

Construction and General Laborers' Union Local 154

Hiring Hall Rules

1. Requirement and Review Process

Each Local Union in the United States shall adopt written referral rules conforming to the Revised Hiring Hall Guidelines, set forth below. The purpose of these Hiring Hall guidelines is to maintain and administer a processing system for referral of applicants in a fair and equitable manner, and to establish records and procedures which will adequately disclose fully the basis on which each referral is made.

All rules and policies pertaining to the referral procedure must be written and prominently posted in the Local Union office and hiring hall. All referral issues not specifically mandated by the following Guidelines must be individually approved by membership vote at two consecutive meetings and then submitted, with relevant minutes, for the Special Council review and approval.

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

2. Non-Discrimination in Job Referrals

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.

3. Effect on Hiring Hall Rules

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 a term of a collective bargaining agreement. Any Local Union that concludes that these Guidelines conflict with the term of a collective bargaining agreement shall submit a Notice of Conflict citing the relevant sections of the agreement and the Hiring Hall Guidelines to the Special Council. The Special Council shall advise the Local Union in writing whether such a conflict exists.

4. Registration of Availability for Referral:

- A. An applicant seeking referral to a job must in person successfully file with the Local Union a signed and dated Registration of Availability for Referral Form providing name, date of birth, telephone number, social security number, photo I.D., resident alien card if necessary, and stating any skills the applicant possesses and jobs the applicant is able to perform, zones as established in which the applicant is available, distance willing to travel to work, and including any relevant licenses or certifications. Zones will be treated as a skill or qualification and an applicant will only be contacted if the applicant has registered their availability in that particular zone. Blank forms will be available at the Local Union. The Local Union will compile an out-of-work list, established on the

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basis of groups, consisting of the applicants who have registered their availability for referral, listed in order of seniority according to the date of their registration.

- B. The Local Union may confirm any prior employment, licenses, or certifications listed by an applicant. The Local Union has ten (10) business days from the time a member places his name on the out-of-work list to challenge an applicant's representations concerning his prior employment, 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 to submit any relevant information. Any applicant who remains aggrieved by the final decision of the Local Union may file a protest with the Independent Hearing Officer, who shall finally resolve all such disputes in accordance with procedures that he shall establish.
- C. Additionally, the applicant will sign a release form to the Union, releasing all employment drug screening information to the Union as allowed by law.
- D. An applicant's registration of availability for referral shall be in effect for thirty (30) days. An applicant must again register his or her availability on the first (1st) business day of each month in order to retain his/her position on the out-of-work list for that month.

GROUP A LIST:

Shall include all qualified applicants for referral who have acquired 240 or more hours of certified training from an affiliated Training Fund or other approved/accredited facility or have grandfathered hours as demonstrated in the successful completion of a skill assessment tool, have 4000 hours of on the job experience and been employed by a signatory Contractor within the geographical jurisdiction of the Local Union for at least 6 of the previous 24 months.

GROUP B LIST:

Shall include all qualified applicants for employment who have acquired between 80 and 239 hours of certified training from an affiliated Training Fund or other approved/accredited facility or have grandfathered hours as demonstrated in the successful completion of a skill assessment tool, and have 2000 hours of on the job experience.

GROUP C LIST:

Shall include all applicants who have acquired 79 hours or less of certified training from an affiliated Training Fund or other approved/accredited facility, or have grandfathered training hours as demonstrated in the successful completion of a skill assessment tool.

GROUP D LIST:

Shall be apprentices should the State of Texas approve the Laborers Apprenticeship Standards and at such time the Apprenticeship Standards will replace the Acquired Training Program and the ratio of Journeyman to apprentices shall be three (3) journeyman to one (1) apprentice.

- i.). An applicant shall move from C List to B list upon completion of between 80 and 239 hours of certified training and 2000 hours of on the job experience, and from

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- B List to A List upon certification of his/her training hours (240 or more), and proof of 4000 hours of on the job experience.
- ii) The scope and content of all training as used herein shall be solely and exclusively be determined by the Training Fund or the Local Union. The approval of comparable training for purposes of establishing an individual's placement as a Laborer A, a Laborer B, or a Laborer C, shall be subject to determination by the Training Fund or the Local Union. The substantiation of all on the job experience requirements shall be done by the Local Union.
 - iii). Applicants may be referred at a ratio of three (3) A or B combination of applicants to one (1) C applicant.
- E. Only applicants who are not currently employed at the trade may register their availability for referral. If the Applicant on their own obtains one or more jobs at the trade in the aggregate lasting eleven days or more of employment, then they 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.
- F. Applicants shall be removed from the out-of-work upon receiving a job referral, subject to the provisions at rule 4-D on short-term referrals. An applicant who is laid off or discharged from a job must again register his or her availability in order to be included on the out-of-work list.
- G. Once an applicant has completed his or her Registration of Availability for Referral Form in person the applicant may afterward register his or her availability for referral by telephone to the Local Union, unless the Local Union requests an updated form, which may be requested due to newly established forms or to update the applicant's information.

5. Referral Procedures

- A. Subject to any exceptions or variances approved by the GEB Attorney pursuant to rule 3 (above) or rule 10(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.
- B. Stewards and Foremen may be selected from the out-of-work list without consideration of their place on the out-of-work list.
- C. Requests by an employer for specific applicants will be fulfilled as long as:

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- i.) The applicant is registered on the out-of-work list
 - ii.) The employer calls the Local Union regarding the request
 - iii.) The employer provides such request in writing
- D. An applicant who is referred to a job which, lasts ten (10) working days or less either because (A) the job is terminated or (B) the applicant is laid off or discharged will return to his or her position on the out-of-work list prior to receiving the referral. After an applicant has been referred two (2) times to such short-term referrals, the applicant must return to the bottom of the appropriate out-of-work list. The short-term referral provisions herein are inapplicable and the applicant will be removed from the out-of-work list, if the applicant takes any action within the first ten (10) days of employment designed to manipulate this provision of the Amended Job Rules, such as voluntarily quitting or requesting to be laid off or discharged from a job to which he or she is referred.
- E. To notify an applicant of a job referral, the Local Union shall call the applicant at the telephone number on the 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, the start date and time of the job, and the results of the call, including whether the call was answered, by whom and what the response, in any, was made.
- F. Referral hours shall be Monday through Friday between 9:00 AM and 12:00 Noon. All applicants shall be available for contact during referral hours. An applicant will be considered unavailable if he or she cannot be reached during this time period by one (1) call of at least eight (8) rings placed to the phone number provided by the applicant. If the first qualified applicant is unavailable for referral the Local shall call the next qualified applicant on the out-of-work list so that it can fill the employer's request. Any applicant who refuses or is unavailable for two consecutive referrals shall be moved to the bottom of the out-of-work list. If the applicant is unavailable on two separate days, he/she will be moved to the bottom of the out of-work list, unless the applicant has given the Local Union notice in writing of unavailability for a period not to exceed thirty (30) days. When time constraints force the Local to make calls outside of the set referral hours, the urgent nature of the request shall be documented in detail and any applicant who cannot be reached shall not be deemed "unavailable".
- G. When the Local Union determines that the applicant who is first on the out-of-work list cannot be referred because of refusal, unavailability, or lack of required skills, the Local Union shall then refer the next applicant on the out-of-work list who is willing, available and has the required skills.
- H. An applicant shall not be referred to an employer if the applicant was previously discharged for cause by the same employer. Applicants, who are twice lawfully rejected by an employer for lack of skill, after referral by the Local Union, shall

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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 skill required.

- I. Any applicant who has been informed, prior to the referral, of the employers requirement to pass a drug screen, accepts the referral and fails an employer or union required drug or alcohol screen, or is discharged for possessing, using, or being under the influence of drugs or alcohol on the job, shall be removed and banned from the out-of-work list for:

1st offense = 30 days
2nd offense = 90 days
3rd offense = 1 year

Additionally, the applicant must present to the applicable Local Union, documentation of the completion of an appropriate rehabilitation or counseling program, at his or her own expense.

The imposition of the suspension from the list shall not commence until the applicant returns to or re-registers for the out-of-work list. The applicant will be responsible for re-registering again on the out-of-work list after the specified suspension and they will be placed at the bottom of the list.

- J. Any applicant, who accepts a referral and then fails to appear at the job site on the first (1st) day, shall be removed from the out-of-work list for:

1st Offense = 30 Days
2nd Offense = 60 Days (within a 12 month period)
More than 2 Offenses = 60 Days (each offense within a 12 month period)

The applicant will be responsible for re-registering again on the out-of-work list after the specified suspension and then will be placed at the bottom of the list. The only exception will only be for unforeseen, extenuating circumstances. The extenuating circumstance shall be thoroughly documented in writing and this policy shall be applied uniformly to all applicants.

- K. Any applicant, who registered for a training course through the Locals "Training and Apprenticeship Fund" and fail to appear for the class on the first (1st) day, shall be removed from the out-of-work list for thirty (30) days. The applicant will be responsible for re-registering again on the out-of-work list after the specified suspension and then will be placed at the bottom of the list.

- L. If an applicant is discharged by an employer because the applicant used a Social Security number other than their own or any other form of false I.D., the applicant

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will be removed from the out-of-work list until the Social Security number problem or false I.D. problem is resolved. (This section applicable only if there is no conflict with federal, state or local laws.)

- M. Only applicants that are physically able to work and not currently employed at the trade may register their availability for referral. Further, all applicants must advise the Local Union of any medical or physical conditions that may prohibit them from performing required tasks. Failure to advise the Local will result in the applicant being removed from the out-of-work list for 120 days.
- N. Applicants may be required to pick up their referrals at the Union office, during normal business hours, prior to starting the job, if there are no modern methods (fax, email, etc.) for the Union to provide the referral to the employer at the job site or payroll office."

6. Dissemination

The Referral Rules and policies and the LIUNA Guidelines shall be posted conspicuously in the office and hiring hall of the Local Union, where they are available for review at all times in which the Local Union is open. Additional copies of the LIUNA Guidelines and the Referral Rules of the Local Union will be made available to members upon request, subject to payment of reasonable copying costs. New members will receive a free copy of the job referral rules upon admission to membership.

7. Job Referral Information

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

- A. The Local Union will record all referral attempts, including the date and time of the call(s), the name of the person making the call(s), and the outcome of the call(s).
- B. The Local Union will also record:
 - i. All registration by applicants of their availability for referral, including the date and time of each applicants registration.
 - ii. A current out-of-work list, including all applicants whose registration of availability for referral are then in effect, listing the data of each applicant's registration, and organized by their number on the applicable list (A, B, C, D Lists).
 - iii. All requests from employers for workers, including the date of each request, the name of the employer, the location of the job site, the length of the job (if known), and any request by the employer

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for applicants with special skills, licenses, or certifications, or a specific applicant pursuant to the apprenticeship list, and employer call by name requests.

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

8. Access to Referral Information

- A. Any applicant can inspect or copy any record containing the job referral Information described in 7. An appointment for inspection shall be scheduled for within five (5) days of request. Copies of 500 pages or less shall be provided within ten (10) days of request. Copies of more than 500 pages shall be provided within (30) days of a request. A Local Union may charge \$.50 per page to copy the first twenty (20) pages and \$.25 per page thereafter.
- B. Lists containing the information described in 7 (b) and 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.

9. Alleged Violations of Hiring Hall Rules

Any complaints or concerns regarding alleged violations of hiring hall procedures should be directed in writing to the office of the General President, Laborers' International Union of North America, 905 16th St. NW, Washington, D.C 20006. Alleged violations of LIUNA's Code of Ethics should be promptly addressed to Inspector General W. Douglas Gow, (202) 942-2360.

10. Recruitment for Organizing

Those individuals who have been "recruited" from a non-Union contractor will be referred to immediate employment provided such individuals are qualified to perform the work. The intent is not to deny qualified members on the out-of-work 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.