STATE OF CALIFORNIA
Arnold Schwarzenegger, *Governor*

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR STATISTICS & RESEARCH
455 Golden Gate Avenue, 9th Floor
San Francisco, CA 94102

ADDRESS REPLY TO:
*P.O. Box 420603*
*San Francisco CA 94142-0603*

# SCOPE OF WORK PROVISIONS

# FOR

# BOILERMAKER-BLACKSMITH

# IN

# ALL LOCALITIES WITHIN CALIFORNIA

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Department of Industrial Relations
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Chief's Office

# Western States

## Articles of Agreement

between the

*International Brotherhood of*
**Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers AFL-CIO**

(Herein referred to as "Union")

and the

**Signatory Contractors**

(Herein referred to as "Contractor")

Governing Wages and Working Conditions on All Field Construction Work in the States of Alaska, Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington and Wyoming.

Effective October 1, 2004
Terminating September 30, 2007

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## Preamble

The parties to this Agreement agree to the following rules and regulations which shall govern the mutual relations between them.

## Article 1
## Scope and Purpose of Agreement

This Agreement shall apply exclusively to the States of Alaska, Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming; and within such area this Agreement shall apply to all of Contractor's field construction work (including construction, erection, rigging, loading, and unloading field fabrication, assembling, dismantling, and repairing performed in the field) coming under the jurisdiction of the Union.

## Article 2
## Recognition

The Contractor recognizes the Union as the sole collective bargaining agent for all of its employees employed on work covered by the scope of this Agreement.

## Article 3
## Union Security

**Art. 3(a)** All employees performing work under terms of this Agreement must be, or

become and remain, members of the Union on the eighth (8th) day after the effective date of this Agreement as a condition of continued employment in accordance with the provisions of the National Labor Relations Act.

**Art. 3(b)** When the Contractor is notified by the Union in writing that an employee is delinquent in the payment of Union dues or has failed to make proper application and pay the initiation fee required, the Contractor shall immediately terminate such employee. Such employee shall not be re-employed by the Contractor during the life of this Agreement until notified by the Union that the employee is a member in good standing in the Union.

**Art. 3(c)** This Article shall be effective only in those states permitting Union Security.

**Art. 3(d)** In the event the parties subsequent to the signing of this Agreement, are authorized under provisions of the Labor Management Relations Act, or it is possible by reason of an amendment or repeal thereof, to enter into an agreement requiring membership in the Union as a condition of employment, or in the event it is determined by a final judgment of a court of competent jurisdiction that such authorization is unnecessary, either party may give written notice to the other of its desire to reopen the provisions of this Agreement



affecting Union security. In the event such notice is given, the parties shall meet within fifteen (15) days to negotiate such Union security provisions.

## Article 4
## Trade Jurisdiction and Work Classification

**Art. 4(a) Interpretation of Article 1 as applicable to loading and unloading.** In accordance with the Agreement reached at the settlement of contract negotiations in 1965, there has been submitted by International Vice President James F. Precht, the following:

**Art. 4(b)** "It shall be within the Boilermakers' jurisdiction that the unloading and loading of materials which the Boilermakers are to erect; if such materials are shaken out, separated, segregated, and stored for any period of time. When said material is again loaded and unloaded on a conveyance and transported to the job for erection it shall be unloaded and erected by the Boilermakers."

**Art. 4(c)** In joint review of the above, it was agreed that the following shall apply:

**Art. 4(d)** The Union wishes only to protect and not to expand, its historical jurisdiction over unloading and loading of Boilermaker materials. Also, the Union's claims are not

extended to apply to material that is in transshipment at a transfer point.

**Art. 4(e)** The Contractor agrees that he will not sub-contract such work for the purpose of encroaching on the historical jurisdiction of the Union.

**Art. 4(f)** In the event a disagreement or dispute arises with regard to the historical jurisdiction as outlined in the Union's claim, each specific case may be processed between the Union and such Contractor involved in accordance with the governing language of the Agreement.

**Art. 4(g)** The work of the Boilermaker (Journeyman or Mechanic) shall include: Boilermaking, Welding, Acetylene Burning, Signaling, Loading, Unloading, Heating, Chipping, Caulking, Rigging, Riveting, Bucking-up, Fitting-up, Grinding, Scaffold Erecting, Reaming, Impact Machine Operating and such other work as is generally regarded as Boilermaker (Journeyman or Mechanic) work. Any employee classified as a Boilermaker shall perform any of the foregoing work of which he is capable.

**Art. 4(h)** The Union, the Contractor and Subcontractors agree that in the event any jurisdictional dispute shall arise, such dispute shall be settled in accordance with the procedures established by the Impartial



Jurisdictional Disputes Board for the Construction Industry (or its successor organization) without permitting the same to interfere in any way with the progress or prosecution of the work. Both parties agree to be governed by whatever decision must be rendered.

**Art. 4(i)** When requested by the Union, the Contractor shall furnish the International office of the Union a signed letter on Company stationery, stating that Boilermakers were employed on a specific type of work on a given project.

## Article 5
## Job Site Contracting

**Art. 5(a)** No Employer shall subcontract any of the work covered by this Agreement to any Contractor, subcontractor or other person or party who does not comply with all the terms of this Agreement, including Art. 4(h), and does not stipulate in writing compliance to the applicable fringe benefit funds and the Trust Agreement or Agreements covering same.

**Art. 5(b)** It is understood that job site subcontracting is applicable to loading and unloading per the "Interpretation of Article 1", and to a secondary field construction site established for the specific purpose of servicing the primary field construction site.

14-X-2


# International Brotherhood of Boilermakers • Iron Ship Builders • Blacksmiths • Forgers & Helpers

# LOCAL LODGE 549

**Fred L. Fields**
Business Manager/Secretary Treasurer


April 7, 2003

RECEIVED
Department of Industrial Relations
APR 16 2003
Div. of Labor Statistics & Research
Chief's Office

State of California
Department of Industrial Relations
Division of Labor Statistics and Research
455 Golden Gate Avenue, 8th Floor
San Francisco, CA 94102

**Attention: Tim Stahlheber, Research Manager**

Re: Western States Articles of Agreement – Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers

Dear Mr. Stahlheber:

In addition to the Trade Jurisdiction and Work Classification outlined in Article 4 (g) of the Western States Articles of Agreement, we request that the enclosed Addendum be incorporated into the Boilermaker's scope of work.

A copy of the Addendum, with the Signatory Sheet executed by the respective Chairmen attached thereto, has been sent to all Contractors representing the Employers.

Sincerely,

Frank J. Secreet

Frank J. Secreet
Assistant Business Manager

FJS/jls
opeiu#29, afl-cio

Enclosures

cc: Don Lacefield (w/Enclosures)
All Contractors (list attached) representing the Employers (w/Enclosures)


2191 Piedmont Way • Pittsburg, California 94565 • phone: (925) 427-4121 • fax: (925) 427-5980

International Brotherhood of

**BOILERMAKERS · IRON SHIP BUILDERS BLACKSMITHS · FORGERS & HELPERS**

753 State Avenue Kansas City, Kansas 66101

**CHARLES W. JONES**
INTERNATIONAL PRESIDENT
**JERRY WILLBURN**
INTERNATIONAL SECRETARY-TREASURER
913/371-2640

**DON R. LACEFIELD**
INTERNATIONAL VICE PRESIDENT
WESTERN STATES
P.O. BOX 1820
OURAY, COLORADO 81427-1820
OFFICE PHONE: (970) 325-4731
FAX PHONE: (970) 325-0408

March 26, 2003

State of California
Department of Industrial Relations
Division of Labor Statistics and Research
45 Fremont St, 11th Floor, Suite 1160
San Francisco, CA 94105

**Attention: Tim Stahlheber, Research Manager**

Dear Mr. Stahlheber:

Please be advised that after reviewing the Addendum – Scope of Work provided by Boilermakers Local Lodge #549 we, the respective Chairmen of the Negotiating Committee, concur that the scope of work in the Addendum comes within the realm of the Boilermakers trade jurisdiction.

Sincerely,

**EMPLOYER CHAIRMAN:**

Stanley R. Miller
PSF Industries, Inc.

**UNION CHAIRMAN:**

Don R. Lacefield
International Vice-President

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## ADDENDUM --- BOILERMAKERS SCOPE OF WORK

All boilers, parts and related equipment, H.R.S.G. (Heat Recovery Steam Generator), waste heat boilers, drums, water tubes, fire tubes, combustion tubes, and arch tubes; thermic syphons, smoke boxes, and stacks; front-ends and doors, draft plates, baffles and diaphragms, spark arresters, including wire netting and frames, ash pans, flash pans, fire doors and fire door frames, including operating mechanisms, stokers, grates, and rigging; oil, gas, nuclear, and pulverized coal burners; brackets for air pumps, air pumps, oil heaters, wind sheets, deck plates, deck aprons, shovel sheets, splash plates, expansion plates, and lateral braces; name, and classification plates, oil tanks, tanks of tank cars, including brackets, hand rails, ladders, and metal jackets when used on same; all laying-out, cutting, bending, flanging, fitting up, patching, bolting, riveting, chipping, caulking, drilling, reaming, tapping, and beveling machines, including fitting of washout plugs; testing and inspecting all vapor, steam, water, air, gas, oil, or other tight joints, including all stays, braces, and water tight studs; acetylene cutting, welding, and heating; electric arc welding; metalizing; all I-beams; channel iron, angle iron, T-iron, Z-iron, and other structural forms used on work of our trade; tool keeping, boiler washing, flue blowing, boring, or washing.

The operation of any machine, or the use of any method or device employed in manufacturing, fabricating, laying out, aligning, drilling, punchings, shearing, beveling and grinding, fitting, bolting, riveting, chipping, caulking, acetylene cutting, burning or heating, welding (all processes), bonding, metalizing, mamutizing and application of apexior coating, construction, erecting, assembling, installation, remodeling, repairing, demolition, alteration, testing, inspecting, maintaining, rigging, unloading and handling of all boilers and appurtenances, headers, parts, frames, supports; air and water walls; casings, assembled or completed sections or parts; drums, tubes and flues; baffles and draft appliances; economizers, super heaters, reheaters, reboilers, circulators, attemperators, downcomers, sludge boxes and sluice troughs, stokers; grates, heat units; buck stays; fronts and doors; stacks, breechings, and uptakes; soot collectors and blowers, smoke boxes, smoke consumers, cinder collectors, precipitators, furnaces and furnace bottoms, steam generators, including nuclear; heaters, steam accumulators, condensers, air cooled condensers, fin fan coolers, evaporators, air heaters and pre-heaters, hot and cold air ducts, combustion turbine, inlet & outlet air & gas ducts, filter houses & filters, and fans; oil and gas burners, coal tanks, ash tanks, waste disposal tanks, other tanks and vats, conveyors, scrapers, all air, oil, gas, steam, vapor, water, and other tight joints; stand pipes, water towers, metal pipe and pipe lines, water transportation lines & aquaducts, metal well casings, incinerators, air washers, cooking devices, creosoting cylinders, gas purifying equipment, gas holders, gasometers, including frames; coal washers; all work in and around rolling mills, mines, smelters, refineries, chemical processing, rubber, feed material, and fuel element plants; blast and open hearth furnaces; aluminum, annealing, electrical, gas fired, heat treat, isoflow, reheat, stoker fired, and all other type furnaces; hot stoves, cupolas, dump cars, roasters, converters, digesters, calciners, kilns, skips and skip dumpers, skip trucks, steel chutes, and liners; ore, water and toilet cars, chutes, steel bulkhead, and doors; water, flood, and measuring gates; locks, dams, caissons, spillways,

penstocks, sluice and tube work, flume work water wheels, generator frames, turbine casings, and blades; recovery units, deaerators, cracking units, bubble towers, vessels, wind tunnels; all sheet iron or steel, stainless steel, aluminum, silver, all other pure metals, alloys and plates, including clad or bonded plates of sixteen (16) gauge or heavier, wind turbines & solar panels.

All nuclear reactors, both homogenous and heterogenous, all components and reactor systems as applied to all branches of our trade, including but not limited to core elements, cover control rods, safety rods, core tanks, thermal and biological shields, core tank containment, reflectors, breeding material, controls and instrumentation, plugs, pressure and containment vessels, loading devices, transfer equipment, coffins, pressurizers, heat transfer equipment (primary and secondary), coolant containers, air ducts, fans, stacks, cold and hot traps, ion chambers, dump tanks, caves and hot cells, fuel element, storage racks, decay tanks, sampling devices, rabbit hold and thimbles, seals, and environmental shielding.

The operation of any machine or device, or the use of any method or process employed in the manufacture, fabrication, construction, installation, alteration, repairs, etc., on work coming under the jurisdiction of this International Brotherhood shall be operated and performed by mechanics of our trade, for example: power and rolls, bending, machines, hot or cold; flanging machines; hydraulic presses, hot or cold; punches, shears, plate planes, power and friction saws, bolt cutters and threaders, tube welding and swedging machines; bull, jam, and yoke riveters; portable air and electric motors, heating, annealing, and heat treating furnaces and devices; welding and pantograph cutting machines, including demonstrators, thermal overlay, bottle spark, and man way watch pertaining thereto; quality control; fiber spinning; all technical work (technicians and mechanics).