



LiUNA Laborers' Local #43 Referral Rules

Special Call Vote 3/4/2024

Implemented 4/1/2024

LiUNA Laborers' Local #43 Referral Rules

General

- A. Laborers Local Union No. 43 (hereafter the "Union") shall maintain an efficient system for providing an orderly procedure of referral of journeyman applicants for employment in the Trade. The Trade as referenced herein, shall mean all work within the craft jurisdiction of the Union as encompassed in its collective bargaining agreements.
- B. A copy of these rules are available for inspection during business hours by any bargaining unit member.
- C. Upon request, any individual will be shown his/her relative position on the out-of-work list.

Referral List Registration

- A. All journeymen registering for active employment shall set forth their name, address, telephone number and complete a skills card, as well as, any relevant licenses or certifications the applicant maintains. Blank application referral forms will be available at the Union's referral office. Each individual must read and sign an acknowledgment that received and understand Laborers' Code of Performance Hiring Hall Clause. The Union will complete an out-of-work list consisting of the journeymen and apprentices who have registered their availability for referral.
- B. Registration for referral will be accepted only from qualified journeyman laborers who have had actual working experience in the Trade.
- C. Initial registration for referral must have completed the requirements as set forth in Section A listed above. Thereafter, registration may be done in person at the Laborers' Local 43 Union Hall by signing in on the Referral List or by phoning or texting the Referral Hall Dispatch Line at (319)366-0859 ext.1. Placement on the list is by registration date not layoff or termination date.
- D. All applicants shall fill out the appropriate Skills Card before registering for the referral list. Each section of the Skills Card must be completed by each applicant. If a Skills Card is not completed or is incomplete a Skills Card will be filled out in the following manner: all counties checked; all contracts checked; and the skill "Basic Laborer" checked. Individuals are responsible for updating their skills card as necessary.
- E. Individuals who wish to register for referral may be required to submit proof of their experience, qualifications and special skills through employment records, testing through the Iowa Laborers' Education and Training Fund, affidavits, and certifications or otherwise.
- F. Upon registration, applicants will designate themselves as available for referral. Once an applicant has classified him or herself, all penalties regarding refusals and unavailability, for any job, will apply. The Union will not penalize an individual who refuses a job for work that does not comport with the individual's skills card. 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 at (319)366-0859 ext.1 to be made available for dispatching.
- G. 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.

- H. 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.
- I. Individuals must check-in with the Referral Hall Dispatch Line at (319)540-0600 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.
- J. An employer may request employees possessing special skills and abilities, in which case the Union shall refer the first applicant on the list who possesses such special skills and abilities. Employers may request former employees for referral to a job or project, and the Union shall refer said former employees to the job or project provided they are properly registered applicants, are available for work at the time of request, and have been employed by the requesting Employer under the terms of this or previous agreements in the geographical area of the Union within the past twenty four (24) months prior to the request.

Lists A, B, C and D

The Union shall maintain a register of applicants for employment established on the basis of the groups listed below. Each applicant for employment shall be registered in the highest priority group for which he/she is qualified. Apprentices shall be referred under a separate out-of-work list. Placement on the A, B, C or D list is for Journeyman laborers only. Placement will be determined by the reported hours worked within the previous two (2) calendar years (January to December). The hours used must have been in the employment of a contractor signatory to a collective bargaining agreement with the Union and reported to the Iowa Laborers' District Council Health & Welfare Fund. List placement evaluations will happen the 1st business day of February each year.

All Journeyman laborers will start on the D List. Qualifying 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 Journeyman, the hours worked will be retroactively included to place the individual on the appropriate list. An apprentice not satisfactorily completing a qualified apprenticeship program shall not be allowed to apply the hours accumulated while in the apprenticeship program toward meeting the requirements for classification below.

D List- All Journeyman laborers who have worked less than one thousand (1,000) hours within the two (2) previous calendar years (January to December).

C List- All Journeyman laborers who have worked at least one thousand (1,000) hours within the two (2) previous calendar years (January to December).

B List- All Journeyman laborers who have worked at least one thousand five hundred (1,500) hours within the previous two (2) calendar years (January to December).

A List- Journeyman laborers who have worked at least two thousand (2,000) hours within the previous two (2) calendar years (January to December).

Except as specifically provided for herein, the Union shall refer applicants to an employer upon the employers request by first referring applicants from the A list, in order of the dates they register their availability for

employment, then from the B List, in order of the dates these applicants register, then from the C List, in order of the dates these applicants register, and then from the D List in the order of the dates these applicants register.

Apprentices

All apprentices registered with the Iowa Laborers' Education and Training Fund shall be on the A-1 list. Apprentices will be placed on the A-1 Apprentice List by order of date and time of registration on the Referral List.

Apprentices shall be referred upon an employer's request from a separate out of work list (A-1). Referral shall first be done in order of the dates they register their availability for employment.

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.

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 notice of unavailability as stated herein.

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 full herein. Selection of applicants for referral to jobs shall be on a non-discriminatory basis and shall not be based on or in any way affected by union membership, by-laws, rules, regulations, constitutional provision or by any other aspect of obligation of union membership, policies or obligations. Selection of applicants for referral

shall be made 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 (1st) or second (2nd) 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:

1st 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.

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

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

4th 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 that have not successfully completed a construction program of apprenticeship through a program registered with the Department of Labor will be assessed by the Iowa Laborers' Education & Training Fund. If those individuals have been recruited from another industry contractor they shall be assessed and placed per the apprenticeship standards, then may then be immediately referred to employment provided said individuals are qualified to perform the work.

Laborers' Code of Performance

- 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 as excessive absenteeism, excessive tardiness, lack of skills, insubordination, and theft.

- 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, 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 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.