

**REPORT OF PROCEEDINGS of a MEETING of the INDUSTRY
APPELLATE COMMITTEE held at 9:00 A.M. on WEDNESDAY,
SEPTEMBER 20, 2000 at the SEERATON TOWERS AND
HOTEL, New York, New York**

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COMMITTEE MEMBERS

Messrs.

**John Bowers
Co-Chairman
Albert Cernadas
Arthur Coffey
Edward L. Brown, Sr.
Harold Daggett
Clyde Fitzgerald
Benjamin Flowers
Robert E. Gleason
Perry Harvey
Benny Holland
Richard P. Hughes
Irvin Joseph
Stephen Knott
John Mackey
Gerald Owens
James Paylor
Frank Scollo
Rueben Wheatley**

Messrs.

**David J. Tolan
Co-Chairman
James A. Capo
Maurice C. Ryan
Bernard E. De Lury
W. J. Detweiler
Brian Dugan
Alfred E. Frizelle
Roger J. Glesinger
* M. Brian Maher
James W. McIntire, Jr.
John W. Millard
James L. Morrison
Win Niemann
Anthony Petrizzo
Uwe Schulz
Ole A. Sweedlund
R. O. White, Jr.
Stephen Zadach**

* (not present)

**Thomas W. Gleason, Esq.
Co-Counsel
Andre Mazzola, Esq.**

**C. Peter Lambos, Esq.
Co-Counsel
William M. Spelman, Esq.**

By Invitation

Mary Ann Geosits

There were also present representatives of interested parties, the names of whom are listed on the registration pages appended to the original copy of this Report of Proceedings.

DAVID J. TOLAN CHAIRED THE MEETING

It was noted for the record that prior to the meeting, the Secretary had been advised that the above grievances had been resolved locally.

MINUTE 8

**July 7, 2000 letter from Roger J. Giesinger and Edward L. Brown, Sr. requesting an interpretation of wage rate to be paid several individuals
(EXHIBIT H)**

Mr. Brown stated that this question arose regarding two individuals, one of whom last worked in 1970 and the other in 1967. They had no hours in the preceding contract period, October 1, 1990 to September 30, 1996. They claim that they should be entitled to the seniority they established 30 years ago and are therefore entitled to the higher rate of pay.

Mr. Brown went on to say that they had a problem with that concept. In Hampton Roads they based their interpretation upon a decision rendered by this body that said anyone who worked one hour between 1990 and 1996 is not considered a new employee. These men have come back to work after the expiration of the 1990--1996 contract and are claiming that they should not be treated as new employees.

In response to a statement by Mr. Hughes that a committee had gone to Hampton Roads and ruled that an individual would not be considered a new employee if he had ~~one single hour~~, Co-Counsel Gleason stated that that ruling specified that such individual must have at least ~~one hour~~ during the period 1990 to 1996.

Co-Chairman Bowers reiterated that any ruling made here went back to 1990.

Mr. Brown noted that some people left the industry and made enough years to get a pension from their other employment.

Mr. Holland stated that if his memory serves him, a decision was made that a man needed only one hour. The Committee discussed one hour to 100 hours, but determined that ~~only one hour~~ was required. The Committee ruled it was one hour.

Co-Chairman Bowers stated that if a decision, other than what is being said here, was made he would like to see it.

Mr. Robert Gleason stated that if there was any decision made in Hampton Roads it was made by the Union.

Mr. Holland asked if this body could agree that the Committee made a decision that ~~if a man worked one single hour he was entitled to credit~~.

Mr. Robert Gleason stated that the Master Contract, 2. WAGES, paragraph (C) states as follows:

Employees who entered the industry and were employed under this Agreement for the first time on or after January 1, 1990, shall be entitled to continue to receive their basic rate of pay as of the effective date of this Agreement plus the increases described in Section A above.

Mr. Gleason stated that this paragraph says that if they worked one hour after January 1, 1990 and had prior service they would be covered. If they did not work during the period 1990 to 1996, they would be considered new employees.

Executive Session was called and everyone not a member of the Committee was excused.

A brief discussion was held during which it was agreed by both Management and the ILA that, even if an individual had prior hours in the industry, if he did not have at least one hour during the Contract period October 1, 1990 to September 30, 1996, such individual shall be deemed to be a new employee and subject to the lower rate of pay.