

December 2, 2022

South Dakota Public Utilities Commission
500 E. Capitol Avenue
Pierre, South Dakota 57501

RECEIVED

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**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Dear South Dakota PUC:

This is in response to your correspondence to me dated November 23, 2022 (copy enclosed) with follow up questions regarding the Teamsters National Pipeline Labor Management Cooperation Trust (LMCT) comments on Navigator's application for a siting permit, Docket Number HP22-002.

I am the commentor and my pertinent information as well as the Organization pertinent information is as follows:

Richard Stern, Administrator
Teamsters National Pipeline LMCT and Training Fund
36102 Barrington Drive
Commerce Township, Michigan 48390

Email: ibt42250@aol.com
Phone: 703-508-8690

I will address is attachment regarding sourcing and copyrighted material.

First, none of the attachments are copyrighted they are either sections of the collective bargaining agreement between the Pipe Line Contractors Association and Teamsters Union and/or promotional brochures printed for distribution.

Exhibit A - Page 21 of the collective bargaining agreement (not copyrighted and available on the LMCT website)

Exhibit B - Page 7 of the collective bargaining agreement (not copyrighted and available on the LMCT website)

Exhibit C - Promotional Brochure developed and printed by the LMCT (not showing copyrighted on Brochure)

Exhibit D - An email/letter from the National Safety Council to our Training Director Michael LaBorde for successfully completing Instructor Certification for Professional Truck Driver (not copyrighted he is an employee of our Training Fund) and a letter from the National Safety Council to our Illinois Teamsters Training Director Michael Borjas who has assisted us in training Teamster Pipeliners (not copyrighted as he is a Director of a Teamster Training Center in Illinois)

Exhibit E – Teamsters Military Assistance Program (TMAP) that is a Form and available on the Teamster.org website to print (not copyrighted as shown there is no such designation on the Form and the Helmets to Hardhats Brochure that is a promotional item with no copyright designation printed on the Brochure). I have highlighted in the back of the Brochure showing the International Brotherhood of Teamsters as a partner of Helmets to Hardhats

Exhibit F – The Wage Rate Sheet for South Dakota showing the wages and fringe benefits (not copyrighted) that will be paid on the project, if approved. This is part of the collective bargaining agreement between the Pipe Line Contractors Association and Teamsters Union.

In closing, I hope all your concerns/issues have been addressed and our comments will be on the record for the Navigator Heartland Greenway Project under docket HP22-002.

Sincerely,

A handwritten signature in cursive script that reads "Richard Stern".

Richard Stern, Administrator
Teamsters National Pipeline LMCT
And Training Fund

Enclosures



About the LMCT

Since 1903, the Teamsters labor union has helped millions of workers achieve the American dream. Their success is a testament to those who came before, who united to form a labor movement. These workers fought for the rights and privileges that many Americans take for granted today. For instance, without the solidarity of unions, there would be no weekends, no pensions, and no health insurance.

IMPROVE ACTIVITIES BETWEEN THE IBT AND THE PLCA AND THEIR PARTNERS

The LMCT became effective January 1, 2001 between the International Brotherhood of Teamsters (the "IBT"), the Pipe Line Contractors Association (the "PLCA"), and the individuals who agree to serve as Trustees of the Trust.

The primary purpose of LMCT is to improve activities between the IBT and the PLCA and their partners. The Trust coordinates work opportunities; provides worker support; improves efficiency; resolves disputes; provides on-going training and education and much more.

The General Purposes of the Trust:

To foster better communications and relations between IBT, its affiliates, the PLCA employers and members;

To identify and expand work opportunities in the Industry for members represented by the IBT and its affiliates, as well as for Employers;

To inform and petition governmental officials on issues affecting the industry and communicate with the public about these issues;

To facilitate the exchange of information among the IBT and its affiliates, the PLCA employers and members concerning all other matters affecting the Industry;

To study and facilitate resolution of problems and matters affecting the Industry. To research, perform studies, collect information, develop procedures and otherwise act to minimize the hazards of the Industry;

To establish alliances with other organizations, trusts, programs and groups to advance mutual interests relating to the Industry;

To assist in the establishment and maintenance of quality training programs for IBT members employed or to be employed in the Industry.
To sponsor seminars, programs, conferences and meetings concerning issues affecting the Industry;

To otherwise implement the purposes and provisions of Labor-Management-Cooperation Act of 1978 (Public Law 95-524).

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**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

This submission is in support of the Application of Navigator Heartland Greenway, LLC for a permit under the South Dakota Energy Conversion and Transmission Facilities Act to construct the Heartland Greenway Pipeline in South Dakota (HP22-002).

On behalf of the Teamsters National Pipeline Labor Management Cooperation Trust (LMCT) representing the Teamsters Union pipeline members domiciled in South Dakota who will work on the project and the Pipe Line Contractors Association (PLCA) we support the "Application for a Permit".

We have contractors who specialize in pipeline work that involve rivers, wetlands and waterways.

The PLCA has approximately 200 member companies engaged in the construction and maintenance of mainline oil and gas pipelines throughout the U.S. as well as service providers and suppliers that support such work.

Our trained Teamster workforce operates this specialized equipment in a skilled and environmentally friendly manner.

Our Teamster Pipeliners who reside in South Dakota where the Project would be constructed also fish and hunt in this state.

Therefore, they value protecting the environment while doing the construction and restoring the land associated with the project so they can continue to participate in these recreational activities.

Our collective bargaining agreement has a formal "Drug and Alcohol" Policy. A drug and alcohol free work force is less likely to have accidents or damage the environment since they

will not work under the influence of drugs or alcohol that can negatively impact their judgment and quality of the work. (Exhibit A)

According to our collective bargaining agreement our workers must be qualified. The contractors demand strict adherence to this language. (Exhibit B)

This ensures a more skilled and trained workforce so it is less likely there will be any environmental issue.

We have certified Training Instructors and a training program specific to the pipeline construction industry stressing quality of work and environmental awareness.

Training not only includes Defensive Driving techniques but often-formal classroom instruction in addition to specific equipment training. (Exhibit C)

Some of our Trainers have been cited by outside Safety Organizations for their expertise and training skills. (Exhibit D)

Many Teamster workers on the “Project” will be Veterans from South Dakota coming out of Veteran Programs we participate in to recruit our former military men and women. (Exhibit E)

These Teamster Veterans are disciplined and taught about being aware of their natural surroundings both while serving in the military and undergoing our training programs.

Our training program, veterans program, high wages and employer paid health insurance and pensions only enhance our Union Contractors ESG score. (Exhibit F)

While pipelines, in general, are inherently one of the safest and most cost-effective ways to transport natural gas and oil, newly built pipelines are especially safe and reliable.

Also, technological developments in pipeline design and increased safety regulations have made pipelines built today safer than older lines. Modern pipelines, in particular, offer valuable safety features including improved pipe coating that protects against corrosion, more secure welding techniques, and mechanical devices that travel through the pipelines to identify safety risks.

Additionally, our collective bargaining agreement as noted earlier provide trained workers, which ensures the U.S. pipeline infrastructure is built and maintained according to the most up-to-date, safe, and efficient standards----at a significant benefit to the public at large.

In closing, we support the "Application for a Permit" for this Project based upon the above comments, which should help to mitigate and address the concerns on environmental issues and quality of work.

b. Separately, if no mutual agreement, and the Association will submit a written statement setting out the Employer's position and the Union will submit a written statement setting out the Union's position.

4. All information submitted to the Arbitrator will be in writing. No personal appearances or oral testimony will be allowed. The Arbitrator will then issue, within five (5) days, a decision based upon the evidence submitted.

(G) The Union and the Employer involved shall bear the expense of their appointed Arbitrators. In the event an Arbitrator from the Federal Mediation and Conciliation Service is selected, then the Union and the Employer shall be jointly responsible for that person's expenses.

(H) In the event Employer fails or refuses to comply with the grievance procedure set out hereinabove, the provisions of Article IX shall not be binding upon Union. If Union fails or refuses to comply with the grievance procedure set out hereinabove, the Employer shall have the right to declare this entire Agreement null and void.

XII. SPECIAL CONDITIONS

In order to be more competitive in certain areas of the country, the PLCA and the Union may mutually agree to put into effect special wages and conditions for specific areas or projects. These special wages and conditions will apply to the areas or projects involved for the period of time to be established by the principal parties.

XIII. DRUG AND ALCOHOL TESTING

(A) A Substance Abuse Policy has been negotiated by the PLCA and the International Brotherhood of Teamsters and is attached hereto and made a part of this Agreement as Schedule "C".

(B) If an Employee fails a pre-employment drug or alcohol test and is so notified by 9:00 a.m. on the fifth business day following the day of taking the test, then the Employee's wage rate shall not be the hourly wage rate set forth in this Agreement. Instead, the Employee shall be paid wages at a flat rate of \$90 per day worked (but in no event less than the applicable minimum wage) for all days worked prior to receiving such notification (not to exceed five (5) days) and for which no wages have yet been paid as required by this Agreement. If subsequent testing reveals a false positive, the Employee will be entitled to full compensation for the period he worked and reinstatement. The results of all tests will be kept confidential between the Employee, the Employer and the Union.

XIV. TRAINING/DOT RULES

(A) Training – The Trustees of the Teamsters National Pipeline Training Fund will develop a National Pipeline Training Program for Teamsters to train in operating pipeline equipment in areas of high pipeline construction.

a. Nothing in this Agreement shall affect the Employer's inherent right to determine the competence and qualifications of applicants for employment or of his employees and his right to reject or discharge accordingly.

b. The selection of applicants for referral to jobs shall be based on a non-discriminatory basis and shall not be based on or in any way affected by union membership, by-laws, regulations, constitutional provisions, or any other aspect or obligation of union membership, policy or requirement.

c. Workmen referred under Article II to the contractor's job who are not able to perform the job to which they are referred because of their own lack of qualifications, or for some other reason which is the workman's own responsibility, shall not be paid show-up time.

d. Qualified applicants required by Employer at the start of the job must be referred by a local referral office within 48 hours of the receipt of Employer's request; those required by Employer after a job has started must be referred by a local referral office within 24 hours of the receipt of Employer's request. If the local referral office fails to comply with this condition, Employer may secure qualified applicants from any other source. **Qualified applicants under this section must have the following:**

- (i) Proper federal and state licenses;
- (ii) Proper OQ credentials where necessary;
- (iii) Pipeline or general construction work experience relevant to pipeline work or completion of a certified pipeline training course operated or approved by the Teamsters Pipeline Training Fund. The Teamsters and PLCA also agree they will jointly review the training program on a 6-month basis.
- (iv) Compliance with company Employee and safety policy standards. These policy standards will be provided by each Employer at the pre-job conference.

2. In the event there is no valid exclusive referral procedure established in the area where the particular job is to be done or the proper conditions set out hereinabove have not been met by the referral procedure which has been established, Employer will at the pre-job conference notify Union, as one of the sources from which men are to be recruited, as to the number of men who will be needed in addition to his Regular Employees. Employer shall give preference in employment to men in the area who have had previous pipeline construction experience. It is understood that Employer may also recruit men from other sources, will hire all employees at the job site in a non-discriminatory manner, and shall have the absolute right to determine the competence and qualifications of applicants and employees and to reject and discharge accordingly.

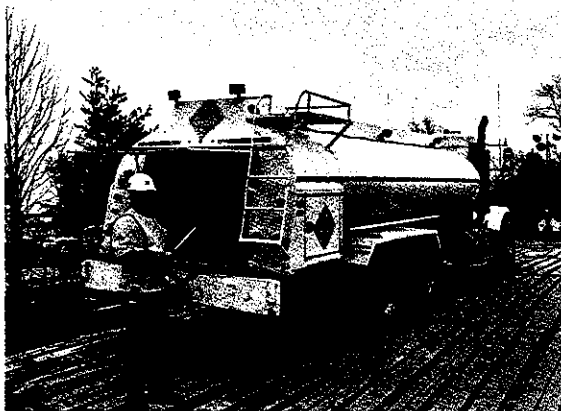
3. Once the original crew has been employed, Employer shall have the right to keep such crew on all the work throughout the territory covered by the particular job for which the pre-job conference was held, regardless of local union jurisdiction.

PLACE
STAMP
HERE

The Teamsters National Pipeline Agreement (TNPA) is a labor agreement covering all pipeline construction work in the United States. Pay rates under this agreement are based on "local rates" or composite rates if the work encompasses several Teamster jurisdictions. The typical work day is 10 hours a day six days a week.

When a project is in a local area, the local union with jurisdiction who can staff the project will refer local members to the contractor. In this case local hires are paid local wages and fringe benefits go to the appropriate local fringe benefit fund.





Training Courses

Stringer Truck Driver

The Stringer Truck Driver course is designed to train Class A Commercial Drivers to transport pipe using steering techniques on road and off road situations. The course includes General Safety and Stretching.

Fork Lift

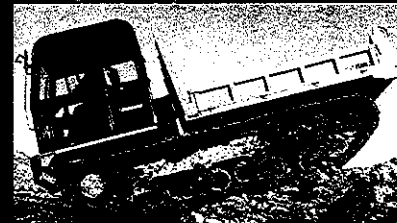
The Fork Lift course is designed to ensure operation safety in the workplace.

Fueler

About Us

B, the

Crew Bus



Additional Equipment



Contact Us

To Contact Teamsters National Pipeline Please use the Contact Form on our website.

Visit us on the web at:
www.teamsterspipeline.com

----- Forwarded Message -----

From: "nscuniversity@nsc.org" <nscuniversity@nsc.org>
To: "mike.laborde@yahoo.com" <mike.laborde@yahoo.com>
Cc: "DDCeLearningAdmin@nsc.org" <DDCeLearningAdmin@nsc.org>
Sent: Sat, Jan 25, 2020 at 12:05 PM
Subject: CONGRATULATIONS! You've completed Instructor Certification

Dear Michael,

Congratulations! You have successfully completed Instructor Certification for Professional Truck Driver (PTD); you are on your way to becoming a part of a growing network of NSC driver safety instructors responsible for saving lives!

Please provide this email to your training center immediately. Your NSC Instructor Card will be mailed in the next 2-3 weeks.

As a certified NSC DDC Instructor, you have agreed to fully comply with the DDC Instructor Commitments and as a reminder, you will work with your Training Center to have your first two classes observed by a current NSC Certified Instructor. It is very important you are teaching the course as designed so being observed twice helps your students receive the most effective program possible.

Welcome to the NSC family and thank you for helping to eliminate preventable deaths in our lifetime.

Regards,

The National Safety Council Driver Safety Team



CSOD SYSTEM ID: 188057



June 8, 2016

Michael Borjas
IL Teamsters/Employers Apprenticeship & Trng Fund Affil/Joint Councils 25
990 NE Frontage Rd
Ste 4
Joliet, IL 60431

Customer Number: 699382

Dear Michael Borjas,

We are extremely pleased to announce that your organization has been chosen as a DDC Award recipient for your outstanding training efforts in 2015. The award(s) being presented to your organization are:

Award
Trend Setter

Curriculum
NSC PTD

National Safety Council would like to recognize your training center at the 2016 NSC Congress and Exposition in Anaheim, CA. We invite you to be our guest at the Annual DDC Training Center & Instructor of the Year Awards Celebration to be held on Saturday evening, October 15th, 2016.

To help us prepare for the awards ceremony, please pre-register your organization for the event online at www.nsc.org/2016DDCAwards. We will need your organization's customer number as well as the proper spelling of your organization's name and how it should appear on the award (s). If you are unable to attend, please be sure to go online to pre-register, indicating you cannot attend, and providing shipping information for the award(s). We appreciate your prompt response no later than end of day, June 24, 2016.

In the meantime, if you have any questions, please give our office a call at 800-621-7619 ext. 52041. A formal invitation will be sent in July with final registration instructions.

To help your organization broadcast its success to your community, we have enclosed a press release and an awards definition page. Also enclosed is a FAQ sheet that will help to answer any remaining questions you may have regarding the awards celebration. We congratulate you and look forward to seeing you in Anaheim!

Sincerely,

Subject Matter Expert for NSC Defensive Driving Courses
Enclosure



International Brotherhood of Teamsters Veteran Registration

Name: _____ Phone: _____

Address: _____ Cell: _____

_____ E-mail: _____
City State Zip

Are you a veteran? Yes / No What dates did you serve? _____

In which branch of the military did you serve? (Circle one)

Army Marines Navy Coast Guard Air Force

How long have you been a Teamster? _____

What Joint Council are you affiliated with? _____ What is your local? _____

Who is your current employer? _____

Are you currently receiving benefits for service-related disabilities? Yes / No

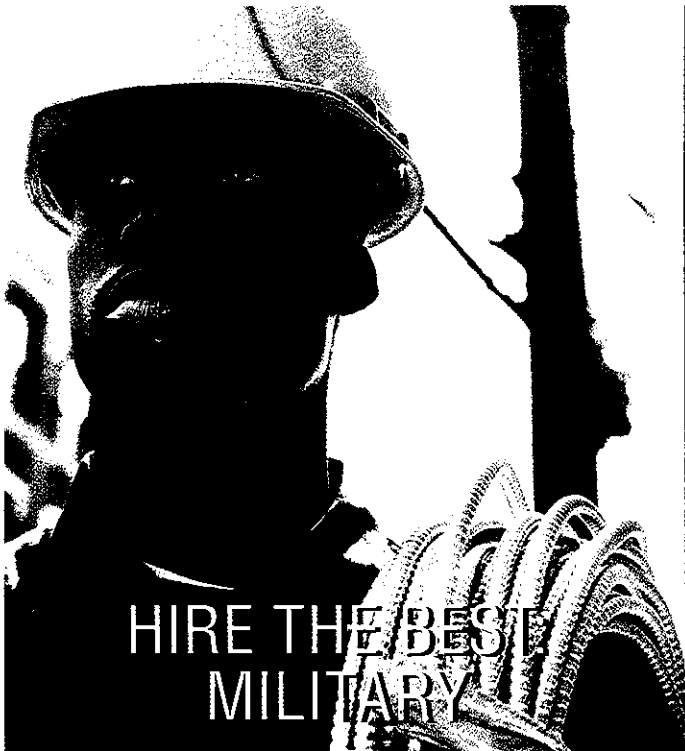
Do you require assistance to pursue or file a disability claim? Yes / No

Do you want to receive updates on disability benefits or presumptive disease issues? Yes / No

Claims and disability filings will be done through certified claims representatives. All information regarding your filing(s) is confidential between you and a certified claims representative.

Thank you for your service to our country. We hope the resources available are beneficial to you and your family.

Please return your completed form via mail or fax to: Teamsters Building and Construction Trades Division, 25 Louisiana Avenue, NW, Washington, D.C. 20001, or fax (202) 624-8107.



**HIRE THE BEST
MILITARY**

If you're looking for top candidates for your organization, you're in the right place.

Helmets to Hardhats helps to place quality men and women from the Armed Forces into promising building and construction careers.

America's service members have proven themselves to be dedicated, hard working and capable in some of the most difficult and challenging places and situations imaginable. Now, as they transition out of the service, they are looking to put their many skills and experiences to work helping to build America.

These Helmets to Hardhats partners are ready to serve you.

International Association of Heat and Frost Insulators and Allied Workers
 International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers
 International Union of Bricklayers and Allied Craftworkers
 United Brotherhood of Carpenters and Joiners of America
 International Brotherhood of Electrical Workers
 International Union of Elevator Constructors
 International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers
 Laborers' International Union of North America
 International Union of Operating Engineers
 Operative Plasterers' and Cement Masons' International Association of the United States and Canada
 International Union of Painters and Allied Trades
 United Union of Roofers, Waterproofers and Allied Workers
 Sheet Metal Workers' International Association
 International Brotherhood of Teamsters
 United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada

Contractor Associations

Finishing Contractors Association
 International Council of Employers of Bricklayers and Allied Craftworkers
 Mechanical Contractors Association of America
 National Association of Construction Boilermakers Employers
 National Electrical Contractors Association
 North American Contractors Association
 Sheet Metal and Air Conditioning Contractors National Association
 The Association of Union Constructors



www.helmetstohardhats.org

CMRAVE conforms to the applicable provisions of the Civil Rights Act and the Rehabilitation Act.



**THEY DEFENDED AMERICA,
NOW LET THEM HELP
YOU BUILD IT**

**HIRE MILITARY TALENT FOR
CAREERS IN CONSTRUCTION**



www.helmetstohardhats.org

866-741-6210

Helmets to Hardhats is the fastest way for building and construction trades organizations to find and hire the best transitioning military service members



HELMETS TO HARDHATS

The first step in finding and hiring transitioning service members for the building and construction trades industry is establishing a free account on www.helmetstohardhats.org. Your account will enable you to post jobs and apprenticeship opportunities to the Helmets to Hardhats website and gives you access to resumes posted by transitioning service members.


Some service members will come to you already expertly trained in construction trade skills, ready for more senior positions. Others may require training. All will possess the dedication and discipline required to allow them to achieve success in your training programs and on the job.



- Well trained
- Disciplined
- Dependable
- Resourceful
- Hard working
- Proven performers
- Tough
- Creative
- Mission-focused
- Team players

"The Helmets to Hardhats program is an important investment in our country's future. The men and women of our armed services deserve the best opportunities for construction careers after completing their service to our country. Veterans comprise the best of the best. They are motivated, responsible, and ready and willing to rebuild our country after they have served and fought for our country."

— Iz Cakrane
Vice President, Corporate Labor Relations
UPS Washington Division



Helmets to Hardhats recommends only the highest quality apprenticeship programs with well-resourced training centers. Many service members leave the military eligible for the G.I. Bill to help them pay for their training and education. For more information on veterans benefits, go to:

<http://Info.helmetstohardhats.org/content/veteran-benefits/>

Many candidates are interested in entering apprenticeship programs where they can earn a paycheck while training to become a master craftsman. They are as serious about learning their trade as they were about defending their country. This dedication will show in their performance in the classroom and on the job.

"Another generation of young and dedicated American men and women has been placed in harm's way to protect our way of life. Because we ask a great sacrifice of these young men and women, our unions and our industry is prepared to assist them when they need us the most. Providing them with stable and secure career opportunities is the least we can do long after the guns fall silent and the memories of this war have faded."

— Mark Ayers, President,
Building and Construction Trades Department,
AFL-CIO

**INTERNATIONAL BROTHERHOOD OF TEAMSTERS
PIPELINE (MAINLINE) RATES
SOUTH DAKOTA – STATEWIDE (Local 346)**

6/3/19-5/11/20 5/11/20-7/6/20 7/6/20-5/1/21 5/1/21-5/31/21 5/31/21-5/1/22 5/1/22-5/30/22 **5/30/22-5/1/23**

GROUP 1*	\$28.29	\$27.04	\$28.29	\$27.29	\$28.79	\$27.79	\$29.29
GROUP 2	\$26.32	\$25.07	\$26.32	\$25.32	\$26.82	\$25.82	\$27.32
GROUP 3	\$25.73	\$24.48	\$25.73	\$24.73	\$26.23	\$25.23	\$26.73
H&W	\$9.87	\$10.87	\$10.87	\$11.57	\$11.57	\$12.32	\$12.32
PENSION	\$8.83	\$9.08	\$9.08	\$9.38	\$9.38	\$9.63	\$9.63
PL TRN.	\$.25	\$.25	\$.25	\$.25	\$.25	\$.25	\$.25
LMCT	\$.20	\$.20	\$.20	\$.20	\$.20	\$.20	\$.20
LU TRN	\$.10	\$.10	\$.10	\$.10	\$.10	\$.10	\$.10

PREMIUMS (National)

Steward	+\$3.00	
Stringing Truck	+\$2.25	
Haz-Mat	+\$1.00	
Mechanic	See # 15 & #16	
Lowboy	+\$2.25	
Fuel Truck	+\$2.25	

*Log/Grapple Truck Rate:

Per Diem:	\$20	See #18
Boot Pay:	\$10/week	See #5

Updated 4/6/22