

# National Joint Adjustment Board for the Sheet Metal Industry

## DECISION

SMART Local Union 67  
7551 Callaghan Road, Suite 320  
San Antonio, TX 78229

Beard Integrated Systems, Inc.  
112465 Indian Trail  
Dallas, TX 75229

Re: Article X, Section 8: SMART Local Union 67 &  
Beard Integrated Systems, Inc.

Ladies and Gentlemen:

The National Joint Adjustment Board (NJAB) for the Sheet Metal Industry met September 11, 2017 in St. Louis, MO to hear the above-referenced matter.

Stephen Cockerham, Esq. appeared on behalf of the Employer. Gilbert Garcia appeared on behalf of the Local Union.

A review of the record demonstrated that all procedural requirements had been met. The matter, therefore, was properly before the NJAB for decision.

Based on the record and testimony of the parties, the NJAB rendered the following unanimous decision:

The parties are directed to execute a three-year agreement effective July 1, 2016 with the same terms and conditions as the MCA-SMACNA of Austin & SMART Local Union 67 collective bargaining agreement currently in effect, except for the following changes:

1. Reference to "Sheet Metal Workers' International Association" shall be replaced with "International Association of Sheet Metal, Air, Rail and Transportation Workers Local Union #67".
2. Beard Mechanical shall represent itself in all contract negotiations going forward. All reference to MCA-SMACNA as Beard's bargaining representative shall be removed.
3. The industry funds contributions provided for in Article VII, Sections 12-15 shall be paid instead to the Austin JATC training fund.

4. The parties shall revise Article IX, Section 4 to allow any member of management who is a qualified sheet metal worker to be the only representative of the employer who shall issue instructions directly to the employee.
5. The parties shall revise Article X, Sections 1-7 to use the FMCS for any arbitration between the parties.
6. Article X, Sections 8-10 shall be removed from the contract. In addition, for Article XVI, Section 5, the Standard Form of Agreement shall not be applicable.
7. Apprentices shall be granted on the basis of one apprentice to one journeyman.
8. One pre-apprentice shall be granted on the basis of one apprentice and one journeyman.
9. Classified workers shall be granted on the basis of one classified worker for each apprentice employed by the employer.
10. The following language shall be added to the end of Article VI, Section 5(f): "The union will encourage members to work needed overtime in order to accomplish the company's and contractors' goals. The union will work proactively to be responsible to the employer's manpower needs."

No further changes, except those agreed to locally by the parties, are directed.

Your attention is directed to the following language contained in the Procedural Rules of the NJAB under Article X, Section 8 (a):

"The unanimous decision of said Board shall be final and binding upon the parties, reduced to writing, signed and mailed to the parties as soon as possible after the decision has been reached."

BY ORDER OF THE BOARD

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CO-CHAIR

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CO-CHAIR

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DATE