

LATHING WORK

161

-Agreement between the Employing Metallic Furring and Lathing Association and the Metallic Lather's Union.

ARTICLE H-Work Covered:

(1) The cutting, assembling, installation, and/or erection by any and all methods, of all metal furring, framing, bracketing, studding, etc., connected with the construction or installation of the following types of work: Metal Lath and Plaster Ceilings; Gypsum Lath and Plaster Ceilings; All Iron Furring and Gypsum Lath Construction; Acoustic Ceilings and Iron Furring in connection with same; Moulded Cornice Work; False and Furred Beams; Wall, Plaster or Column Furring; Steel Fireproofing; Hangers and Inserts for All Ceilings; Setting Frames to Receive Recessed Lights; and any and all other types of work involving the use of metal framing and all furring of any and all types, for attaching and/or applying a plastic or precast material, or a base therefor, all isolation or insulation material in connection with all types of furring and lathing, or any and all materials that take the place of same.

(2) The attaching, installation, and/or erection, by any and all methods, of all metal lath or mesh, gypsum lath, plaster board, or any other type of base to which a plastic or precast material is to be applied or attached.

(3) The assembling, attaching, installation, and/or erection by any and all methods, of all metal beads, screeds, grounds, mouldings, plaster stop casing beads, corner guards, partition ends, casings, base, or any other metal specially of any description intended to establish a finished line for a plastic material.

(4) The assembling, attaching, installation, and/or erection by any and all methods of any and all work incidental to, or directly linked to the contents of the foregoing subdivisions 1, 2 and 3 of this Article.

The foregoing does not include work of unloading, carrying, or hoisting of any materials to any part of the building.

(5) Frames of reinforcing steel, or units made of iron, metal lath, wire lath or mesh, which have been made and assembled before arriving at the job, shall be handled after arrival at the job by employees covered by this Agreement, excepting hoisting of same by motive power.

(6) Each employee covered by this Agreement shall keep himself provided with a suitable kit of tools necessary for the proper performance of the work which he is called upon to do, excepting machines, cutters, punchers, vises and water levels.

(7) The Union agrees that there shall be no restrictions of the use of machinery, tools, appliances, or methods. Foremen, journeymen and apprentices shall operate all machinery, tools and appliances used by them in their work, including, but not limited to, diameter discs, cutting blades, punches and air and gas valves and welding equipment.

(8) Compensation for the theft of tools must be submitted to and settled by the Trade Board provided for in this Agreement.

(9) It is agreed that shanties, or lockers, will be provided at the job site so that employees may change their clothes and store clothes and tools.

ARTICLE III-Trade Jurisdiction:

The Employer agrees that the following work is covered and shall be contracted for, assigned to, and performed by journeymen lathers and indentured apprentices, and that shall be the term and condition of employment under this Agreement:

Erecting and installing of all light iron construction, furring, making and erecting of brackets, clips, and hangers; wood, wire and metal lath; plaster board or other material which takes the place of same to which plastic or acoustical material is adhered; comer beads; all floor construction; arches erected for the purpose of holding plaster, cement, concrete, or any other plastic or acoustical material.

A. All carrying bars, purlins and furring regardless of size, light iron and metal, furring of all descriptions, such as rods, channels, flat iron, Nailock, Screwlock, Pomeroy, T bar, H bar, Z bar, metal splines; all light iron and metal studs such as Stran Steel, Penn metal, Soule, Truscon, and all other types of light iron and metal studs and all other light iron furring erected to receive lath and plastic or acoustical materials.

B. The nailing, tying, and fastening of all wire and metallic lath such as wirecloth, wire mesh, expanded metal lath, hyrib lath and all rib and flat expanded metal lath and wire of all descriptions as well as the placing of all hangers and all inserts used for the purpose of supporting suspended ceilings of any of the above types of light iron and metal furring which receives lath and plastic or acoustical materials; the placing of all types of floor lath, such as hyrib lath, paperback steeltex floor lath, Penn metal rib, and all other appurtenances connected therewith.

C. The tying, nailing, clipping, or fastening of all types of lath, regardless of size, such as wood lath, plaster board, button board, flaxlinum board, bishopric, celotex, gypsum lath, rocklath, sheetrock, or any and all other types of material erected to receive or hold plastic or acoustical material.

D. The erection of any and all mechanical acoustical systems such as Cupples, Economy, Fiberglas, Jackson, Reynolds, Aluminum, Securitee, Inerlok Grid, or any other type or kind which takes the place of same to which acoustical material is attached or adhered.

E. The erection of all metal plastering accessories such as metal corner beads, door and window casing beads, metal picture mould, metal chair rail, metal base and base screed, and any and all other metal plastering accessories which are covered and/or serve as a ground, guard, or screed for plastic material.

F. Installation of reinforced concrete construction where such agreements prevail.

161a

-Corner guards, which also acts as a plaster screed, installation of.

Metallic Lathers Union Local No. 46 vs. Carpenters District Council -Bellevue Hospital, 26th Street and East River Drive, New York City.

The installation of a corner guard which also acts as a plaster screed is the work of the Metallic Lathers. -Decision of the Executive Committee, September 9, 1971.

162

-Lathing work, ceiling frame work, hinging erection of.

Metallic Lathers' Union of New York and Employing Metallic Furring and Lathing Association vs. New York League of Heat and Cold insulation and Union of Heat and Cold Insulators.

Relating to the erection of hanging ceiling frame work on the Wanamaker Building, New York City, we find as follows:

That the work in question shall be erected by the members of the Metallic Lathers' Union. -Decision of Special Arbitration Board (Daniel J. O'Mahoney, Louis S. Massimo, W. R. Bracken, Thomas J. O'Reilly, Jr.), June 1, 1905.

163

-Wire lath, stapling on wood.

Metallic Lathers' Union vs. H. W. Miller & Co.

The stapling of wire lath on a wood lath job may be done by any skilled mechanic where the amount of wire lath stapled on wood does not exceed 75 square yards. if the wire lath on a wood job exceeds 75 square yards it shall be stapled by metallic lathers, and on all metallic and wire lath jobs the work shall be done by metallic lathers. -Recommendation of Executive Committee, October 18, 1905.

163a

-Wire mesh for reinforcing terrazzo floors, setting of.

In the matter of the Mosaic and Terrazzo Employers' Association vs. Metallic Lathers, Local No. 46.

Where wire mesh is used in terrazzo floors, the Committee finds that when nailed or clipped on, it is the work of the metallic lather and when laid loose, it is the work of the terrazzo worker. -Decision of Executive Committee, November 10, 1932.

163-2a

-Reinforcing trusses, In steel, in floor construction, to be encased in concrete, erection of.

Metal Lathers, Local No. 46 vs. Bridge and Structural Iron Workers, Local No. 40 -Windsor Park, Hartsdale, N.Y.

The committee finds that the erection of steel reinforcing trusses completely encased in concrete, forming a floor slab, as on the job in question, is the work of the metal lather. -Decision of Executive Committee, November 26, 1940.

163-3a

-Reinforcement wire mesh in sidewalks, installation of.

Metallic Lathers Union Local No. 46 vs. Mosaic and Terrazzo Workers Local No. 3 -C.B.S. Building, 52nd Street and Sixth Avenue (Avenue of the Americas), New York City

The Committee finds that the installation of wire mesh reinforcement in the concrete for reinforcing in sidewalks is the work of the Metallic Lathers. -Decision of the Executive Committee, May 19, 1965.

163b

-Concrete roof slabs, reinforced, precast, reinforcing of.

Metal Lathers Union, Local No. 46 vs. Federal American Cement Tile Co., Inc. -Vernon Boulevard and 12th Street, Long Island City, N.Y.

The complaint is dismissed. -Decision of Executive Committee, April 20, 1936.

163-2b

-Concrete coping slabs, reinforced, precast in shop, cutting and placing of steel for.

Metal Lathers, Local No. 46 vs. George F. Driscoll Company-East River Houses, East River Drive-First Avenue, 102nd to 105th Streets, New York, N.Y.

The complaint is dismissed. -Decision of Executive Committee, February 20, 1941.

164

-Furring In connection with dampproofing system, installation of.

Metallic Lathers' Union vs. Carpenters' Joint District Council -86th St. and Central Park West.

The work cited in this complaint is not carpenters' work and the carpenters are directed to withdraw their men from said work. -Decision of Executive Committee, June 27, 1906.

165

-Angle Iron placed in ducts for lathing.

Metallic Lathers' Union vs. Amalgamated Sheet Metal Workers' Union, Local I I-Bellevue Hospital.

The work in question, I-inch angle iron placed in ducts for the purpose of holding metallic lath, which in turn is used for the purpose of holding the cement, is in the possession of the metallic lathers. - Decision of Executive Committee, December 16, 1908.

165a

-Metal framing for openings to mount flush ceiling lighting units, installation of.

Metallic Lathers, Local No. 46 vs. Electrical Workers, Local No. 3 -Woolworth Job, Fifth Avenue and 39th Street, New York, N.Y.

The Committee finds that the framing for openings in the wire lath ceiling as done on the job in question is work that is in the possession of the lather. -Decision of Executive Committee, November 12, 1937.

166

-Iron furring, erection of.

Metallic Lathers' Union vs. Lenox Iron Works -63rd St., near Broadway.

The Lenox Iron Works is directed to employ metallic lathers (members of the recognized union) on all work of furring, carrying metallic lathing. -Decision of Executive Committee, February 27, 1909.

166a

-Partitions, carrying metallic lathing, metal framing for, erection of.

Metallic Lathers, Local No. 46 vs. Housesmiths, Local No. Seaview Hospital, Richmond, S.I.

The Committee finds that the work on the job in question is not in the possession of the metallic lathers or the housesmiths. -Decision of Executive Committee, July 7, 1932.

167

- Plaster board, Installation of.

Metallic Lathers' Union vs. Berger Manufacturing Company -54th S1 and Broadway.

The Committee finds that the installation of plaster board is work that has been in the possession of the metallic lathers. -Decision of Executive Committee, October 5, 1914.

167a

-Rock lath, on ceilings, to receive acoustical tile, installation of

Wood Lathers, Local No. 308 vs. Carpenters District Council-South William and William Street, New York, N. Y.

The committee finds that on the evidence presented, the work in question in this jurisdiction has been performed by lathers. -Decision of Executive Committee, June 25, 1946.

167b

-Gyplap Board, on ceilings, to receive acoustical tile, installation of.

Metallic Lathers, Local No. 46 vs. Carpenters District Council 107th St. & Columbus Avenue, New York, N.Y.

The Committee finds that where gyplap board is used on ceilings as the base for the application of acoustical tile, the installation of such material is the work of the metal lather. -Decision of Executive Committee, April 3, 1950.

168

-Ceiling, iron construction, arched.

Metallic Lathers vs. Jacob A. Zimmerman & Co., Inc., and Iron Workers-Church in Yonkers.

The complaint of the metallic lathers is sustained. -Decision of Executive Committee, January 16, 1917.

169

-Lathing work, plaster board, erection of.

Metallic Lathers vs. Thompson-Starrett Co. -Army Base Hospital, Rosebank, S.I.

The work in question (the erection of plaster board) is work that is in the possession of the Metallic Lathers' Union. -Decision of Executive Committee, May 17, 1918.

170

-Metal lath, attaching of to wooden studs.

Metallic Lathers vs. Clough-Bourne Corporation -Field No. 3, Mineola, L.I.

The Clough-Bourne Corporation is directed to comply with the metallic lathers' trade agreement and employ members of Local No. 46 to perform the work covered therein and under the terms set forth therein. -Decision of Executive Committee, November 12, 1918.

170a

-Floor forms, metal (manufactured by National Concrete Metal Forms Corp.), setting of.

Carpenters' District Council vs. Metallic Lathers, and Neinken Construction Co. vs. Carpenters - Curtis High School, Borough of Richmond.

The complaint of the Carpenters' District Council is dismissed. -Decision of Executive Committee, October 25, 1921.

170-2a

-Sheet metal In connection with reinforced roof arches (manufactured by Porete Mfg. Co.), setting of.

Sheet Metal Workers, Local Union No. 28 vs. Metallic Lathers, Local No. 46 -Old Folks' Home, Amityville, L.I.

The complaint is dismissed. -Decision of Executive Committee, June 30, 1931.

170b

-Picture mould, metal, installation of.

Metallic Lathers vs. Carpenters -Women's Residence Hall, 116th St. and Morningside Ave.

The work of installing the metal picture mould of the type used at the Women's Residence Hall, 116th St. and Morningside Ave., is work that has been recognized to be in the possession of the metallic lathers. -Decision of Executive Committee, August 12, 1924.

170-2b

-Beads, metal bullnose, used to receive plaster and making finish to window frames, erection of.

Metallic Lathers' Union, Local No. 46 vs. Carpenters' District Council-120 Central Avenue, Staten Island, N. Y.

The Committee finds that the work in question is not in the possession of either trade, therefore, the complaint is dismissed. -Decision of Executive Committee, March 17, 1931.

170-3b

-Strips, metal, used as a ground for terrazzo base, installation of.

Metallic Lathers, Local No. 46 vs. Mosaic and Terrazzo Workers, Local No. 3.

The Committee finds that where a metal strip is used as a ground for terrazzo base by sticking on with a plastic substance, it is the work of the terrazzo workers and where it is nailed or wired, it is the work of the metallic lather. -Decision of Executive Committee, November 23, 1932.

170-4b

-Shaped metal as ornamentation and expansion for stucco, installation of.

Wood, Wire & Metal Lathers, Local No. 244 vs. Sheet Metal Workers, Local No. 28 -Federal Building, World's Fair, Flushing, New York.

The complaint is dismissed. -Decision of Executive Committee, November 9, 1938.

170-5b

-Base, metal as screed for plastering, installation of.

Carpenters District Council vs. Metal Lathers, Local No. 46 -Red Hook Housing Project, Ninth, Clinton, Lorraine, Ostego and Dwight Streets, Brooklyn, N.Y.

The committee finds that metal base of the types used on the job in question, which is set before and acts as a screed for plastering, is the work of the metal lathers. -Decision of Executive Committee, May 4, 1939.

170-6b

-Strips, metal, used as a ground for terrazzo base, installation of.

Metallic Lathers, Local No. 46, vs. Mosaic and Terrazzo Workers, Local No. 3-Islip Senior High School, Islip Terrace, Long Island, New York.

The Executive Committee reviewed the complaint on decision 3b and determined that it was not relevant and does not apply to the dispute on the above captioned job in question and therefore 1(1(- is the following decision:

Where a Metal member is used to form a screed or cap for a terrazzo base without any construction above the installation of the metal member, it is the work of the Mosaic and Terrazzo Worker. - Decision of the Executive Committee, January 13, 1970.

170-7b

-Strips, metal, used as a ground for terrazzo base, installation of.

Metallic Lathers, Local No. 46, vs. Mosaic and Terrazzo Workers, Local No. 3.

Where a metal member is used to form a permanent screed or cap for a terrazzo base with any construction above (construction meaning a partition or wall of any material) and said metal member is nailed or wired, it is the work of the Metallic Lather.

When said metal member is stuck on, it is the work of the Mosaic and Terrazzo Worker. -Decision of the Executive Committee, July 7, 1970.

170-8b

-Strips, metal, also used as a screed, installation of.

Metallic Lathers Local No. 46 vs. Ornamental Iron Workers Local No. 580 -Brookdale Hospital, East 98th Street, Brooklyn, New York.

The installation of a metal strip on a wall or column surface, which is also used as a plaster screed, is the work of the Metal Lather. -Decision of the Executive Committee, June 29, 1971.

170c

-Reinforcement rails, on roof trusses, installation of.

Metallic Lathers vs. James Stewart & Co., Inc., and Structural Iron Workers -Madison Square Garden, 50th St. and Eighth Ave.

The rail in question is part of the reinforcement and is covered by the trade agreement between the Metallic Lathers' Union and Masters' League of Cement Workers. -Decision of Executive Committee, September 3, 1925.

170d

-Metal runners, metal channels and metal studs forming the framing for dry wall partitions, including the sheet rock, installation of.

District Council of Carpenters vs. Metallic Lathers' Local No. 46 -Sommer Bros. Construction Company, Inc., 135 West 50th Street, New York City, (Belmont Lathing Company).

The Executive Committee finds that the installation of Metal Runners, Metal Channels and Metal Studs forming the framing for dry wall partitions is the work of the Metal Lather. The installation of the sheet rock is the work of the Carpenters. -Decision of the Executive Committee, July 29, 1963.

Thereafter, the District Council of Carpenters through their International appealed from our decision to the National Joint Board for settlement of Jurisdictional Disputes, and under date of September 20, 1963, the National Joint Board issued its decision which reads as follows:

“At its meeting of September 18-19, 1963, the Joint Board considered the appeal of President Hutcheson from the decision rendered by the Executive Committee of the Building Trades Employers' Association of the City of New York on July 29, 1963, in the jurisdictional dispute between the United Brotherhood of Carpenters and Joiners and the Wood, Wire and Metal Lathers; International Union over installation of metal runners, metal channels and metal studs forming the framing for drywall partitions, including sheet rock installation, 135 West 50th Street Job, New York, New York, Sommer Brothers Construction Company contractor, Belmont Lathing Company: subcontractor.

On the basis of the evidence and arguments presented by the two international unions involved, the Joint Board voted to set aside the decision of the Executive Committee by the Building Trades Employers' Association of the City of New York and further voted that the installation of metal runners, metal channels and metal studs forming the framing for drywall partitions shall be assigned to carpenters.

This action of the Joint Board was predicated upon particular facts and evidence before it regarding this dispute and shall be effective on this particular job only.

Very truly yours,

WILLIAM J. COUR, Chairman.”

Through the years this Association, together with the Building and Construction Trades Council of Greater New York, have insisted in correspondence and otherwise that any decision made with respect to one or more jobs in this area, is and should be area-wide, namely, co-extensive with the jurisdiction of the Building and Construction Trades Council of Greater New York.

In view of the reversal of our decision above set-out by the National Joint Board, and our policy, together with the policy of the Building and Construction Trades Council of Greater New York, the Executive Committee, after extended consideration, voted to rescind the decision by the Executive Committee, #170d, and to accept the decision by the National Joint Board for Settlement of

Jurisdictional Disputes, that the work involved is the work of the carpenters, and that such decision is and becomes an area-wide decision to the same extent and with the same force as all other decisions made by our Executive Committee covering jurisdictional disputes which arise in this area.

170e (Rescinded)

-Gypsum Board, to receive veneer plaster, installation of.

Metallic Lathers Local Union 46 against Carpenters District Council -Cathedral High School, 55th Street and First Avenue, New York City (EX PARTE HEARING)

The Executive Committee finds that the installation of metal studs, including floor and ceiling runners, and gypsum board on which is applied veneer plaster is the work of the Metal Lathers. -Decision of the Executive Committee, June 17, 1974.

Thereafter, the Carpenters District Council through their International appealed from this decision to the Appeals Board for Settlement of Jurisdictional Disputes in the Construction Industry, and on August 7, 1974 the Appeals Board issued its decision which reads in part as follows:

The Appeals Board has fully considered the positions and pleas of the interested parties and the evidence from the files of the B.T.E.A. The Appeals Board finds it is in disagreement with the finding of the B.T.E.A and therefore sets aside its decision of June 17, 1974. The Appeals Board finds there was no basis to change contractor's assignment to the Carpenter because of the close relationship of the disputes work to the Status Quo Agreement.

In view of the reversal of decision 170e by the Appeals Board, the Executive Committee, after extended consideration, voted to set aside decision 170e and to accept the decision by the Appeals Board that the work involved is closely related to the Status Quo Agreement between the United Brotherhood of Carpenters and Joiners of America and the Wood, Wire and Metal Lathers International Union and as such is subject to assignment by the Contractor involved.

The Status Quo Agreement was reached in 1965 and concerns recognition by each International of assignments to the other in cases involving metal studs, including floor and ceiling runners, to receive drywall or cases involving ceiling systems. As indicated above, this Agreement has been extended to items considered closely related to those covered by the original Status Quo Agreement. - September 5, 1974.

170-2e

-Hangers, Carrying Channels, Furring and Gypsum Board, installation of.

Metallic Lathers Local Union No. 46 vs. Carpenters District Council -Olympic Towers, 51st Street and Fifth Avenue, New York City.

The Executive Committee finds that the installation of Hangers, Carrying Channels, Furring and Gypsum Board to receive veneer plaster is the work of the Metallic Lathers. -Decision of the Executive Committee, March 25, 1976.