

CHAPTER IX—CONSTRUCTION
INDUSTRY COLLECTIVE BARGAINING
COMMISSION

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PART 900 [RESERVED]

PART 901—POLICY STATEMENT ON COLLECTIVE BARGAINING DISPUTES AND APPLICABLE PROCEDURES

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AUTHORITY: E.O. 11482; 3 CFR, 1969 Comp., p. 139.

SOURCE: 35 FR 4752, Mar. 19, 1970, unless otherwise noted.

§ 901.1 Scope and application.

The Construction Industry Collective Bargaining Commission hereby states its policy and sets forth procedures for handling disputes involving the standard labor and management organizations in the building and construction industry. These procedures are pursuant to the authority set forth in Executive Order 11482, dated September 22, 1969. Section 6 of the order states that, "The Commission is authorized to issue such rules and regulations, and to adopt such procedures governing its affairs, including the conduct of its disputes settlement functions, as shall be necessary and appropriate to effectuate the objectives of this order."

§ 901.2 Policy of Commission.

Section 3(c) of the Executive order provides that it is an objective of the Commission "to establish more effective machinery for the resolution of disputes over the terms of collective bargaining agreements which at the same time recognizes the interests of each branch of the industry and preserves existing procedures that have been effective." Accordingly, it is the policy of the Commission:

(a) To encourage each branch of the industry without such a procedure to establish its own procedures to facilitate the settlement of disputes over the terms and application of collective bargaining agreements.

(b) To encourage each branch of the industry having such a procedure, but which procedure is limited in application, to expand the application of such procedure.

(c) To encourage parties in each branch of construction with a procedure to utilize that machinery in all possible cases.

(d) To encourage the Federal Mediation and Conciliation Service to refer disputes wherever possible to such machinery established in various branches of the industry.

§ 901.3 Participation by Commission.

(a) The Commission will consider participation in specific disputes which conform with the following criteria:

(1) The disputes will have a significant impact on construction activity in the area involved.

(2) The dispute concerns negotiations for a new or expiring agreement, or a question of interpretation or application of an existing agreement, where all other internal methods of resolution have been exhausted.

(b) The Commission will normally refrain from participating in specific disputes where;

(1) The dispute involved concerns jurisdiction of work.

(2) The parties have failed to utilize an independent disputes handling procedure presently in existence or subsequently established. (A number of such procedures exists currently in several branches of the industry.)

(3) The parties have not fully utilized the service of the Federal Mediation and Conciliation Service.

(c) In setting forth a disputes procedure the Commission emphasizes that it is not intended to provide a substitute for the collective bargaining process. Nor is it a means to bypass or neglect existing mediation facilities or industry branch dispute settling procedures. The standard procedure for the Commission to accept cognizance over a collective bargaining dispute is through referral to the Commission by the Director of the Federal Mediation and Conciliation Service. The Commission will exercise its judgment in accepting or declining specific disputes. The staff of the Commission is directed to maintain close contact with the