

## Referral List Registration

To be eligible to register on the Referral List, an individual must already be terminated/laid off from their job with a Contractor signatory to Laborers' Local 43. If found to be still working at the time of registration on the Referral List, an individual will be restricted from said list for 30 days.

Registration can be done in person at the Laborers' Local 43 Union Hall by signing in on the Referral List. It may also be done by phoning or texting the Referral Hall Dispatch Line.

The following information is necessary at time of registration: Individuals first and last name, date and time of sign-in/call/text, date of last day worked, and last contractor worked for. Each individual must read and sign they understood the Laborers' Code of Performance Hiring Hall Clause.

If an individual has been removed/terminated from the Iowa Laborers' Education and Training Fund Apprenticeship Program, they are not eligible to register on the Laborers' Local 43 Referral List for 12 months from the time of their termination from said Apprenticeship Program. At that time individuals will need to be re-assessed by the Iowa Laborers' Education and Training Fund. Exceptions to this rule will be made at the discretion of the Business Manager and the Apprenticeship Coordinator.

Individuals should complete, and are responsible for updating, a skills sheet with Laborers' Local 43. This includes indicating which counties in the Laborers' Local 43 jurisdiction that they are willing to work in. If the individual does not mark a county, or a skill, they will not be called to work in that county or for that skill. This will not count as a refusal of work.

Individuals must check-in with the Referral Hall Dispatch Line at least once every sixty (60) days, or they will be dropped from the referral list and list position, on their respective list, will be lost.

Upon being added to the referral list, an individual may request to be marked as "Unavailable for Dispatching." Said individual will be responsible for contacting the Hall, via the Referral Hall Dispatch line, to be made available for dispatching.

## Lists A, B, C and D

Placement on the A, B, C or D list is for Non-Apprentice individuals only. Placement will be determined by the reported hours worked within the previous calendar years (January to December). The hours used must have been in the employment of a contractor signatory to Laborers' and reported to the Iowa Laborers' District Council Health & Welfare Fund.

All Non-Apprentice individuals will start on the D List. Hours worked prior to being added to the list will be used retroactively to determine their placement on the appropriate list.

Once an Apprentice turns out as a Journeyperson, the hours worked will be retroactively included to place the individual on the appropriate list.

**D List-** Individuals whom have worked less than one thousand (1,000) hours within the two (2) previous calendar years (January to December).

**C List-** Individuals whom have worked at least one thousand (1,000) hours within the two (2) previous calendar years (January to December).

**B List-** Individuals whom have worked at least two thousand five hundred (1,500) hours within the previous two (2) calendar years (January to December).

**A List-** Individuals whom have worked at least four thousand (2,000) hours within the previous two (2) calendar years (January to December).

List placement evaluations will happen the 1<sup>st</sup> business day of February each year.

Individuals shall be registered in the highest group for which they qualify. Qualified Registrants in List A shall first be referred, then List B, then List C and then List D in that order. The Referral Office shall give full consideration to a signatory contractor's request for persons with specific skills and/or training.

### **Apprentices**

Apprentices will be placed on the A-1 Apprentice List by order of date and time of registration on the Referral List.

In Accordance with Iowa Laborers' Education & Training Fund rules, Apprentices may not solicit their own work with contractor's signatory to Laborers' Local 43 or any other LiUNA Local Union.

Incidents of "No Call, No Show" or failed drug/alcohol testing shall be handled by the Iowa Laborers' Education and Training Fund.

Apprentices shall complete, and are responsible for updating, a skills sheet with Laborers' Local 43. This includes indicating which counties in the Local 43 jurisdiction they are willing to work in.

### **Job calls**

To notify an individual of a job referral, the Local 43 dispatcher shall call the referral at the most recent telephone number on file. The Local Union shall record the date, and time of the call, the person making the call, the name of the employer, the location of the job and the starting time and date of job.

Any applicant who refuses a referral or is unavailable for a referral for two (2) consecutive referrals shall be moved to the bottom of their respective out-of-work list. Individuals will be considered unavailable if they cannot be reached after three (3) calls have been placed to the telephone number provided by the individual, unless the applicant has given the Local Union's referral office written notice of unavailability for a certain period of time, not to exceed thirty (30) days.

To notify an individual of a job referral, the Local 43 dispatcher shall call the referral at the most recent telephone number on file between the hours of 8:00 AM and 10:00 AM, and between the hours of 2:00 PM and 4:00 PM, Monday through Friday. If a contractor needs someone immediately and the referral office calls the list outside of the times listed above, and the individual refuses or is unavailable, the refusal or unavailability will not count.

Neither the Local Union, its agents, nor the referral office undertakes or assumes any obligation to locate or search for any individual whose name appears on the referral lists, if said individual is not available when referrals are made.

The Employer has the right to reject any individual referred.

### **Referrals**

Qualified individuals shall be referred through the referral office of Laborers' Local 43 in accordance with the non-discriminatory provisions governing the operation of the Local Union's referral office as set forth in the full herein, and said employment shall be granted regardless of race, creed, color, sex, sexual preference, sexual identity, age, national origin, religious affiliations, individuals with disabilities, or any other characteristic protected by law.

### **Stewards**

The referral office may refer a qualified steward to any job deemed necessary, regardless of that person's position on the referral list.

### **No Call, No Show**

Any individual, not including apprentices, who is referred to a job and fails to report to the job the first (1<sup>st</sup>) or second (2<sup>nd</sup>) day, without contacting the contractor and the Union Hall prior to the start time, will be considered a "No Call No Show."

Any Non-Apprentice individual whom is referred to a job and is a "No Call No Show" will be subjected to the following repercussions:

1<sup>st</sup> offense in twenty-four (24) months: the individual will be placed on the list at the bottom of their respective list upon re-registering to go on the referral list.

2<sup>nd</sup> offense in twenty-four (24) months: the individual will be suspended from the referral list for thirty (30) days.

3<sup>rd</sup> offense in twenty-four (24) months: the individual will be suspended from the referral list for sixty (60) days.

4<sup>th</sup> and any other subsequent offences: the individual will be suspended from the referral list for ninety (90) days.

All suspensions from the referral list will be effective from the date of the "No Call No Show" offense. Following a suspension from the list, individuals will go to the bottom of their respective list upon re-registration.

#### Job Referral Longevity

The name of an individual sent to a job shall be removed from the Referral List once they have accepted a job referral. If the job to which they are referred lasts long enough for the individual to receive 3 (three) days' pay, upon re-registration to the list the individual will be placed at the bottom of their respective list. If a job referral lasts less than 3 days, that individual shall retain their previous place on their respective list upon reregistration.

#### Recruitment Clause

Those individuals whom have been "recruited" from a non-Union contractor will be assessed by the Iowa Laborers' Education & Training Fund, then referred to immediate employment provided said individuals are qualified to perform the work. The intent is not to deny qualified members on the referral list from being referred, but rather to obtain immediate employment for those "recruited" individuals who are willing to leave the non-Union contractor for Union employment.

#### Laborers' Code of Performance Model Hiring Hall Clause

- A. Should any Laborer referred for employment be terminated for cause as defined under the Laborers' Code of Performance, his or her referral privileges shall be suspended automatically for one month. Should the same individual be terminated for cause a second time within a twenty-four (24) month period, his or her hiring hall referral privileges shall be suspended automatically for six months. Should the same individual be terminated for cause a third time within a twenty-four (24) month period, his or her referral privileges shall automatically be suspended indefinitely (time period begins from the date of first discharge). A termination "for cause" under the Code is defined to include a termination for any of the reasons specified in the Notice of Termination Form, which is incorporated by reference and attached hereto as "1."
- B. A termination shall not be considered as "for cause" for purpose of this provision if the person referred for employment has filed a grievance challenging the propriety of his or her termination, unless and until the grievance is resolved in a manner that affirms the termination for cause. For the purpose of this provision, a decision of a designated panel or an arbitrator shall be final and binding.
- C. The provisions in subsections (A) and (B) notwithstanding, a Review Committee, composed of three (3) members appointed by the business manager of the District Council or where the Local Union is not affiliated with a District Council, appointed by the Business Manager of the Local Union, may, upon written request of the

applicant, vacate or reduce the period of suspension. **A request under this provision shall stay the commencement of suspension from referral unless and until the Committee decides otherwise.** The Committee's decision will be by majority vote and shall be based on all of the available evidence including, as appropriate, the circumstances of the termination, skills evaluations by third parties, the availability and need for additional training whether the applicant is an apprentice or journeyman member and such other factors as may be relevant. The Committee's decision shall rest in its sole and complete discretion.

- D. The Decision of the Committee will affect only the issue of eligibility for future referrals, and will not affect the termination unless all parties expressly consent to have that issue considered by it.
  
- E. If dissatisfied with the decision by the Review Committee, the applicant may appeal the Committee's decision to an Independent Review Officer whose costs shall be paid by the International Union. The Independent Review Officer shall establish a procedure for expedited and prompt review of such appeals. Any appeal to the Independent Review Officer shall be filed by the applicant in writing within five (5) calendar days of time he/she has been notified for the Review Committee's decision and shall contain a brief statement of the issues/s. The decision of the Independent Review Officer shall be final and binding. A request for review under this provision does not affect the commencement or continuation of the suspension from referral unless and until the Independent Review Officer decides otherwise.