

Dominic Jose Padilla

From: Steve Blanco [SBlanco@bomwlaw.com]
Sent: Monday, February 03, 2014 3:42 PM
To: Dominic Jose Padilla
Cc: Edgar Goytia-Chavez ; Arlene Garcia; Pedro Galaviz; Emil Moisez Herrera; Hector V. Rodriguez
Subject: RE: CISD Board Meeting - Sheet Metal Union

Dominic, I am not sure exactly what Mannie Kallman wants you to do. I read his letter and his issue is simply that there should be a single Sheet Metal (HVAC) wage.

CISD did not adopt a single wage for Sheet Metal (HVAC) work. The wage order breaks the work out into sub-classifications. The fact that other entities do not do this, does not change the fact that CISD did.

Policy CV Legal and Texas Government Code Chapter 2258 control this.

The work under contract with JCI is subject to the wage order in place at the time the work is performed. In this case, the work falls into either the Sheet Metal or HVAC Duct Only category. If the work is installation of prefabricated metal ducts, there is a good argument that the lower rate can and should be applied. The definition section does not change this. The wage order simply breaks out the HVAC Duct Only work from the larger category of Sheet Metal included in the Building Definitions.

If the union wants to challenge the payments received by their employees, they are free to do so. They can file wage claims with DOL or a lawsuit. At that point, it boils down to a factual determination as to what type of work each employee was engaged to perform. The fact that CISD broke out the work will make it very hard for them to challenge the payment.

If they want a revised wage order, they can certainly ask the Board to consider changing it.

He asked that this issue be on the next agenda. It's up to you to decide whether to add it. I would run it through a committee first.

From: Dominic Jose Padilla [<mailto:dpadilla@canutillo-isd.org>]
Sent: Thursday, January 30, 2014 12:08 PM
To: Steve Blanco
Cc: Edgar Goytia-Chavez ; Arlene Garcia; Pedro Galaviz; Emil Moisez Herrera; Hector V. Rodriguez
Subject: FW: CISD Board Meeting - Sheet Metal Union

Mr. Blanco,

Please review the attached letter regarding the Wage Rate dispute the Sheet Metal Union has against our adopted prevailing wage rate. The Sheet Metal Union is saying CISD should never have had subcategories for Sheet Metal Workers trade.

Understanding that CISD *did* adopt a prevailing wage with subcategories for Sheet Metal Workers, what wage should these workers be paid in the field should they be completing both tasks? Keep in mind JCI is paying the “HVAC Duct Only” wage, as it is their interpretation that only HVAC ductwork was completed by these workers. Naturally the interpretation from the Union will pay the higher wage. If we say JCI should have paid the higher “Sheet Metal Worker” wage we’ll have a dispute from JCI.

It has been my intent to have the CISD Board of Trustees decide the original intent of this wage adoption. How do you propose we proceed? I do understand this should be handled between JCI and the Union but I can’t help but think that the Board has a decision to make or at the minimum revise the wage adoption to eliminate the subcategories as it pertains to Sheet Metal Workers.

In brief, I feel an interpretation is needed.

Thank you,

Dominic Padilla, LEED AP

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From: Mannie Kalman [<mailto:mkalman@manniekalman.com>]

Sent: Thursday, January 30, 2014 10:51 AM

To: Dominic Jose Padilla

Cc: Vince Alvarado

Subject: CISD Board Meeting

Dear Mr. Padilla:

Please advise when the next board meeting is scheduled. I respectfully request that the issues detailed in the attached correspondence be placed on the board’s agenda.

Sincerely,

Mannie Kalman