

International Association of

Bridge, Structural, Ornamental and Reinforcing Iron Workers

ERIC M. DEAN
GENERAL PRESIDENT

RONALD J. PIKSA
GENERAL SECRETARY

KENNETH "BILL" DEAN
GENERAL TREASURER



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Affiliated with AFL-CIO

SUITE 700
1750 NEW YORK AVE. N.W.
WASHINGTON, D.C. 20006
(202) 383-4800



Ms. Amy DeBisschop, Director
Division of Regulations, Legislation & Interpretation
U.S. Dept. of Labor, WHD
200 Constitution Avenue, NW
Washington, DC 20210

Re: Control # 1235-0015

Dear Ms. DeBisschop,

We are adding this addendum to the officially submitted comments of North America's Building Trades (to which we are affiliated through the AFL-CIO) to speak directly to the concerns of our organization, the International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers. It only came to our attention after the stated deadline that the DOL's proposed new form (for whatever reason) lists the Erection of ("pre-engineered") Metal Buildings under the scope of the Sheet Metal Worker. While other trades may make claims for this work, the Ironworker claim is arguably stronger than any other, due to the centrality of erecting a steel structure. As the DOL has long stressed, it has no interest in plunging into a jurisdictional dispute and thus any effort to quantify the "micro" aspect of the trades is going to invite overlap and conflict.

We believe NABTU's comments were sufficient to address our much-addressed and well-known concerns, particularly the comments speaking to the centrality of the landmark *Fry Brothers* WAB No. 76-06 (June 14, 1977) decision and the reference to "the preservation of traditional key classifications in the construction industry – e.g., bricklayers, electricians, ironworkers, pipefitters," and so forth. As NABTU summarized, the "DOL should adopt policies and procedures that prevent and discourage contractors from [splitting] up traditional craft classifications." By extension we would add that the DOL itself must avoid furthering this splintering, as repeatedly reiterated in several key decisions that oppose this fragmentation.

As to the proposed WD-10A collection instrument (referred to as the "pick list), this new form, like its predecessors, must not give quarter to the splitting of the Ironworker trade or any other skilled trade's integrity. It has been asserted as recently as 2019 that the obscure 1986 list (from which the new one is derived) has been "historically regarded" for properly distinguishing three (3) sub-classifications for Ironworkers, but this has simply been proven to be an inaccurate characterization. This newly elevated form (now going from the '86 manual to being attached to the WD-10 form) must not (even if inadvertently) perpetuate the fiction of the alleged "long-standing policy." Such forms may act as guideposts for the uninitiated but should not drive policies and distillation of the data that would "classify or re-classify, grade or re-grade traditional craft work" as warned so pivotally in *Fry Brothers*.

Sincerely,

A handwritten signature in blue ink that reads "Chris Burger".

Christopher Burger
Wage Compliance Administrator