

Jurisdiction



10K REMEDY

CASE BY CASE

1 HIGHLIGHT ELECTRIC

2. GOLDEN-STATE

3. ROSENDIN ELECTRIC

Question: What is a 10K Hearing?



- **Answer:** A Section 10(k) hearing is a hearing held pursuant to Section 10(k) of the National Labor Relations Act. Such a hearing is scheduled when an employer files an unfair labor practice charge alleging that a union has engaged in an unfair labor practice with regard to a jurisdictional dispute. The purpose of the 10(k) hearing is to determine which union should be awarded jurisdiction in these particular circumstances. Of the factors looked at by the NLRB in such a hearing, the most important are generally the employer's choice of who should be assigned the work and the past practice in such assignments.

Highlight Electric Inc.



- Decision and Determination of Dispute

- I. Jurisdiction

- LiUNA and the Electricians
 - Labor organizations in conjunction with the act.
 - (ARE THEY LEGITIMATE ORGANIZATIONS?)

The Dispute



- A. Background and Facts of Dispute
- B. Work in Dispute
- C. Contentions of the Parties
- D. Application of the Statute
- E. Merits of the Dispute

Background and Facts of Dispute



- Pre job
- Claim the assignment.
- Letters of assignment .
- Define the dispute. (Legally refer to case)

Work in Dispute



- Clarify the scope of work in the dispute.
- Are there contending claims?

Contentions of the Parties



- Are both unions claiming the scope of work in the dispute?(Refer to Case)

Application of the Statute



- Are there competing claims?
- Did the union threaten the employer with economic action and or withholding labor?
- Did the board find there is no agreed upon method in resolving the dispute? Therefor, triggering the 10K remedy.

Merits of the Dispute



1. Collective-bargaining agreements
2. Employer preference, current assignment, and past practice
3. Area practice
4. Relative skills and training
5. Economy and efficiency



- Conclusions
- Scope of Award
- Determination of Dispute

Golden State



- Same protocol as described above.
- Class overview and discussion.

Rosendin Electric Inc.



- Current case.
- Not friendly.
- Electricians triggered the 10K.
- Class overview and discussion.
- See attached case Rosendin Electric.