



# THE WIRE



Published Quarterly by the Northern New Jersey Chapter, NECA, Inc.

Volume 13, Issue 4

Fall 2011

## Message from the President

By Ernest J. Badaracco III



The recent general session of NECA's National Convention featured its usual array of interesting speakers including, notably, retired Four Star General Stanley A. McChrystal. The distinguished military man was, as advertised, witty and frank providing commentary and anecdotes designed to educate and entertain his audience. Mr. McChrystal is perhaps the man most responsible for shaping and modernizing our approach

to special operations of the sort that have led to the capture or neutralization of Osama bin Laden and many other terrorists across the globe.

While his entire presentation was outstanding, I was especially fascinated by his remarks detailing the growth of our nation's capability, from a disjointed collection of military assets jury-rigged for the ill-fated hostage rescue attempt in 1980 to the well-coordinated military/intelligence force combating terrorism in its many forms and venues throughout the world. Within his commentary I found lessons that could be applied to the challenges we face as individuals, as businesses and as an industry.

General McChrystal's stated that the failed rescue attempt not only provided lessons that would be applied to future operations, but also shook a military hierarchy and an entire nation from complacency, galvanizing us into action. Whereas a successful

(Continued on Page 3)

## NECA Lays Groundwork for Success During Lame Duck Session

While members of the New Jersey Legislature have been campaigning in newly redesigned legislative districts following the once a decade redistricting process in recent weeks, the staff and Government Affairs Committee of NECA's Northern New Jersey Chapter have been actively planning an aggressive post-election agenda.

The timeframe between Election Day and the swearing in of the new Legislature in early January, known as "Lame Duck", is always a hectic and fast paced time of legislative action. Of the nearly 8,000 bills which have been introduced thus far, only 273 have been signed into law. Any bills which are not approved by both the Senate and the Assembly and signed by the Governor by early January, must start the entire process over in the next two year legislative session.

NECA, like many other groups, have been working to develop priorities for this "lame duck" session and have been meeting with Legislators, staff and other policy leaders to make sure we are well positioned to advance and protect the interests of the union electrical construction and V-D-V industry.

As the legislative action for the period marked by the end of the election season and the close of the "lame duck" session will be fast and furious, the NECA's Government Affairs Committee has set its priorities to push for the passage of three specific pieces of legislation that promise to deliver the greatest positive impact for its membership and the community of union subcontractors. The pieces of legislation are:

- A bill allowing for subcontractors' retainage to be paid once their portion of work is completed and accepted rather than having to wait until a project's completion. This legislation would also allow for subcontractors to collect interest on retainage that is held beyond the completion and acceptance of the work they have performed. If enacted, this legislation,

(Continued on Page 4)

## INSIDE THIS ISSUE

- 1 President's Column
- 1 NECA Lays Groundwork for Success During Lame Duck Session
- 2 Executive Director's Column
- 2 CBA Q & A
- 3 Calendar of Events
- 4 ElectricPAC Contributors

## Executive Director's Report

Roger Simonds

Here we go again. While we were fortunate enough to work out three and four year agreements with three of our IBEW locals, we were not able to do so with Local Union #164. That means, in essence, after the New Year, we will begin preparing for negotiations with that local. You will recall that the main stumbling block we faced in our negotiations in L.U. #164 was its

determination to implement a "furlough" system that was so convoluted I can't even recall the minutiae of the proposal. However, it wasn't good. The overall concern was the loss of productivity our contractors would experience under this proposed initiative at a time when the contractors require changes to our CBAs that would increase productivity and keep costs down. If the local continues to insist upon the inclusion of a furlough program as part of a settlement, I expect that the bargaining sessions will be extremely difficult as you, the Members and AMF Contributors, have made it clear to the Negotiating Committee that the implementation of such a condition is absolutely unacceptable. We will make every attempt to keep you abreast of the status of these negotiations as we move ahead.

Many of you are aware that NECA Eastern Region Field Representative William "Biff" Jones will be retiring at the end

(Continued on bottom right, **Executive Director**)

## Northern New Jersey Chapter NECA

213 Summit Road, P.O. Box 1081

Mountainside, NJ 07092-0081

Tel: (908) 654-5770 Fax: (908) 654-1754

www.necannj.com nonjneca@comcast.net

### Executive Committee

Governor ..... Neil C. Vitale, P.E.  
President ..... Ernest Badaracco, III  
Vice President ..... Joseph A. Lacerenza  
Treasurer ..... Cheryl Adelung  
Secretary ..... Harry J. Sassaman

### Chapter Staff

Executive Director ..... Roger Simonds  
Asst. Executive Director ... Eric J. Sivertsen  
Administrative Assistant ... Monica Margaritis  
Bookkeeper ..... Jean Tenpenny

## CBA Q & A

**Q:** At the request of a construction user, I must schedule a 6 PM start time for 2<sup>nd</sup> Shift (instead of the 4:30 PM cited in the agreement). Do I have to pay 3<sup>rd</sup> Shift Rate for any or all of the hours because part of the work is being performed during the 3<sup>rd</sup> Shift?

**A:** No. As with a regular day shift, the hourly rate for the time worked before or after an established shift is at the appropriate overtime rate. In the instance cited above, the workers would be paid at the 2<sup>nd</sup> Shift Rate until 12:30 AM. The remainder of the time would be at 1.5 times the 2nd Shift rate.

Additionally, despite occasional claims to the contrary, there is no shift differential for work performed on weekends. Instead, the rate paid in each of the four IBEW jurisdictions within northern New Jersey is 1.5 times the straight-time rate for work performed on Saturdays and 2 times the straight-time rate of pay for work performed on Sundays.

**Note:** The Shift Work Clause is Category I language and therefore, is **not** subject to local interpretation or "past practice."

(Continued from above left, **Executive Director**)

of this year. Biff's career spans four decades with NECA serving in various capacities. He has been a wonderful friend and mentor to many of us in the industry and we wish him only the best of health and happiness in his retirement. We are fortunate that Biff's son Jay will be replacing him in this capacity. Please make every effort to meet Jay at various NECA National and Chapter functions. We look forward to working with him.

I must report my concern regarding member attendance at Chapter Meetings, Educational Seminars, Division Meetings and Chapter Social Events. The Executive Committee and the various Committee Chairman go to great lengths to provide a variety of quality business, educational and social events designed to help you in your business endeavors. In the very near future you will be receiving a 2012 Chapter Calendar of Events. Please take a few minutes to transfer these dates onto your personal business calendars and support the Chapter's activities.

Calls continue to come in regarding the status of the CW/CE Agreement. This initiative by the IBEW IS in place and can be utilized in those locals that, in fact, support it. It is important to note however that this is NOT an "Agreement" as the Chapter is not a party to it. While this unilateral endeavor certainly has merit by giving employers better terms and conditions to pursue work of a smaller scale, I strongly suggest that if you are considering using it, you communicate with each respective local union before implementing it.

Finally, as we move quickly into the Holiday Season, I want to wish all Members and AMF Contributors the very best of health, happiness and prosperity in the New Year.

# NECA Calendar

## DECEMBER

12/26 HOLIDAY (CHRISTMAS DAY)

## JANUARY

1/2 HOLIDAY (NEW YEARS DAY)

## FEBRUARY

2/20 HOLIDAY (PRESIDENTS DAY)

### Continuing Education Requirement for Licensed Electrical Contractors

**Code & Law**  
**Ten Hours of Credit**  
**towards 2012 License Renewal**

**January 16-17, 2012**

12:30-5:30 PM

Crowne Plaza, Clark, NJ

**Electrical Construction**  
**Basic Estimating Course**  
**Non Credit Course**

**February 14 – March 15, 2012**

6:00-8:30 PM

NECA CHAPTER OFFICE

**PRE-REGISTRATION IS REQUIRED**  
**FOR ALL COURSES**

(Continued from Page 1, **President**)

operation may have reinforced and entrenched reliance upon out-dated methods, the failure forced us to re-examine obsolete procedures that, if continued, would likely have guaranteed future disasters. The humiliating debacle led the military to resolve that, when called upon by our nation's civilian leadership, it would never again lack the capability to meet any challenge it would be tasked to face. These efforts resulted in a dramatic increase in our military's special operations capabilities, however we still were lacking another important ingredient because we had focused largely on our own resources and assets. The pursuit of a new brand of enemies had been lacking an adequate analysis of the structure of those who would attack the United States. Instead, we approached our foe as if it shared a command and control structure similar to if not exactly like the hierarchical model with which we are accustomed. The assault we, as a nation, suffered on 9/11 highlighted the error of this approach and demonstrated that it was not enough to concern ourselves solely with excellence within our ranks and led to a reassessment of how we gather, measure and act upon intelligence. Today, as we take the fight directly to terrorist elements in their own backyards has served to exhibit how the application of hard learned lessons can result in spectacular success.

I believe that there are some lessons that NECA and the IBEW can take away from Mr. McChrystal's presentation as we look to consolidate and increase our share of the electrical construction industry at the expense of our non-union competition. First, we must commit to **change**. Complacency will always allow our competition opportunities to make gains at our expense. Second, when we refine our model, we must consider the strengths and weaknesses of our competitors and factor them into our plans. If we fail to account for the methods of our competition, any success we experience will be due merely to blind luck. Third, we must integrate, in an effective manner, all of our assets into the battle. This includes our management expertise, the skill and motivation of our IBEW partners and the resources that our respective national organizations and our Chapters can bring to bear. In closing, I want to call attention to something that General McChrystal told us. He said, and I am paraphrasing a bit, it is easy to know what the right thing to do is for a given situation. What is difficult is to actually do the right thing. That is leadership. That is what we must focus on doing in conjunction with our IBEW partners.

## **GAR EQUIPMENT**

Main Office: 2624 Hamilton Blvd., South Plainfield, NJ 07080

Branch Offices: Allentown, PA and Wilkes-Barre, PA

**MATT ROCCA - President**

Tel 800-272-1146 Fax 908-753-0579  
mrocca@garequipment.com

Aerial Platforms - RT Material Handlers - Industrial Forklifts  
Utility Vehicles & Trailers

Associate Member of the  
Northern New Jersey Chapter  
NECA

sponsored by Assemblyman Jerry Green (A-3990) and Senator Richard Codey (S-317) respectively, would get your retainage funds back into your hands much faster. The bill has already passed the full Senate and is poised for action in the General Assembly.

- Another NECA Bill would, if enacted, establish a trust fund concept for funds on private construction projects, similar to a provision which already exists in the public sector. This legislation, modeled on law already on the books in New York, would ensure that monies paid to a General or Prime Contractor for work performed by a subcontractor are, in fact paid to that subcontractor and not used for other purposes. This legislation would protect honest General Contractors from unscrupulous competitors, and would help make sure that subcontractors are paid for work they have performed.
- NECA also continues the push to educate members of the Legislature and other governmental entities on the issue of price adjustments for dramatic, unforeseen changes in material prices. Accordingly, the Chapter is again seeking to enact legislation which would provide a contractual mechanism to protect both contractors and public owners from drastic swings in copper prices.

Over the previous several months, NECA staff and professionals have met with Governor's Office Senior Staff, Department of Community Affairs representatives, Assembly Speaker Sheila Oliver, the chairs of the Committees which will have jurisdiction over our priority bills, senior staff of both houses and both parties in the Legislature, many other members of the New Jersey Senate and General Assembly, as well as other industry groups. The Chapter is determined to give their bills the best possible chance of negotiating the complex and difficult path through the legislature and ultimately, onto Governor Christie's desk for his signature enacting them into law. While the Lamé Duck session can be challenging and unpredictable, the Chapter's leadership, staff and professionals have worked together to place it in an extraordinary position to advance the best interests of Union Electrical Contractors over the next several weeks.

## **Honor Roll of 2011 ElectricPAC Contributors** (as of 11/16/11)

### **President's Club (\$3,000 +)**

Millennium Communication Group, Inc.  
Modern Electric Company  
Scholes Electric & Communications (\$5,000)  
Spark Electric Company

### **Chairman's Club (\$1,500)**

Eii, Inc.  
JBL Electric, Inc.  
Sal Electric Company, Inc.  
StarKo Electric Services, Inc.

### **Founder's Club (\$1,000)**

Century Electric, Inc.  
S.M. Electric Company, Inc.

### **Ambassador Club (\$750)**

Beach Electric Company, Inc.  
Maul Electric, Inc.  
Tore Electric Company, Inc.

### **Silver Club (\$250)**

Mehl Communications  
Multi-Phase Electrical Services, Inc.  
Post & Kelly Electric Company  
Power Electric Company, Inc.  
State Electrical and Motor Service, Inc.  
Louis R. Vito & Company

### **Bronze Club (\$100)**

Hockenbury Electrical Co. Inc.  
Progressive Electric Co.

The Chapter thanks these Members for supporting its government affairs program and their commitment to the industry. We hope that every Member will join them by participating at the Club Level that best suits their ability to contribute.