



In the Matter of:

MILLWRIGHT LOCAL 1755

ARB CASE NO. 98-015

In re: Winfield, WV Lock and
Dam Project, Army Corps of Engineers
Contract No. DACW69-94-0027

DATE: July 20, 2000

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Petitioner:

Carl E. Hostler, Esq., *Hostler & Donnelly, L.C., Charleston, West Virginia*
Charles F. Donnelly, Esq., *Donnelly, Carbone & Kettler, P.L.L.C., Charleston, West Virginia*

For the Respondent:

Douglas J. Davidson, Esq.; Steven J. Mandel, Esq.; *U.S. Department of Labor,
Washington, D. C.*

For the Intervenor:

Terry R. Yellig, Esq., *Sherman, Dunn, Cohen, Leifer & Yellig, P.C., Washington, D.C.*

ORDER

On May 11, 2000, the Administrative Review Board issued a Decision and Order of Remand (Remand Order) in the above-captioned case. In the Remand Order, we noted that the Administrator had failed to address Millwright Local 1755's request for reconsideration of a conformed wage rate of \$24.11 per hour for workers employed on a lock-and-dam project at Winfield, West Virginia. We remanded the matter to the Administrator with instructions to issue a final decision on Local 1755's challenge to the conformed millwright wage rate, "taking into account the positions of the interested parties and any evidence of agreements between Al Johnson and its employees with regard to classifications and wage rates." Remand Order at 19. The Administrator was directed to issue a final decision on the wage rate challenge within 60 days following the date of the Board's Remand Order. *Id.*

The Board has received a letter-motion from the Administrator asking for a modification of the time frame in which the Administrator must issue a new final decision. The Administrator notes that there remains some confusion whether there is a collective bargaining agreement between Local

1755 and the construction contractor on the lock-and-dam project, Al Johnson Construction Co. (Al Johnson), that includes a millwright classification and wage rate. According to correspondence from counsel for the Intervener in this case, the Building Trades Department, AFL-CIO, the dispute concerning the collective bargaining relationship between Local 1755 and Al Johnson has been referred to a grievance/arbitration process. The letter from the Building Trades' counsel, which was attached to the Administrator's July 10 letter to this Board, indicates that it is sent on behalf of both the Building Trades and Local 1755.

The Administrator, in his July 10 letter-motion, expresses a preference for deciding the conformance challenge *after* the grievance/arbitration process produces a result on the millwright classification and wage rate issue. Accordingly, the Administrator requests that the Board modify the time schedule in the Remand Order, and direct the Administrator to issue a final decision in this matter "within 45 days of the date the Administrator receives notice of the outcome of the grievance/arbitration process recently initiated by petitioner Local No. 1755." Letter from Douglas J. Davidson, Esq. to the Administrative Review Board, July 10, 2000.

Inasmuch as all of the parties that have appeared before the Board in this proceeding (*i.e.* the Administrator, Local 1755 and the Building Trades Department) are in accord in requesting that the time frame specified in the Board's Remand Order be modified, it is hereby **ORDERED** that the Remand Order is modified as follows:

The Administrator shall issue a final decision on Local 1755's request for reconsideration of the conformed wage rate for millwrights within 45 days after receiving notice of the outcome of the grievance/arbitration process.

SO ORDERED.

PAUL GREENBERG

Chair

CYNTHIA L. ATTWOOD

Member