

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS.

# Summary of Cases Placed Before the Grievance and Appeals Committee at the 38<sup>th</sup> Convention

Vancouver, BC, Canada • September 19-23, 2011

## 2011 GRIEVANCE AND APPEALS COMMITTEE

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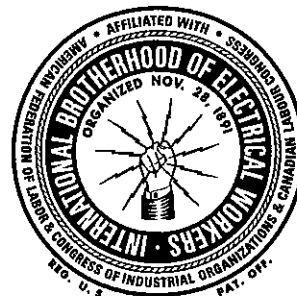
The Grievance and Appeals Committee prepared this summary of cases pending before the delegates prior to commencement of the 38th Convention.

It is the right of any individual member of a local union to appear before the Grievance and Appeals Committee to plead his/her case if he/she so desires. The Committee is in session prior to and during the convention and instructions are available to contact the Chairman or Secretary. The appealing member does not have to be a delegate or an alternate to the convention to appear and present his/her case to the delegates. However, specific rules and times apply to the appealing member.

In view of the right of a member or his/her representative to present a case before the Grievance and Appeals Committee in Vancouver, BC, the Committee must hear any presentations before them prior to making its recommendation to the delegates at the convention.

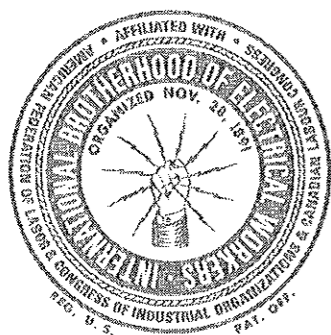
Therefore, only a summary of the cases before the Committee can be presented in this booklet. For the delegates' convenience, titles of the cases to be reviewed are printed on the following page.

A report of the Committee and its recommendations will be made as each case is presented by either the Chairman or Secretary of the Committee to the convention for the delegates' consideration prior to their decision.



## List of Appeals

Case No.	Name
1.....	Rienzi Changoor
2.....	Rienzi Changoor
3.....	Tim Jolly
4.....	Randy Woodall



### CASE NO. 1 Rienzi Changoor

vs.

**Local Union 353 (as,c,i,o)**  
Toronto, ON, Canada

Rienzi Changoor is a member of Local Union 353 in Toronto, ON, Canada and was charged with violating the following:

**Collective Bargaining Agreement**  
**Local Union 353 Bylaws**  
**Article 13, Section 17**  
**IBEW Constitution**  
**Article XXV, Section 1(e)**

The charges against Brother Rienzi Changoor were filed after he was observed and photographed performing electrical work at York University in Toronto, ON, Canada on November 26, 2003. Brother Changoor was charged with violating the collective bargaining agreement, Article 13, Section 17 of the local union bylaws, and Article XXV, Section 1(e) of the IBEW Constitution. The photographs and testimony showed that he had been installing and wiring light

standards for someone other than an IBEW-signatory contractor. The local union trial board found Brother Changoor guilty of violating the bylaws and the IBEW Constitution, but not the collective bargaining agreement. It assessed a fine of \$1,000 for violation of the IBEW Constitution and imposed a second fine of \$300 for violation of the local union bylaws, to be held in abeyance for three years and payable only if there were additional violations during that period.

On appeal, International Vice President Flemming found that there was enough evidence to show that Brother Changoor had violated the IBEW Constitution, but not enough to show that he had violated the local union bylaws.

Changoor's appeal from International Vice President Flemming's decision was denied by International President Hill and the International Executive Council.

### CASE NO. 2 Rienzi Changoor vs. Local Union 353 (as,c,i,o) Toronto, ON, Canada

Rienzi Changoor is a member of Local Union 353 in Toronto, ON, Canada and was charged with violating the following:

**Collective Bargaining Agreement**  
**Local Union 353 Bylaws**  
**Article 13, Section 17**  
**IBEW Constitution**  
**Article XXV, Section 1(e)**

The charges against Brother Rienzi Changoor were filed after he was observed and photographed performing electrical work at York University in Toronto, ON, Canada on July 7, 2005. Brother Changoor was charged with violating the collective bargaining agreement, Article 13, Section 17 of the local union bylaws, and Article XXV, Section 1(e) of the IBEW Constitution. The photographs and testimony showed that he had been performing underground electrical work for someone other than an IBEW-signatory contractor. The local union trial board found Brother Changoor guilty of all charges and assessed a fine of \$7,500.

On appeal, International Vice President Flemming upheld the decision that Brother Changoor had violated the IBEW Constitution but reversed the finding that

he had violated the collective bargaining agreement and the local union bylaws. Vice President Flemming suspended \$3,500 of the fine imposed for a period of three years, to be paid only if there were additional violations during that period.

Changoor's appeal from International Vice President Flemming's decision was denied by International President Hill and the International Executive Council.

### CASE NO. 3 Tim Jolly vs. Local Union 34 (em,i,rts,spa) Peoria, Illinois

Tim Jolly is a member of Local Union 150 in Waukegan, Illinois and was charged with violating the following:

**IBEW Constitution**  
**Article XX, Section 4**  
**Article XXV, Sections 1(a), (e), and (l)**

On October 14, 2008, Brother Tim Jolly, along with 39 other employees working under the National Maintenance Agreement, participated in an unauthorized work stoppage at Dynegy's Havana Power Station in Havana, Illinois. The work stoppage was prompted by the employer's termination of an employee working on that job. Brother Jolly was charged with violating Article XX, Section 4 and Article XXV, Sections 1(a), (e), and (l) of the IBEW Constitution. At his hearing, he acknowledged that he had left the job in response to what he considered to be an unfair termination. The local union trial board found Brother Jolly guilty of all charges and assessed a fine of \$350.

International Vice President Lohman upheld the decision of the trial board, as did International President Hill and the International Executive Council.

### CASE NO. 4 Randy Woodall vs. Local Union 34 (em,i,rts,spa) Peoria, Illinois

Randy Woodall is a member of Local Union 613 in Atlanta, Georgia and was charged with violating the following:

**IBEW Constitution**  
**Article XX, Section 4**  
**Article XXV, Sections 1(a), (e), and (l)**

On October 14, 2008, Brother Randy Woodall, along with 39 other employees working under the National Maintenance Agreement, participated in an unauthorized work stoppage at Dynegy's Havana Power Station in Havana, Illinois. The work stoppage was prompted by the employer's termination of an employee working on that job. Brother Woodall was charged with violating Article XX, Section 4 and Article XXV, Sections 1(a), (e), and (l) of the IBEW Constitution. The local union trial board found Brother Woodall guilty of all charges and assessed a fine of \$350.

International Vice President Lohman upheld the decision of the trial board, as did International President Hill and the International Executive Council.