



SMACNA-Columbia Chapter  
4380 SW Macadam Ave. #580  
Portland, OR 97239



SMART Local 16  
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Portland, OR 97230

January 4, 2016

To: PWR Coordinator  
Bureau of Labor and Industries  
800 NE Oregon Street, Suite 1045  
Portland, OR 97232

From: Jerry Henderson, Executive Director, SMACNA-Columbia Chapter  
Charlie Johnson, Business Manager, SMART Local 16

To Whom it May Concern:

The Sheet Metal and Air Conditioning Contractors National Association (SMACNA) and our labor partners at Sheet Metal Air and Transportation Workers (SMART) Local #16 are writing in opposition to the PWR definitions recently proposed by the Laborers District Council. We see several ways in which the proposed changes conflict with work historically performed by sheet metal workers and is not work exclusively within the Laborers jurisdiction. We are also concerned about the precedent that would be set by adopting such changes based solely on one craft's collective bargaining agreement; we don't believe that a collective bargaining agreement alone proves what the prevailing practice is nor do we believe it should.

Much of the work being claimed by the Laborers in their proposal is work that is also being done by sheet metal workers (as well as other crafts). It is not uncommon for crafts to have overlapping duties included in their collective bargaining agreements. For example, many crafts, including sheet metal, use cranes and boom trucks to lift their materials, erect scaffolding related to their work, do welding and perform demolition and clean-up work. These are just some examples of types of work that are not exclusively performed by the Laborers; we believe PWR definitions can and should reflect that multiple crafts can perform the same duties

In addition to our opposition to the definitions being currently proposed, we are very concerned about the precedent that will be set if a collective bargaining agreement can be used to determine what the prevailing practice is for specific types of work. We don't believe there are any rules or statutes directing BOLI to consider collective bargaining agreements when determining prevailing practice as is suggested by proponents of these changes. In fact, we think such an interpretation would have very detrimental impacts and create significant jurisdictional conflicts for the entire construction industry. If PWR definitions were based on collective

bargaining agreements, it would allow any craft to negotiate and submit agreements that infringe upon historical scope of work determinations; we believe this is a dangerous precedent and would put BOLI squarely in the center of all jurisdictional disputes. We also believe that such an approach would negatively impact the wage and benefit packages of our workforce as well as the quality of work being performed.

We respectfully request that you reject this proposal and the idea that collective bargaining agreements should determine what prevailing practices are for PWR determinations. As interested parties on this issue, we request that we be included on any notifications, hearings or meetings BOLI may have to further consider this request.

Thank you for the opportunity to share our comments and concerns on this proposal. Please do not hesitate to contact either of us if we can provide additional information or answer questions about our comments and position on this matter.

Sincerely,



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