



BTEA: NEW YORK'S ALLIANCE OF UNION CONTRACTORS
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Louis J. Coletti
President & CEO

WRITTEN DECISION BY FEDERAL EXPRESS

July 2, 2008

Michael Gannon
Vice President & Director of Jurisdiction
Plasterers Local #262
11720 Beltsville Drive – Suite 700
Beltsville, MD 20705

Joseph Ramaglia
Business Manager
Painters District Council 9
45 West 14th Street
New York, NY 10011

RE: Notice of Arbitration Award and Decision

Scope of Work: Specialty/Venetian/Armourcoat Plastering

Gentlemen,

The above scope of work has been awarded to the Painters Local #9.

Enclosed is the award and opinion written by the Independent Arbitration Chairman.

This decision shall be entered into the Green Book as Decision 198 and is area-wide.

Respectfully Submitted,

Louis J. Coletti

cc: Michael Patti, Plastering and Spray FireProofing Contractors of Greater NY
Bruce Ruinsky, Association of Master Painters

New York Plan for the Resolution of Jurisdictional Disputes

In the Matter of the Jurisdictional Dispute
Between

Operative Plasterers' and Cement Masons' International Association Local #262

And

International Union of Painters and Allied Trades District Council Local #9

(Opinion and Award)

Scope of work: Specialty/Venetian/Armourcoat Plastering
Job site: JP Morgan Chase – 270 Park Avenue
Contractor: Tri-Line Contacting and Newport Painting
Award: The Work In Question Is That Of The Painters District Council 9.

The arbitration was conducted on June 20, 2008.

Mr. Michael Gannon, Vice President and Director of Jurisdiction represented the Operative Plasterers' and Cement Masons' International Association Local 262.

Mr. Joseph Ramaglia, Business Manager, represented the International Union of Painters and Allied Trades District Council 9.

Both parties presented evidence and witnesses before a panel of five arbitrators, Angelo Lopes (Painters' Representative), Michael Patti (Plasterers' Representative), Eric Schisler (Independent Panelist), Mark Varian (Independent Panelist) and D. Andrew Byrne who served as the Independent Arbitrator.

Decision of the Panel

The arbitration was conducted in accordance with the New York Plan Hearing Procedures, and the arbitration deliberated and reached a decision after considering the materials and witnesses submitted to the panelists by both parties.

The Arbitration Panel weighed the evidence presented and testimony of the witnesses and used the following criteria in making its decision:

1. The Panel found there were no National or International agreements between the trades; they then considered the next criteria;
2. The Panel determined that there were no National Decisions of Record applicable to the scope of work which was the subject of this hearing;
3. The Panel then determined that there were no existing NY Plan Green Book decisions on the scope of work before the Panel;
4. The Panel then considered the industry practices in the New York metropolitan area.

Under the 4th criteria, evidence presented by the IUPAT District Council 9 showed over 50,000 individual jobs performed by them over the years on the scope of work which was before the panel. That overwhelming evidence, compiled with the testimony of the witnesses led the Arbitration Panel to conclude that the area practice for this scope of work is that of the IUPAT District Council 9.

Therefore; the Specialty/Venetian/Armourcoat Plastering is awarded to IUPAT District Council 9.



D. Andrew Byrne, Independent Arbitrator
Chairman

DATE: June 20, 2008