

# MIKE ZARP, INC.

## EXCAVATION & GRADING

P.O. Box 368 • Upland, CA 91785  
(909) 946-7017 • Fax (909) 946-1678  
Lic # 677137

VIA FACSIMILE - (202) 775-1950

May 9, 2013

Richard M. Resnick, Plan Administrator  
Plan for the Settlement of Jurisdictional Disputes  
900 7th Street, NW, Suite 1000  
Washington, DC 20001

Re: Impediment Charge

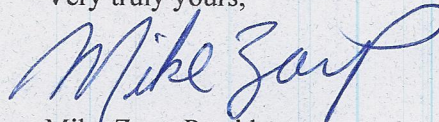
Dear Mr. Resnick

Mike Zarp, Inc. is alleging a violation of the Plan by the Operating Engineers Union (Local 12), which has filed a grievance under a collective bargaining agreement involving a jurisdictional dispute between the Laborers International Union of North America (Local 802) and the International Union of Operating Engineers (Local 12) over an employee who is assisting with trenching activities, specifically hand digging, shoveling and cleaning the bottom of trenches on the Port of Los Angeles Rear Berths 136-139 Terminal Building Project, in Los Angeles, California. Mike Zarp, Inc.'s mailing address is P.O. Box 368, Upland, California, 91785; phone number is 909-946-7017; and fax is 909-946-1678.

Mike Zarp, Inc. is stipulated to the Plan and these procedures by virtue of Article XIV of the City of Los Angeles Harbor Department Project Labor Agreement, a copy of the relevant pages of which are attached to this letter.

Also attached is a copy of the grievance filed by the Operating Engineers against Mike Zarp, Inc. alleging and seeking damages because Mike Zarp, Inc. "had 1 man other than an Operating Engineer to assist an Operating Engineer digging to grade on a backhoe." This work assignment has always been assigned to laborers. Laborers have been doing this work for over 20 years for our company. This assignment was reconfirmed for this work at The Port of Los Angeles. We request that the Operating Engineers Union be directed to cease and desist engaging in this impediment to the Plan. Thank you for your prompt attention to this matter.

Very truly yours,



Mike Zarp, President

#### Attachments

CC: International Union of Operating Engineers Local 12  
Manny Perez – Port of Los Angeles Contract Administrator  
LIUNA -



Correction on 1975

1052

## GRIEVANCE FORM

## SECTION I

(To be filled out by person making grievance) (Please print)

Date 4/25/13 Name of Employer MIKE ZARP, INC.

Name INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 12 Company                       
Phone No. 909-946-7017

Home Street Address	150 S. CORSON ST.	Company Address	P.O. BOX 368 UPLAND, CA 91785
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City and State	PASADENA, CA	Zip Code	91103	Job Location	1450 HARRY BRIDGES BLVD. WILMINGTON, CA 90749
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Phone No. 626-792-8900  
714-827-4591 S. S. #                      Foreman or Person in charge CHRIS ZASP

Date of Introduction Slip \_\_\_\_\_ Classification \_\_\_\_\_

Did you give the employer a copy of the Introduction Slip? Yes \_\_\_\_\_ No \_\_\_\_\_

From which office were you dispatched? \_\_\_\_\_


Give all the facts you can, so grievance can be processed Mike Zarp, Inc. is in violation of Article XVI.

Section (M) Paragraph 1(c) crew size of the International Union of Operating Engineers Local 12

Master Labor Agreement. Mike Zarp, Inc. had 1 man other than an Operating Engineer to assist

an Operating Engineer digging to grade on a backhoe on April 8, 16, 25, 2013. The amount owed

in compensatory damages payable to the Operating Engineers Health and Welfare Fund per Article

II Section N is \$529.92 per 8 hour day per violation of Signed 

(Use back of paper if not completed in this space) **\*\*OVER\*\*** Signed \_\_\_\_\_

## SECTION II

(To be filled out by Office)

Order received from employer: Date \_\_\_\_\_ Time \_\_\_\_\_

Person grievance originally reported to: \_\_\_\_\_

Type of Agreement City of Los Angeles Harbor Dept. PLA

### Action taken and results obtained

Assigned to: Joel Thurwachter Date Completed \_\_\_\_\_ Agent \_\_\_\_\_

**White copy and Grievance original to Main Office**

Yellow copy for District Office files