

## **HEAVY CONSTRUCTION LABORERS' LOCAL UNION NO. 663 REFERRAL RULES AND PROCEDURE**

Amended March 2006

### 1. Non-Discrimination in Job Referrals:

a. Referrals to jobs will be on a nondiscriminatory basis and will not be based on, or in any way affected by race, gender, national origin, sexual orientation, disability, religion, or lawful union-related activity.

### 2. Effect on Hiring Hall Rules:

a. All referrals by a Local Union to jobs within its jurisdiction shall be made in accordance with these rules except to the extent that any rule contained herein conflicts with either provincial law or with a term of collective bargaining agreement or in accordance with a variance granted under section 7c below. Any Local Union that concludes that these rules conflict with provincial law or the term of a collective bargaining agreement shall apply to the GEB attorney, furnishing such information as he shall determine. The GEB Attorney shall advise the Local Union in writing whether such a conflict exists. In cases where a term of a collective bargaining agreement conflicts with these rules, the Local Union or District Council shall use its best efforts to modify that term in any successor agreements in order to fully conform to these rules. All newly negotiated agreements should include these rules and, where applicable, the Local Union or district council shall use its best efforts to include an exclusive hiring hall provision in all successor or newly negotiated collective bargaining agreements.

### 3. Registration of Availability for Referral:

a. Any applicant seeking referral to a job must file with the Local Union a Signed and dated qualifications card providing name, telephone number, social security number, and a work registration record stating any skills the applicant possesses and the job the applicant is able to perform, including any relevant licenses or certifications in addition to counties in which an applicant desires to be referred. For initial registration, blank application cards will be available at the Local Union between the hours of 7:00 a.m. and 5:00 p.m.

b. The Local Union will compile an out-of-work list, consisting of the applicants who have registered their availability for referral. The list will consist of applicants who will be placed on either the A-List or B-List. Job Referrals will be offered to those applicants possessing the required skills on the A-List first and then to those applicants possessing the required skills on the B-List. The A-List will consist of members with greater than 100 hours in the construction industry that have completed the New Member Orientation course provided by the Local Union. This New Member Orientation will be provided three (3) times each year and those members who have not taken the course will be contacted in writing at their most recent address on record at the Local Union office. The

B-List will be made up of all applicants not possessing the qualifications required for the A-List. Upon completion of the requirements for the A-List, an applicant will be moved from the B-List to the A-List using their previous date of registration for A-List placement purposes.

c. The Local Union may confirm any prior employment, licenses, or certifications listed by any applicant. The Local Union has five days from the time an applicant places their name on the out-of-work list to challenge an applicant's representations concerning his prior employment, skills, licenses, or certifications. If the Local Union makes a timely challenge, it must promptly notify the applicant in writing, who shall have five business days from the receipt of this notice in which to respond and submit any relevant information. Any applicant who remains aggrieved by a final decision of the Local Union may file protest with Independent Hearing Officer, who shall finally resolve all such disputes in accordance with procedures that he shall establish.

d. Only applicants who are not currently employed at the trade may register their initial availability for referral. Applicants who, after registering their availability for referral, on their own, obtain one or more jobs at the trade in the aggregate lasting five (5) working days or more of employment, must advise the Local Union immediately. Those applicants will then be removed from the out-of-work list. Failure to advise the Local Union of such employment as required herein will result in the applicant being removed from the out-of-work list.

e. An applicant must be in good standing with the Local Union in order to have access to the out-of-work list. Any applicant that is more than ninety days in arrears in their dues must readmit with the Local Union and then must resubmit their qualifications card in order to gain access to the out-of-work list.

f. Apprentices shall be referred under both the local union referral procedure as well as through a separate out-of-work list which is located at the two training facilities in the Kansas City area. The rules and procedures for the apprentice lists will be established and enforced by the Joint Apprenticeship Committee. Apprentices have the same rights as journeymen to the Local Union referral system.

g. Applicants shall be removed from the out-of-work list upon receiving a job referral, subject to the provisions at section 4c on short-term referrals. Any applicant who is laid off or discharged from a job must again register their availability in order to be included on the out-of-work list.

h. Applicant's registration of availability for referral shall be in effect for ninety (90) days. Any applicant must again register their availability before the expiration of that period in order to retain his or her position on the out-work-list. If an applicant does not register within the ninety (90) day period they lose their position on the out-of-work list and must again register in accordance with section 3b.

4. Referral Procedure:

a. Subject to any exceptions or variances approved by the GEB Attorney pursuant to section 2 above or section 7c below. Applicants on the out-of-work list shall be referred to jobs in the order in which they have registered their availability for referral, with the first registered applicant referred first, provided that the applicant has the qualifications requested by the employer. Only individuals qualifying themselves for the specific referral request will be contacted for referral

b. Request by an employer for specific applicants employed by the employer within the previous six months shall be fulfilled, as required by applicable collective bargaining agreements. Any request by an employer for specific applicants should be made in writing or, if made orally, shall be confirmed promptly by the employer in writing.

c. Any applicant who is referred to a job which lasts less than five (5) working days either because of the job being terminated or the applicant is laid off or discharged, will return to their position on the out-of-work list prior to receiving the referral. The short term referral provisions herein will be inapplicable and the applicant will be removed from the out-of-work list, if the applicant takes any action within the first five (5) days of employment designed to manipulate this provision of the Job Rules, such as voluntarily quitting or requesting to be laid off or discharged from a job to which he or she is referred, as well as failure to comply as stated in Section 3c.

1. Any applicant who is referred to a job and fails to report to the job without contacting the Local Union will lose their spot on the out-of-work list and be placed at the bottom of the list. If this same applicant repeats this offense upon receiving their next referral they will be removed from the out-of-work list for a period of sixty (60) days. All subsequent offenses by the same applicant will result in the removal of their name from the out-of-work list for an additional period of sixty (60) days.

2. Any applicant who is referred to a job and fails the mandatory pre-employment drug screen or company required random drug screen, will be ineligible to reapply for the out-of-work list until they have provided the Local Union with a clean drug screen through the active Employee Assistance Program. Once the applicant has received a clean drug screen they will be eligible to reapply for the out-of-work list as per section 3c.

d. To notify an applicant of a job referral the Local Union shall call the primary and secondary phone numbers on file for the applicant between the normal referral hours of 6:00 a.m. to 9:00 a.m. Only the applicant can accept a job referral. The Local Union shall not be required to leave messages, making or holding open work assignments with a third party, or on answering machine. Due to the fact that Local Union #663's geographical area encompasses 19 counties throughout western Missouri the one call system will be utilized. A ten ring minimum shall apply to all attempts made before moving on to the next applicant. These rules shall only apply to the dispatching hours of 6:00 a.m. to 9:00 a.m.

e. For work orders placed after the morning dispatch hours of 6:00 a.m. to 9:00 a.m. to be filled the following day, the one call rule need not apply. Calls outside of this time will

use the three (3) call rule. Each applicant will be contacted three separate times at a minimum of 10 rings each, with a duration of 10 minutes between each call before moving on to the next applicant. This procedure will be followed outside of regular dispatch hours with the exception for immediate job referral circumstances defined as Emergency Job Referrals.

1. Referrals that require workers to report to a site on short notice outside of normal referral hours, in such circumstances the one call rule shall apply and any applicant who is unavailable for the referral will not be penalized. The Local Union shall record the date and time of the call, the person making the call, the name of the employer, the location and start date of the job, the results of the call, including whether the call was answered, by whom and what response if any was made.

f. Any applicant who verbally refuses three (3) consecutive referrals shall be moved to the bottom of the out-of-work list.

g. All referrals will be assigned based on position held on the list. In the case that no skill requirements are requested by the employer the Local Union will go in order from the first name to the last name until the job is filled. The Local Union will refer applicants based on the skill requirements for the particular job. Only those applicants possessing those particular skills required for employment will be dispatched for that particular job. The Local Union will dispatch applicants with those particular skills in order from first on the list to the last on the list until the job is filled.

h. An applicant shall not be referred to an employer if the same employer previously discharged the applicant for cause. Applicants, who are twice lawfully rejected by an employer for lack of skills, after referral by the Local Union, shall not be eligible for referral to a job requiring the same skills without first providing the Local Union with references from two previous employers showing the applicant has demonstrated the skills required.

#### 5. Publication of the Referral Rules:

a. These rules shall be conspicuously posted at all permanent offices of the Local Union and published in the "LaborerLine" once approved by the GEB and Inspector General. Additional copies of these rules shall be made available to applicants upon request.

6. Job Referral Information: A Local Union shall maintain accurate and current records of all job referrals. The records shall be preserved for a period of three (3) years from the making of each record. The records shall include the following information:

a. All registration by applicants of their availability for referral, including the date of each applicant's registration.

b. A current out-of-work list, including all applicants whose registrations of availability for referral are then in effect, and the date of each applicant's registration.

c. All requests from employers for workers, including the date of each request, the location of the job site, the length of the job, if known, pursuant to 4(D), and any request by the employer for applicants with special skills, licenses, or certifications, or a applicant-employed by the employer pursuant to 4(B), above.

d. All instances where a job referral is not made because an applicant (1) refuses the referral, (2) is unavailable, or (3) lacks the required skills, including (where applicable) the date and time of the call(s), the name of the employer, the location of the job site, the start date of the job, the basis for not making the referral, the results of the call, including whether the call was answered and by whom, and what response, if any, was made.

e. All job referrals made, including the applicant referred, the date on which the applicant registered his or her availability for employment, the date of the referral, the employer, the location of the job site, the date the applicant was hired, and the date any employment terminated.

#### 7. Access to Job Referral Information:

a. Any applicant may inspect or copy any record containing the job referral information described in section 6. An appointment for inspection shall be scheduled within five (5) working days of the request. Copies of 500 pages or less shall be provided within ten (10) working days of the request. Copies of 500 pages or more shall be provided within thirty (30) working days of the request. The Local Union may charge \$0.10 per page to copy the first twenty (20) pages, and \$0.15 per page thereafter.

b. Lists containing the information described in § 6 (B) and (E) shall be conspicuously posted, or otherwise immediately available for inspection, at the offices of a Local Union on a weekly basis, so that the previous week is posted or immediately available by the close of business on the following Monday. The information shall remain posted or immediately available for at least two weeks.

c. Each Local Union in the United States shall adopt written referral rules conforming to the LIUNA Hiring Hall Guidelines. The purpose of the Hiring Hall Guidelines is to maintain and administer a processing system for referral of applicants to employment in a fair and equitable manner, and to establish records and procedures which will be in a fair and equitable manner, and to establish records and procedures which will be adequate to disclose fully the basis on which each referral is made.

All rules and policies pertaining to the referral of applicants must be written and prominently posted in the Local Union office and hiring hall. All referral issues not specifically mandated in the LIUNA Hiring Hall Guidelines or by the Job Referral Rules as approved by the GEB Attorney for Local #663 must be individually approved by membership vote at two consecutive meetings and then submitted, with the relevant minutes, for GEB Attorney review and approval.

Once approved by the GEB Attorney, all referral rules will remain in effect indefinitely; renewed approval is not required.

d. Any complaints or concerns regarding alleged violations of hiring hall procedures should be directed to the GEB Attorney's Office, at (202) 457-6198. Alleged violations of LIUNA's Code of Ethics should be promptly addressed to Inspector General W. Douglas Gow, (202) 942-2360.