



MEMBERS

- A-Aztec Glass Company, LLC
- Access Architectural Glass & Aluminum
- All Action Architectural Metal & Glass
- Boss Glass Company
- City/Newark Glass Company
- Clear View Architectural Metal & Glass, Inc.
- Clifton Architectural Glass & Metal
- County Glass & Metal Installers, Inc.
- Eighteen Glass Co., Inc.
- General Glass & Metal LLC
- Glass Services, Inc.
- Glass Unlimited
- Goldberg Glass Company
- Highland Park Glass Company
- Josloff Glass Company
- Kosson & Sons Glass Company
- Metro Glass, Inc.
- Monarch Glass & Metal Designs, Inc.
- NCF Glazing & Erecting, Inc.
- New Age Glass, LLC
- Ocean County Glass & Metal, LLC
- Penta Glass Industries, Inc.
- Smith Glass & Metal Company, LLC
- Snow's Glass & Mirror Corp.
- Thompson Glass & Mirror, Inc.
- Trainer Glass Company
- Union County Plate Glass Company
- Village Glass & Metal Contractors
- Young's Glass Services, Inc.

Memo

To: Contractor Members

From: Bernie Gingras

Re: Hiring Hall / Rejection Procedures

Date: October 5, 2009

DIRECTORS

- Kevin Schloerb, President
- Charlie Komoroski, III., Vice-President
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- Alan Oake, Director

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Bernard R. Gingras, CPA

AFFILIATIONS

- Member,
Finishing Contractors Association (FCA)
- U.S. Green Building Council (USGBC)
- An OSHA Alliance Organization

We have been in contact with Harry Harchetts concerning the rejection procedures in the Hiring Hall portion of the CBA (Article 5). As you recall, this was a section that was revised at the union's request in 2008.

There is general agreement that the CBA does not require a written rejection or a reason for the rejection. However, Harchetts points out that the Department of Labor (DOL) upon audit requires a written rejection in the laborer's file. Regardless of what the CBA states or doesn't state, the DOL regulations would seem to override the situation. Accordingly, as been the practice in the past, if the rejection is not made in writing (i.e., verbal) then the man will be sent out unless one of the other exclusions apply such as nine month callback or designation as a foreman.

It is not necessary to put the reason for the rejection in the written notice. However each laborer rejected should have a separate written rejection notice (which could be a faxed form letter on contractor letterhead) just stating that you do not want that person. If you would like to add a reason that would be fine. That is encouraged, but not required. Also we are told if you want to send a written notification on specific individuals who you'll never want on your job, with reason or not, those will be put in the file and utilized in referring men off the list.

It appears that the CBA may be in contradiction to established procedure and what DOL regulations require. It does not seem that it is all that onerous to fax a rejection notice on one, two or five laborers in order to get to an acceptable laborer on the list. That said, you do not need to state the reason for the rejection unless you want to.

The Board of Directors has requested that I inform the membership of the above. We hope it is useful.

BRG:ss
 CC: H. Harchetts
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