

# NATIONAL SERVICE AND MAINTENANCE AGREEMENT

## SCHEDULE A

Jurisdiction: Territorial Jurisdiction of Local 38

In accordance with Article 20, Paragraph 72, this schedule is entered into on behalf of the signatories to the current National Service and Maintenance Agreement dated August 1, 2005. To the extent this Schedule A conflicts with any other Schedule A, this Schedule A will prevail. Except as modified by this Schedule A, in all other respects the National Service and Maintenance Agreement and applicable Schedule A's shall apply to the jurisdiction of Local 38.

Effective date: July 1, 2009 – July 31, 2010

## SPECIAL CONDITIONS

In recognition of the need for Local 38 to train additional service journeymen and apprentices and signatory contractors to utilize these qualified Local 38 service journeymen and apprentices and other classifications recognized by the National Service and Maintenance Agreement, the following special conditions shall apply to the territorial jurisdiction of Local 38.

## ARTICLE X HIRING AND USE OF MEN

**Paragraph 25** – Local 38 shall cooperate with national signatories in their normal hiring process including, where applicable, interviews, background checks, and drug testing. However, none of these criteria shall be used by the employer as a pretext to systematically discriminate against qualified Local 38 applicants.

**Paragraph 27** – Foremen, Journeymen, Servicemen (MES) and Apprentices who have been regularly assigned to work in the territorial jurisdiction of Local 38 from other local unions shall be considered grandfathered and shall continue to have the right to work within Local 38 pursuant to Paragraph 27 provided, however, that any new positions that are available to perform work covered by the National Service and Maintenance Agreement within the territorial jurisdiction of Local 38 shall be first offered in writing to Local 38. If Local 38 is unable to fill those positions within seventy-two hours (Saturday and Sundays excluded) with qualified service employees, the employer shall be able to assign this work to a member of another Local on a temporary basis until such time as a qualified Local 38 service employee is available. For purposes of this paragraph, a person shall be deemed to have regularly worked in the jurisdiction of Local 38 if they worked at least 500 hours in 2008 within the jurisdiction of Local 38. Those employees who will continue to be assigned to Local 38's jurisdiction must deposit travel cards.

**Paragraph 27(a)** – No later than July 1, 2009, each employer claiming employees covered by the grandfather provisions set forth herein must submit to the Business Manager of Local 38 a full list of employees that fall under this paragraph if the employer seeks to continue to assign

such employees to work in the jurisdiction of Local 38. This list should include the full name, classification, UA card number, local union number and the number of the assigned truck/van for each employee and should include proof of hours worked in Local 38's jurisdiction in 2008. Effective July 1, 2009, Journeymen, Servicemen (MES) and Apprentices not listed will not be able to travel into Local 38's jurisdiction except for those that are assigned to work on a temporary basis as set forth in paragraph 27. Effective July 1, 2009, Tradesmen (MEST) will not be able to travel into Local 38's jurisdiction unless Local 38 is unable to supply Tradesmen (MEST) employees within 72 hours (Saturday and Sunday excluded) of a written request. In that event, an Employer may assign the work to Tradesmen (MEST) from another local on a temporary basis until such time as Tradesmen from Local 38 are available to perform this work. However, no employer shall assign a Tradesmen to travel into Local 38's jurisdiction unless the employer has first hired a first or second year apprentice to perform service work in the jurisdiction of Local 38 provided that this requirement shall not apply during such periods that such apprentices have been requested by the employer but are unavailable. Upon written request of Local 38, an employer who assigns employees to work in Local 38 pursuant to this paragraph will provide a report setting forth by name the number of hours worked, location of the job(s) where work was performed, and a certification that the employees were paid in accordance with the National Service and Maintenance Agreement and applicable Schedule A's.

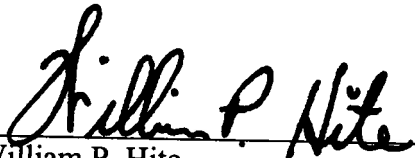
**Paragraph 28** – The notification obligations and travel card obligations set forth in Paragraph 28 shall fully apply for all work performed in Local 38 by employees whose home local is not Local 38. Any employee assigned to Local 38's jurisdiction for more than thirty days in a calendar year will be required to deposit a travel card.

## **ARTICLE VIII BUILDING TRADES WORK**

**Paragraph 13** - Building Trades work occurs in occupied and unoccupied buildings. Building Trades work shall be performed in accordance with the Local 38 Building Trades Agreement, including the referral procedures set forth in that Agreement. Note: Article XXV, Section 91 shall be considered Building Trades work. Freedom of movement, the right to assign work to employees from other locals shall not apply to Building Trades work. If Local 38 is unable to supply qualified Building Trades employees within 72 hours (Saturday and Sunday excluded) of a request, the Employer may assign the work to employees from another local on a temporary basis until such time as qualified Building Trades employees are available to perform this work.

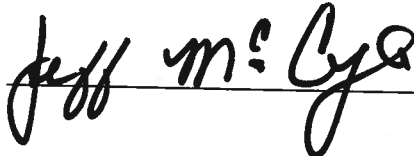
Employees working under the terms of this Agreement cannot be utilized on any new construction, previously unoccupied space, totally rehabilitated buildings or any full or partial floor renovation of a building. This is considered building trades work (also known as Tenant Improvement Work).

United Association of Journeymen and  
Apprentices of the Plumbing and Pipe  
Fitting Industry of the United States and  
Canada, AFL-CIO

  
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William P. Hite

July 15, 2009  
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Date

Mechanical Service Contractors of America  
(MSCA)

  
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10/14/09  
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Date