

National Joint Adjustment Board for the Sheet Metal Industry

DECISION

SMART Local Union 20
2828 East 45th Street
Indianapolis, IN 46205

Skanska USA
401 NW First Street
Evansville, IN 47702

Re: Article X, Section 4: SMART Local Union 20 & IC
SKANSKA

Ladies and Gentlemen:

The National Joint Adjustment Board (NJAB) for the Sheet Metal Industry met June 12, 2017 in Pittsburgh, PA to hear the above-referenced matter.

Daniel Evans appeared on behalf of the Employer. Jason Benson 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:

We find that the Employer terminated Rick Jones because of his insubordination in refusing to observe the safety rule that a forklift operator must wear a seatbelt. The safety rule is a standard one in industry and it is undeniably appropriate. Jones admitted that he didn't observe the rule on this occasion and at other times. Addendum IX, Section 3.g makes an employee who fails to observe safety rules subject to immediate termination. The Employer acted within its rights under this provision to terminate Rick Jones.

Your attention is directed to the following language contained in the Procedural Rules of the NJAB under Article X, Section 7:

“Except in case of deadlock, the decision of the National Joint Adjustment Board shall be final and binding.”

BY ORDER OF THE BOARD

CO-CHAIR

CO-CHAIR

DATE