NAGMA

National Architectural Glass & Metal Association

CONTRACTOR QUICK GUIDE

Resolving Jurisdictional Disputes in Construction

Prepared by Joye Blanscett

Based on the presentation "Resolving Jurisdictional Disputes in Construction."

What Is a Jurisdictional Dispute?

A jurisdictional dispute occurs when two trades or unions claim the right to perform the same work.

Jurisdictional disputes can delay projects, increase costs, disrupt schedules, and strain labor-management relationships.

Two Paths to Resolution

ISSUE	1 THE PLAN	2 NLRB SECTION 10(K)
Nature	Private / contractual	Federal statutory process
Speed	Generally faster	Generally slower
Decision Maker	Plan arbitrator	NLRB officer
Enforcement	Contract-based	Federal enforcement available
Best Used When	Signatory parties seek practical resolution	Coercive conduct exists or enforcement authority is needed

Key Takeaways

Most jurisdictional disputes are resolved before reaching either the plan or the NLRB. Contractors who make clear assignments, document decisions, communicate early, and address concerns promptly are best positioned to keep work moving and avoid costly disruptions.

Choosing the Right Process

Use the plan when:

- Parties are signatory to the plan
- Speed is important
- Ongoing labor relationships matter
- Informal resolution appears possible
- Industry expertise is desired

Consider a Section 10(k) Proceeding when:

- Coercive conduct or threats occur
- Enforcement authority is needed
- Plan procedures have failed
- Parties refuse to participate in the plan
- Work stoppages or picketing create project risk

Contractor Best Practices

Before the project:

- Review collective bargaining agreements.
- Identify potential overlap issues.
- Consider whether a composite crew is appropriate.
- Discuss potential jurisdictional issues before mobilization.

During the project:

- Make clear and documented work assignments.
- Use assignment letters when appropriate.
- Preserve evidence of past practice and efficiency considerations.
- Maintain open communication with union representatives.
- Seek informal resolution before disputes escalate.

Practical Warnings

- Avoid changing work assignments mid-project without careful consideration.
- Do not ignore early jurisdictional complaints.
- Do not promise the same work to multiple trades.
- Escalation often costs more than the work in dispute.
- Documentation and communication are critical from day one.