. The Dow has risen nearly 900 points since Election Day.
3. Experts saying the Carrier deal is troubling.
4. Carrier employees who will not be unemployed are not troubled by the deal.
5. Year to date the Dow has gained 7.5%.
6. Oil prices have risen to over \$50 a barrel.
7. The Big Mac will be celebrating its 50th anniversary soon.
8. The precipitous drop in the U-3 unemployment rate from 4.9% to 4.6% would suggest a positive sign but it appears largely due to a drop labor force participation according to Elise Gould, a senior economist at the Economic Policy Institute . The U-6 number sits at 9.3%.
9. High grade copper prices are at around \$2.70/lb. This is a significant increase over the past 30 days.
10. The consumer confidence index went up from 98.6 at the end of October to 107.1 at the end of November.
11. “Optimism” seems to be the economic word of the day.

UPCOMING EVENTS

- 1.) **Lake Erie Division Meeting**-January 3, 2017-6:00PM at Marconi’s.
- 2.) **Northeast Ohio Division Meeting** –January 4, 2017-Noon at Red Hawk Grille.
- 3.) **Cleveland Division Meeting** - January 5, 2017 – 6:00 PM at Morton’s Steak House.
- 4.) **MEI Class** - February 1, 2017-8AM at the Crown Plaza Hotel, Independence.
- 5.) **NECA NOW** –March 27-29, 2017-JW Marriott Hill Country, San Antonio Texas.

The Board of Directors would like all of you, during this very busy time of the year, to reflect on the meaning of the season.

We wish everyone a Happy Holiday Season and most of all that you are blessed with family and friends.



LOOK FOR THE NEXT REVIEW IN JANUARY 2017!!!



IT'S GOOD BUSINESS TO DO BUSINESS WITH THOSE FIRMS WHO SUPPORT OUR ASSCIATION

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