

LABORERS LOCAL 809
OHIO LABORERS' DISTRICT COUNCIL REFERRAL POLICY

IN ORDER FOR THE LABORERS' INTERNATIONAL UNION OF NORTH AMERICA (LIUNA) AND ITS SUBORDINATE LOCAL UNIONS 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 ADEQUATE TO DISCLOSE FULLY THE BASIS ON WHICH EACH REFERRAL IS MADE, THE FOLLOWING RULES HAVE BEEN PROMULGATED AND SHALL BE ADOPTED AND IMPLEMENTED BY LIUNA LOCAL UNION 809.

I. REQUIREMENTS 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 TO EMPLOYMENT IN A FAIR AND EQUITABLE MANNER, AND TO ESTABLISH RECORDS AND PROCEDURES WHICH 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 BY THE FOLLOWING GUIDELINES 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.

2. NON-DISCRIMINATION IN JOB REFERRALS: REFERRALS TO JOBS SHALL BE ON NON-DISCRIMINATORY BASIS AND SHALL NOT BE BASED ON, OR IN ANY WAY AFFECTED BY RACE, GENDER, AGE, NATIONAL ORIGIN, SEXUAL ORIENTATION, DISABILITY, RELIGION, OR LAWFUL UNION-RELATED ACTIVITY.

3. EFFECT OF HIRING HALL RULES: ALL REFERRALS BY LABORERS' LOCAL 809 TO JOBS WITHIN ITS JURISDICTION SHALL BE MADE IN ACCORDANCE WITH THESE RULES EXCEPT TO THE EXTENT THAT ANY RULE CONTAINED HEREIN CONFLICTS WITH PROVINCIAL LAW OR WITH A TERM OF COLLECTIVE BARGAINING AGREEMENT OR IN ACCORDANCE WITH A VARIANCE GRANTED. 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 RULES TO THE GEB ATTORNEY. THE GEB ATTORNEY 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 FILE WITH LOCAL UNION 809 A SIGNED AND DATED REFERRAL FROM PROVIDING NAME, TELEPHONE NUMBER AND SOCIAL SECURITY NUMBER AND STATING ANY SKILLS THE MEMBER POSSESSES AND THE JOBS THE MEMBER IS ABLE TO PERFORM, INCLUDING ANY RELEVANT LICENSES OR CERTIFICATIONS. BLANK REFERRAL FORMS WILL BE AVAILABLE AT THE LOCAL UNION.

LOCAL UNION 809 WILL COMPILE 2 OUT OF WORK LISTS, WHICH WOULD GROUP APPLICANTS ACCORDING TO THEIR QUALIFICATIONS, AND MAINTAIN THE OUT-OF-WORK LIST AS FOLLOWS:

GROUP "A" – ALL PERSONS HAVING AT LEAST ONE YEARS EXPERIENCE IN THE CONSTRUCTION INDUSTRY WORKING FOR AN EMPLOYER WHO IS PARTY TO A COLLECTIVE BARGAINING AGREEMENT WITH THE LABORERS' DISTRICT COUNCIL OF OHIO OR ONE OF ITS AFFILIATED LOCAL UNIONS AND WHO ARE CONTINUALLY AVAILABLE FOR WORK.

GROUP "B" – ALL PERSONS HAVING LESS THAN ONE YEARS EXPERIENCE IN THE CONSTRUCTION INDUSTRY WORKING FOR AN EMPLOYER WHO IS PARTY TO A COLLECTIVE BARGAINING AGREEMENT WITH THE LABORERS' DISTRICT COUNCIL OF OHIO OR ONE OF ITS AFFILIATED LOCAL UNIONS AND WHO ARE CONTINUALLY AVAILABLE FOR WORK.

ONE YEAR'S EXPERIENCE SHALL BE DEFINED AS HAVING WORKED A MINIMUM OF 1,500 HOURS FOR AN EMPLOYER WHO IS PARTY TO A COLLECTIVE BARGAINING AGREEMENT WITH THE LABORERS' DISTRICT COUNCIL OF OHIO OR ONE OF ITS AFFILIATED LOCAL UNIONS.

QUALIFIED APPLICANTS SHALL BE REFERRED IN ORDER OF REGISTRATION BEGINNING WITH GROUP "A". ONCE GROUP "A" IS EXHAUSTED GROUP "B" APPLICANTS SHALL BE REFERRED IN ORDER OF REGISTRATION.

APPLICANTS WHO ARE ON THE "B" LIST MAY OBTAIN "A" LIST STATUS, WHO HAVE REMAINED IN GOOD STANDING FOR THREE YEARS WITHOUT INTERRUPTION FROM THE DATE OF INITIATION, REGARDLESS OF THE NUMBER OF HOURS THAT MEMBER HAS WORKED IN THE CONSTRUCTION INDUSTRY FOR AN EMPLOYER WHO IS PARTY TO A COLLECTIVE BARGAINING AGREEMENT WITH THE LABORERS' DISTRICT COUNCIL OF OHIO.

THE LABORERS' DISTRICT COUNCIL OF OHIO OR LOCAL UNION 809 MAY CONFIRM ANY PRIOR EMPLOYMENT, LICENSES, OR CERTIFICATIONS LISTED BY AN APPLICANT. THE DISTRICT COUNCIL OR LOCAL UNION MAY CHALLENGE AN APPLICANT'S REPRESENTATIONS CONCERNING HIS/HER PRIOR EMPLOYMENT, LICENSES OR CERTIFICATIONS. IF THE LOCAL UNION MAKES A CHALLENGE, IT MUST PROMPTLY NOTIFY THE APPLICANT IN WRITING. THE APPLICANT WILL THEN HAVE FIVE (5) BUSINESS DAYS FROM THE RECEIPT OF THE NOTICE IN WHICH TO RESPOND AND TO SUBMIT ANY RELEVANT INFORMATION. ANY APPLICANT WHO REMAINS AGGRIEVED BY A FINAL DECISION OF THE LOCAL UNION MAY FILE A PROTEST WITH THE INDEPENDENT HEARING OFFICER, WHO SHALL FINALLY RESOLVE ALL SUCH DISPUTES.

B. APPRENTICES SHALL BE REFERRED UNDER A SEPARATE OUT-OF-WORK LIST, AND SHALL BE LISTED ACCORDING TO THEIR APPRENTICESHIP YEAR.

C. ONLY APPLICANTS WHO ARE NOT CURRENTLY EMPLOYED AT THE TRADE MAY REGISTER THEIR AVAILABILITY FOR REFERRAL. MEMBERS, WHO, AFTER REGISTERING THEIR AVAILABILITY FOR REFERRAL, ON THEIR OWN, OBTAIN ONE OR MORE JOBS AT THE TRADE IN THE AGGREGATE LASTING ELEVEN (11) DAYS OR MORE, MUST ADVISE LOCAL UNION 809 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.

D. APPLICANTS SHALL BE REMOVED FROM THE APPROPRIATE OUT-OF-WORK LIST UPON RECEIVING A JOB REFERRAL, SUBJECT TO THE PROVISIONS OF SECTIONS 5B (1) REGARDING SHORT-TERM REFERRALS. A MEMBER 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.

E. ONCE AN APPLICANT HAS REGISTERED HIS OR HER AVAILABILITY FOR REFERRAL, BY SIGNING A REFERRAL FORM WITH LABORERS' LOCAL 809, THE MEMBER MAY AFTERWARD REGISTER HIS OR HER AVAILABILITY.

F. AN APPLICANTS REGISTRATION OF AVAILABILITY FOR REFERRAL SHALL BE IN EFFECT FOR (6) MONTHS. AN APPLICANT MUST AGAIN REGISTER (IN PERSON) THEIR AVAILABILITY BEFORE THE EXPIRATION OF THAT PERIOD IN ORDER TO RETAIN HIS OR HER POSITION ON THE OUT-OF-WORK LIST. APPLICANTS WHO REGISTER FOR THE FIRST TIME IN THE MIDDLE OF THE (6) MONTH PERIOD ARE REQUIRED TO REGISTER AGAIN BEFORE THE NEW (6) MONTH PERIOD BEGINS REGARDLESS OF THE FACT THAT REGISTRATION HAD BEEN IN EFFECT FOR LESS THAN 6 MONTHS. MEMBERS RE-REGISTERING DATES WILL BE DURING THE LAST TWO (2) WORKDAYS OF EACH (6) MONTH PERIOD. THE FOLLOWING ARE THE RE-REGISTRATION PERIODS:

**DECEMBER 1ST
JUNE 1ST**

5. REFERRAL PROCEDURE:

A. APPLICANTS ON THE OUT-OF-WORK LIST SHALL BE REFERRED TO JOBS IN THE ORDER IN, WHICH THEY HAVE REGISTERED THEIR AVAILABILITY FOR REFERRAL, BEGINNING WITH GROUP A AND CONTINUING THROUGH GROUP B AFTER GROUP A HAS BEEN EXHAUSTED. THE FIRST REGISTERED APPLICANT WILL BE REFERRED FIRST, PROVIDED FURTHER, THAT HE OR SHE HAS THE QUALIFICATIONS REQUESTED BY THE EMPLOYER. IF AFTER CALLING ALL PERSONS WHO HAVE BEEN CERTIFIED THAT THEY POSSESS THE SPECIFIED QUALIFICATIONS, THE CONTRACTOR'S REQUEST HAS NOT BEEN FILLED, THE LOCAL UNION MAY CONTACT OTHER LOCALS OF LABORERS' INTERNATIONAL UNION OF NORTH AMERICA TO SECURE QUALIFIED INDIVIDUALS TO REFER TO THE REQUESTING CONTRACTORS. THE BUSINESS MANAGER MAY REFER A QUALIFIED STEWARD TO ANY JOB DEEEMED NECESSARY, REGARDLESS OF THEIR POSITION ON THE "OUT-OF-WORK " LISTS.

B. REQUESTS BY AN EMPLOYER FOR SPECIFIC APPLICANTS EMPLOYED BY THE EMPLOYER WITHIN THE PREVIOUS (12) MONTHS SHALL BE FULFILLED AS REQUIRED BY APPLICABLE COLLECTIVE BARGAINING AGREEMENTS. HOWEVER, ALL REQUESTS FOR SPECIFIC APPLICANTS MUST BE CONFIRMED PROMPTLY BY THE EMPLOYER IN WRITING.

1. AN APPLICANT WHO IS REFERRED TO A JOB WHICH LASTS TEN (10) WORKING DAYS OR LESS, EITHER BECAUSE (1) THE JOB IS TERMINATED, OR (2) THE APPLICANT IS LAID OFF OR DISCHARGED, WILL RETURN TO HIS OR HER POSITION ON THE APPROPRIATE OUT-OF-WORK LIST PRIOR TO RECEIVING THE REFERRAL. THAT INDIVIDUAL MUST REGISTER AGAIN WITHIN THE 10 DAY PERIOD AFTER RECEIVING A JOB REFERRAL REGARDLESS OF ITS LENGTH IN ORDER TO BE INCLUDED ON THE APPROPRIATE OUT-OF-

WORK LIST. HOWEVER, AFTER RECEIVING A JOB REFERRAL IMMEDIATELY FOLLOWING SUCH A SHORT-TERM REFERRAL, REGARDLESS OF ITS LENGTH, THAT INDIVIDUAL MUST AGAIN REGISTER AND WILL BE PLACED AT THE BOTTOM OF THE OUT-OF-WORK LIST, PROVIDED THAT THE INDIVIDUAL HAS WORKED AT LEAST (11) DAYS SUCH AS A RESULT OF SUCH SHORT TERM REFERRALS. THESE SHORT TERM REFERRAL PROVISIONS ARE INAPPLICABLE AND THE APPLICANT WILL BE REMOVED FROM THE APPROPRIATE OUT-OF-WORK LIST IF HE OR SHE TAKES ANY ACTION WITHIN THE FIRST (10) DAYS OF EMPLOYMENT DESIGNED TO MANIPULATE THIS PROVISION, SUCH AS VOLUNTARILY QUITTING OR REQUESTING TO BE LAID OFF OR IS CHARGED FROM A JOB TO WHICH HE OR SHE IS REFERRED.

2. CERTIFIED-CONFINED SPACE ENTRY, HAZARDOUS WASTE, LEAD ABATEMENT AND ASBESTOS ABATEMENT WORKERS ACCEPTING JOBS IN THESE CLASSIFICATIONS WILL NOT BE CONSIDERED WORKING UNTIL AFTER THEY HAVE WORKED AT LEAST OVER THE TEN (10) CONSECUTIVE DAYS. ONLY THEN WILL THEY BE MOVED FROM THE OUT-OF-WORK LIST. PROOF OF CERTIFICATION MUST BE SUPPLIED TO THE LOCAL UNION BY EACH APPLICANT.

3. AN APPLICANT THAT ACCEPTS A JOB AND AFTER RECEIVING A REFERRAL FAILS TO REPORT TO THE JOB SITE AT THE SPECIFIED TIME WILL HAVE TWO (2) HOURS TO NOTIFY THE LOCAL UNION. FAILURE TO REPORT TO THE UNION HALL BY PHONE OR IN PERSON WITH A LEGITIMATE EXCUSE FOR NOT REPORTING SHALL BE CAUSE TO MOVE THE APPLICANT TO THE BOTTOM OF THE APPROPRIATE OUT-OF-WORK LIST.

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COMMENTS

THIS POLICY MUST BE APPLIED UNIFORMLY TO ALL APPLICANTS ON THE OUT-OF-WORK LIST. ALSO, OF COURSE, THE SITUATION MUST BE DOCUMENTED IN WRITING.

C. TO NOTIFY A MEMBER OF A JOB REFERRAL, THE LOCAL SHALL CALL THE APPLICANT AT THE 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 START DATE OF THE JOB.

1. APPLICANTS WHO ARE DISMISSED FROM A JOB FOR THE SOLE REASON OF SUBSTANCE ABUSE WILL BE BARRED FROM RE-SIGNING THE LIST UNTIL THE APPLICANT HAS PRESENTED THE UNION DOCUMENTATION OF PROOF OF A

“NEGATIVE” DRUG TEST, ADMINISTERED BY A DESIGNATED ACCREDITED LAB, BEFORE HE OR SHE CAN AGAIN BE PLACED ON THE OUT-OF-WORK LIST. THE TEST WILL BE AT THE APPLICANT’S EXPENSE.

2. ANY APPLICANT WHO REFUSES OR IS UNAVAILABLE FOR TWO SEPARATE DAYS SHALL 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. LOCAL 809 WILL MAKE EVERY EFFORT TO MAKE ALL REFERRAL CALLS DURING THE HOURS OF 2:30 P.M. AND 4:30 P.M. MONDAY THRU FRIDAY. DURING THESE SET REFERRAL HOURS AND IN EMERGENCY SITUATIONS (IN WHICH THE URGENT NATURE OF THE REQUEST SHALL BE DOCUMENTED IN DETAIL) LOCAL 809 MAY MAKE A SINGLE CALL OF NO LESS THAN 10 RINGS TO APPLICANTS IN ORDER OF THEIR REGISTRATION ON THE OUT-OF-WORK LIST. IN INSTANCES WHERE APPLICANTS MUST BE CONTACTED OUTSIDE OF SET REFERRAL HOURS, APPLICANTS WHO ARE NOT REACHED WOULD NOT BE DEEMED UNAVAILABLE. IF AN APPLICANT SUBMITS TO THE LOCAL UNION WRITTEN DOCUMENTATION FROM A DOCTOR CONCERNING AN APPLICANT NOT BEING ABLE TO WORK DUE TO ILLNESS OR INJURY AN APPLICANT’S STATUS MAY BE FROZEN AND INACTIVE ON THE OUT-OF-WORK LIST, UNTIL HE/SHE SUPPLIES DOCUMENTATION FROM A DOCTOR STATING HE/SHE IS ABLE TO RETURN TO WORK. APPLICANTS WILL NOT ADVANCE OR FALL BEHIND ON THE LIST WHILE THEY ARE UNAVAILABLE DUE TO ILLNESS OR INJURY.

3. 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. APPLICANTS WHILE ATTENDING THE OHIO LABORERS’ TRAINING AND UPGRADING CENTER WILL NOT BE PENALIZED FOR REFUSING A JOB OR BEING UNAVAILABLE. THE APPLICANT MUST NOTIFY THE LOCAL UNION IN WRITING, OF THEIR ATTENDANCE TO THE TRAINING CENTER, TO QUALIFY FOR THIS EXCEPTION.

D. A MEMBER SHALL NOT BE REFERRED TO AN EMPLOYER IF THE MEMBER WAS PREVIOUSLY DISCHARGED FOR CAUSE BY THE SAME EMPLOYER. MEMBERS 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, OR CERTIFICATION FROM THE OHIO LABORERS’ TRAINING AND UPGRADING CENTER, SHOWING THAT THE MEMBER HAS DEMONSTRATED THE SKILLS REQUIRED.

6. DISSEMINATION OF THE JOB REFERRAL RULES:

ALL RULES AND REFERRAL POLICIES MUST BE IN WRITING. THESE GUIDELINES AND ALL LOCAL UNION REFERRAL RULES AND POLICIES MUST BE POSTED CONSPICUOUSLY IN THE OFFICES AND HIRING HALL OF EACH LOCAL UNION, WHERE THEY ARE AVAILABLE FOR REVIEW AT ALL TIMES IN WHICH THE LOCAL UNION IS OPEN. ADDITIONAL COPIES OF THESE GUIDELINES AND ALL LOCAL UNION REFERRAL RULES SHALL BE MADE AVAILABLE TO MEMBERS UPON REQUEST, SUBJECT TO THE PAYMENT OF REASONABLE COPYING COSTS. NEW MEMBERS SHALL RECEIVE A FREE COPY OF THE JOB REFERRAL RULES UPON ADMISSION TO MEMBERSHIP.

7. JOB REFERRAL RECORDS:

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.) UNDER TELEPHONE REFERRAL SYSTEMS WHERE THE LOCAL UNION CALLS THE APPLICANT, THE LOCAL UNION MUST 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.

B.) UNDER TELEPHONE BID SYSTEMS, THE LOCAL UNION MUST RECORD EVERY BID RECEIVED, INCLUDING THE NAME OF THE APPLICANT, THE TIME OF HIS OR HER CALL, THE NAME OF THE OFFICE EMPLOYEE WHO TOOK THE CALL, AND THE JOB THE APPLICANT WAS BIDDING FOR.

C.) UNDER IN-PERSON REFERRAL SYSTEMS, THE LOCAL UNION MUST RECORD THE ATTENDANCE OF EVERY APPLICANT AND THE OUTCOME OF EACH ATTEMPTED REFERRAL MADE BY THE LOCAL UNION OR BID FOR REFERRAL MADE BY THE APPLICANT.

D.) UNDER ALL REFERRAL SYSTEMS, THE LOCAL UNION MUST ALSO RECORD:

i. ALL REGISTRATION BY APPLICANTS OF THEIR AVAILABILITY FOR REFERRAL WHICH ARE THEN IN EFFECT, LISTING THE DATE OF EACH APPLICANT'S REGISTRATION.

ii. A CURRENT OUT-OF-WORK LIST, INCLUDING ALL APPLICANTS WHOSE REGISTRATIONS OF AVAILABILITY FOR REFERRAL ARE THEN IN EFFECT, LISTING THE DATE OF EACH APPLICANT'S REGISTRATION, AND ORGANIZED ACCORDING TO SENIORITY.

iii. ALL REQUESTS FROM EMPLOYERS FOR WORKERS, INCLUDING THE DATE OF EACH REQUEST THE NAME OF EMPLOYER, THE LOCATION OF THE JOB SITE, THE LENGTH OF THE JOB (IF KNOWN) AND ANY REQUEST BY THE EMPLOYER FOR APPLICANTS WITH SPECIAL SKILLS, LICENSES, OR CERTIFICATIONS, OR A SPECIFIC APPLICANT PURSUANT TO 5 (B) ABOVE.

v. 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 JOB REFERRAL INFORMATION:

A. ANY MEMBER OF A LOCAL UNION CAN INSPECT OR COPY ANY RECORD CONTAINING THE JOB REFERRAL INFORMATION 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 IN 7D (i) and 7D (ii) 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 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.

PART B: REQUEST FOR VARIANCES

AMENDED RULE 4C

SUBJECT TO ANY EXCEPTIONS OR VARIANCES APPROVED BY THE GEB ATTORNEY PURSUANT TO 2 ABOVE OR 8 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.

REQUEST

LABORERS LOCAL 809 SEEKS A VARIANCE AND REQUESTS THAT A MEMBER WHO ACCEPTS A JOB AFTER RECEIVING A WORK CALL FROM THE UNION HALL AND DOES NOT REPORT TO THE JOB SITE AT THE SPECIFIED SHIFT WILL HAVE TWO (2) HOURS TO NOTIFY THE UNION HALL. FAILURE TO REPORT TO THE UNION HALL BY PHONE OR IN PERSON WITH A LEGITIMATE EXCUSE FOR NOT REPORTING TO WORK WILL BE JUST CAUSE TO MOVE THE MEMBER TO THE BOTTOM OF THE OUT OF WORK LIST.

**RESPONSE
GRANTED.**

LOCAL UNION NO. 809 HIRING HALL RULE MODIFICATION

LABORERS' LOCAL 809 REQUESTS TO MODIFY THEIR EXISTING HIRING HALL RULES SO THAT MEMBERS WHO ARE ON THE B LIST MAY OBTAIN A LIST STATUS, THREE YEARS FROM THE DATE OF INITIATION, REGARDLESS OF THE NUMBER OF HOURS THAT MEMBER HAS WORKED IN THE CONSTRUCTION INDUSTRY FOR AN EMPLOYER WHO IS PARTY TO A COLLECTIVE BARGAINING AGREEMENT WITH THE LABORERS' DISTRICT COUNCIL OF OHIO.

COMMENTS

IT WILL BE ASSUMED THAT ONLY THOSE MEMBERS OF LOCAL 809 WHO HAVE REMAINED IN GOOD STANDING FOR THREE YEARS, WITHOUT INTERRUPTION, WILL BE PERMITTED TO OBTAIN A LIST STATUS.

LOCAL UNION NO. 809 HIRING HALL RULE MODIFICATION

LABORERS' LOCAL 809 REQUESTS TO MODIFY THEIR EXISTING HIRING HALL RULES SO THAT THE LOCAL MAY ESTABLISH SET REFERRAL HOURS, 2:30 P.M. THROUGH 4:30 P.M. MONDAY THROUGH FRIDAY. UNDER THIS SYSTEM, APPLICANTS WOULD BE DROPPED TO THE BOTTOM OF THE LIST AFTER TWO SEPARATE OCCASIONS OF UNAVAILABILITY OR REFUSAL. IN INSTANCES WHERE APPLICANTS MUST BE CONTACTED OUTSIDE OF THE SET REFERRAL HOURS, APPLICANTS WHO ARE NOT REACHED WOULD NOT BE DEEMED UNAVAILABLE.

COMMENTS

DURING THESE SET REFERRAL HOURS, LOCAL 809 MAY MAKE A SINGLE CALL, OF NO LESS THAN 10 RINGS, TO APPLICANTS IN ORDER OF THEIR REGISTRATION ON THE OUT-OF-WORK LIST WHEN MAKING JOB REFERRALS.

LOCAL 809 SHOULD MAKE EVERY EFFORT TO MAKE ALL REFERRAL CALLS DURING THESE SET REFERRAL HOURS. HOWEVER, IN EMERGENCY SITUATIONS OUTSIDE OF REFERRAL HOURS, THE LOCAL MAY MAKE A SINGLE CALL OF NO LESS THAN TEN RINGS TO QUALIFIED APPLICANTS IN ORDER OF REGISTRATION ON THE OUT-OF-WORK LIST. IN THESE SITUATIONS, APPLICANTS WHO CANNOT BE REACHED SHALL NOT BE DESIGNATED, AS "UNAVAILABLE" AND ANY REFUSAL SHOULD NOT BE COUNTED AGAINST THE APPLICANT. ALSO, IN THESE EMERGENCY SITUATIONS, THE URGENT NATURE OF THE REQUEST MUST BE DOCUMENTED IN DETAIL.

LABORERS' LOCAL UNION 809 REQUESTS TO MODIFY THEIR EXISTING HIRING HALL RULES TO WAIVE THE 10 DAY RULE WHEN A MEMBER IS SENT OUT ON A ONE DAY JOB TO PROTECT THEIR WORK JURISDICTION.

COMMENTS

AS THIS RULE IS WRITTEN IT IS UNCLEAR AND DOES NOT PROVIDE ENOUGH INFORMATION ABOUT HOW SUCH A RULE WOULD BE IMPLEMENTED BY LOCAL UNION 809. THEREFORE, THIS RULE CANNOT BE APPROVED FOR USE AT THIS TIME. IF LOCAL UNION 809 CONTINUES TO BE INTERESTED IN ADOPTING SUCH A PROCEDURE, LOCAL UNION 809 MUST CONTACT THIS OFFICE IN ORDER TO DOCUMENT HOW THIS PROCEDURE WOULD BE IMPLEMENTED.

REQUEST FOR VARIANCE

4F, AMENDED RULES

ANY APPLICANT WHO REFUSES OR IS UNAVAILABLE FOR TWO CONSECUTIVE

REFERRALS SHALL BE MOVED TO THE BOTTOM OF THE OUT-OF-WORK LIST. AN

APPLICANT MUST BE UNAVAILABLE TWO SEPARATE DAYS BEFORE HE/SHE CAN BE

MOVED TO THE BOTTOM OF THE OUT-OF-WORK LIST. AN APPLICANT WILL

BE

CONSIDERED UNAVAILABLE IF HE OR SHE CANNOT BE REACHED AFTER THREE

CALLS HAVE BEEN PLACED TO THE TELEPHONE NUMBER PROVIDED BY THE

APPLICANT HAS GIVEN THE LOCAL UNION NOTICE IN WRITING OF UNAVAILABILITY

FOR A PERIOD NOT TO EXCEED THIRTY (30) DAYS. THE THREE CALLS MUST BE

SEPARATED BY INTERVALS OF NO LESS THAN (30) MINUTES.

REQUEST

LOCAL UNION 809 REQUESTS THAT THE ITALICIZED TEXT BE ADDED TO AMENDED RULE 4E.

ANY APPLICANT WHO REFUSES OR IS UNAVAILABLE FOR TWO CONSECUTIVE

REFERRALS SHALL BE MOVED TO THE BOTTOM OF THE OUT-OF-WORK LIST. AN

APPLICANT MUST BE UNAVAILABLE ON TWO SEPARATE DAYS BEFORE HE/SHE

CAN BE MOVED TO THE BOTTOM OF THE OUT-OF-WORK LIST. AN APPLICANT

WILL BE CONSIDERED UNAVAILABLE IF HE OR SHE CANNOT BE REACHED AFTER THREE CALLS HAVE BEEN PLACED TO THE TELEPHONE NUMBER PROVIDED BY

THE APPLICANT, UNLESS THE APPLICANT HAS GIVEN THE LOCAL UNION NOTICE

IN WRITING OF UNAVAILABILITY FOR A PERIOD NOT TO EXCEED THIRTY (30)

DAYS. THE THREE CALLS MUST BE SEPARATED BY INTERVALS NO LESS THAN

THIRTY (30) MINUTES.

IF AN APPLICANT SUBMITS TO THE LOCAL UNION WRITTEN DOCUMENTATION FROM A DOCTOR CONCERNING AN APPLICANT NOT BEING ABLE TO WORK DUE TO AN ILLNESS OR INJURY AN APPLICANT'S STATUS MAY BE FROZEN AND INACTIVE ON THE OUT-OF-WORK LIST UNTIL HE/SHE SUPPLIES DOCUMENTATION FROM A DOCTOR STATING HE/SHE IS ABLE TO RETURN TO WORK. APPLICANTS WILL NOT ADVANCE OR FALL BEHIND ON THE LIST WHILE THEY ARE UNAVAILABLE DUE TO THE ILLNESS OR INJURY.

ADDITIONALLY, LOCAL 809 REQUESTS CONFIRMATION OF ITS INTERPRETATION OF THE THIRTY-DAY UNAVAILABILITY PROVISION CONTAINED IN AMENDED RULE 4E. IT IS THE LOCAL'S UNDERSTANDING THAT THE PERIOD OF UNAVAILABILITY IS NOT TO EXCEED

THIRTY DAYS WITHIN A SINGLE REGISTRATION PERIOD (OF WHICH THE LOCAL HAS TWO PER YEAR).

RESPONSE

THIS REQUEST FOR VARIANCE IS GRANTED, AND THE LOCAL'S INTERPRETATION OF THE THIRTY DAY UNAVAILABILITY PROVISION IS CORRECT.

**REQUEST FOR VARIANCE
AMENDED RULE 4C**

AN APPLICANT WHO IS REFERRED TO A JOB WHICH LAST TEN (10) WORKING DAYS OR LESS EITHER BECAUSE (1) THE JOB IS TERMINATED OR (2) THE APPLICANT IS LAID OFF OR DISCHARGED WILL RETURN TO HIS OR HER POSITION ON THE OUT-OF-WORK PRIOR TO RECEIVING THE REFERRAL. HOWEVER, AFTER RECEIVING A JOB REFERRAL IMMEDIATELY FOLLOWING SUCH A SHORT-TERM REFERRAL. REGARDLESS OF ITS LENGTH, THAT INDIVIDUAL MUST AGAIN REGISTER IN ORDER TO BE INCLUDED ON THE 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.

REQUEST

LOCAL UNION 809 REQUESTS THE ADDITION OF THE ITALICIZED TEXT TO AMENDED RULE 4C.

AN APPLICANT WHO IS REFERRED TO A JOB WHICH LASTS TEN (10) WORKING DAYS OR LESS EITHER BECAUSE (1) THE JOB IS TERMINATED OR (2) 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. HOWEVER, AFTER RECEIVING A JOB REFERRAL IMMEDIATELY FOLLOWING SUCH A SHORT-TERM REFERRAL, REGARDLESS OF ITS LENGTH, THAT INDIVIDUAL MUST AGAIN REGISTER IN ORDER TO BE INCLUDED ON THE 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 RUES, SUCH AS VOLUNTARILY QUITTING OR REQUESTING TO BE LAID OFF OR DISCHARGED FROM A JOB TO WHICH HE OR SHE IS REFERRED.

CERTIFIED CONFINED SPACE ENTRY, HAZARDOUS WASTE, LEAD ABATEMENT AND ASBESTOS ABATEMENT WORKERS ACCEPTING JOBS IN THESE CLASSIFICATIONS WILL NOT BE CONSIDERED WORKING UNTIL AFTER THEY HAVE WORKED AT LEAST OVER THE TEN (10) CONSECUTIVE DAYS. ONLY THEN WILL THEY BE MOVED FROM THE OUT-OF-WORK LIST. PROOF OF CERTIFICATION MUST BE SUPPLIED TO THE LOCAL UNION BY EACH APPLICANT.

THIS VARIANCE IS DESIGNED TO ENCOURAGE APPLICANTS TO MAINTAIN CERTIFICATION SO THAT THE LOCAL CAN MORE READILY SATISFY CONTRACTOR DEMAND FOR APPLICANT WITH THESE SKILLS.

**RESPONSE
GRANTED**

PART B : REQUEST FOR VARIANCE

RULE 3A

“AN APPLICANT SEEKING REFERRAL TO A JOB MUST FILE WITH THE LOCAL UNION A SIGNED AND DATED REFERRAL FORM PROVIDING NAME, TELEPHONE NUMBER AND SOCIAL SECURITY NUMBER AND STATING ANY SKILLS THE APPLICANT POSSESSES AND THE JOBS THE APPLICANT IS ABLE TO PERFORM, INCLUDING ANY RELEVANT LICENSES OR CERTIFICATIONS. BLANK REFERRAL FORMS WILL BE AVAILABLE AT THE LOCAL UNION. THE LOCAL UNION WILL COMPILE AN OUT-OF-WORK LIST CONSISTING OF THE APPLICANTS WHO HAVE REGISTERED THEIR AVAILABILITY FOR REFERRAL. THE LOCAL UNION MAY CONFIRM ANY PRIOR EMPLOYMENT, LICENSES, OR CERTIFICATIONS LISTED BY AN APPLICANT. THE LOCAL UNION HAS FIVE 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 A 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”

REQUEST

**THE LABORERS’ DISTRICT COUNCIL OF OHIO REQUESTS A VARIANCE FROM AMENDED
JOB REFERRAL RULE 3A WHICH REQUIRES LOCALS TO COMPILE AN OUT-OF-
WORK LIST
CONSISTING OF APPLICANTS WHO HAVE REGISTERED THEIR ABILITY FOR**

REFERRAL.

SPECIFICALLY, THE DISTRICT COUNCIL WOULD LIKE TO COMPILE TWO OUT-OF-WORK LISTS, WHICH WOULD GROUP APPLICANTS ACCORDING TO THEIR QUALIFICATIONS, AND MAINTAIN THE OUT-OF-WORK LIST AS FOLLOWS:

GROUP A, ALL PERSONS HAVING AT LEAST ONE YEAR'S EXPERIENCE IN THE CONSTRUCTION INDUSTRY WORKING FOR AN EMPLOYER WHO IS PARTY TO A COLLECTIVE BARGAINING AGREEMENT WITH THE LABORERS' DISTRICT COUNCIL OR ONE OF ITS AFFILIATED LOCAL UNIONS AND WHO ARE CONTINUALLY AVAILABLE FOR WORK.

GROUP B, ALL PERSONS HAVING LESS THAN ONE YEAR'S EXPERIENCE IN THE CONSTRUCTION INDUSTRY WORKING FOR AN EMPLOYER WHO IS PARTY TO A COLLECTIVE BARGAINING AGREEMENT WITH THE LABORERS DISTRICT COUNCIL OF OHIO OR ONE OF ITS AFFILIATED LOCAL UNIONS AND WHO ARE CONTINUALLY AVAILABLE FOR WORK.

"ONE YEAR'S EXPERIENCE" SHALL BE DEFINED AS HAVING WORKED A MINIMUM OF 1500 HOURS FOR AN EMPLOYER WHO IS A PARTY TO A COLLECTIVE BARGAINING AGREEMENT WITH THE LABORERS' DISTRICT COUNCIL OF OHIO OR ONE OF ITS AFFILIATED LOCAL UNIONS.

THE LABORERS' DISTRICT COUNCIL OF OHIO OR LOCAL UNION MAY CONFIRM ANY PRIOR EMPLOYMENT, LICENSES, OR CERTIFICATIONS LISTED BY AN APPLICANT. THE DISTRICT COUNCIL OR LOCAL UNION HAS FIVE BUSINESS DAYS FROM THE TIME THE APPLICANT PLACES HIS/HER NAME ON THE APPROPRIATE OUT-OF-WORK LIST TO CHALLENGE THE APPLICANT'S REPRESENTATIONS ABOUT HIS/HER PRIOR EMPLOYMENT, LICENSES OR CERTIFICATIONS. IF THE DISTRICT COUNCIL OR LOCAL UNION MAKES A TIMELY CHALLENGE, IT MUST PROMPTLY NOTIFY THE APPLICANT IN WRITING, WHO SHALL HAVE FIVE BUSINESS DAYS FROM THE RECEIPT OF THE NOTICE TO RESPOND AND TO SUBMIT ANY RELEVANT INFORMATION. ANY APPLICANT WHO REMAINS AGGRIEVED BY A FINAL DECISION OF THE DISTRICT COUNCIL OR LOCAL UNION.....

**RESPONSE
GRANTED**

PART B: REQUEST FOR VARIANCE

RULE 4A

"SUBJECT TO ANY EXCEPTIONS OR VARIANCES APPROVED BY THE

GEB

**ATTORNEY PURSUANT TO 2 ABOVE 8 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.**

REQUEST

**THE DISTRICT COUNCIL ALSO REQUESTS A VARIANCE FROM AMENDED JOB
REFERRAL 4A SO THAT APPLICANTS ON THE GROUP A AND GROUP B WORK
LISTS MAY BE REFERRED
IN THE FOLLOWING MANNER:**

**APPLICANTS ON THE OUT-OF-WORK LISTS SHALL BE REFERRED TO JOBS IN
THE ORDER IN WHICH THEY HAVE REGISTERED THEIR AVAILABILITY FOR
REFERRAL BEGINNING WITH GROUP A AND CONTINUING THROUGH GROUP B
AFTER GROUP A IS EXHAUSTED. THE FIRST REGISTERED APPLICANT SHALL
BE REFERRED FIRST PROVIDED THAT HE OR SHE HAS THE QUALIFICATIONS
REQUESTED BY THE EMPLOYER. IF AFTER CALLING ALL PERSONS WHO
HAVE CERTIFIED THAT THEY POSSESS THE SPECIFIED QUALIFICATIONS
REQUESTED BY THE EMPLOYER. IF, AFTER CALLING ALL PERSONS WHO
HAVE CERTIFIED THAT THEY POSSESS THE SPECIFIED QUALIFICATIONS, THE
CONTRACTOR'S REQUEST HAS NOT BEEN FILLED, THE LOCAL UNION MAY
CONTACT OTHER LOCALS OF LABORERS' INTERNATIONAL UNION OF NORTH
AMERICA TO SECURE QUALIFIED INDIVIDUALS TO REFER TO THE
REQUESTING.**

**RESPONSE
GRANTED.**

RULE 4B

**"REQUESTS BY AN EMPLOYER FOR SPECIFIC APPLICANTS
EMPLOYED BY THE EMPLOYER WITHIN THE PREVIOUS SIX MONTHS
SHALL BE FULFILLED, AS
REQUIRED BY APPLICABLE COLLECTIVE BARGAINING AGREEMENT."**

REQUEST

**THE LABORERS' DISTRICT COUNCIL OF OHIO SEEKS A VARIANCE FROM
AMENDED JOB
REFERRAL RULE 4B. THE DISTRICT COUNCIL REQUESTS THAT THE OHIO
HIGHWAY-HEAVY CONSTRUCTION AGREEMENT BETWEEN THE DISTRICT
COUNCIL AND THE OHIO CONTRACTORS ASSOCIATION, WHICH PERMITS**

CONTRACTORS TO RECALL EMPLOYEES WHO HAVE WORKED FOR THEM WITHIN THE PAST YEAR, SUPERSEDE THE RULE. ALSO, ACCORDING TO THE DISTRICT COUNCIL, MANY LOCAL AGREEMENTS PROVIDE A SHORTER RECALL PERIOD, AND THE DISTRICT COUNCIL ASKS THAT THESE SUPERSEDE THE RULE AS WELL.

RESPONSE

GRANTED, IN PART. THE OHIO HIGHWAY-HEAVY CONSTRUCTION AGREEMENT SUPERSEDES RULE 4B, AND CONTRACTORS REQUESTS FOR EMPLOYERS WHO HAVE WORKED FOR THEM WITHIN THE PAST YEAR SHALL BE FULFILLED. BEFORE THE GEB ATTORNEY MAY CONSIDER WHETHER TO GRANT A VARIANCE CONCERNING THE SHORTER RECALL PERIODS PROVIDED BY THE "MANY [OTHER] LOCAL AGREEMENTS," HOWEVER, THE DISTRICT COUNCIL MUST SUPPLY THE GEB ATTORNEY WITH THOSE AGREEMENTS.

LOCAL UNION NO. 809

HIRING HALL RULE MODIFICATION

LABORERS' LOCAL NO. 809 REQUESTS TO MODIFY THEIR HIRING HALL RULES TO AMEND THE 2:30 TO 4:30 CALL OUT TO ALLOW A MEMBER TO RETURN A MISSED WORK CALL, EVEN IF THE POSITION HAS BEEN FILLED, AND NOT BE PENALIZED ON THE OUT-OF-WORK LIST. THIS IS ALLOWED TO HAPPEN TWICE WITHOUT PENALTY.

COMMENTS

OF COURSE, LOCAL 809 MUST DOCUMENT THESE RETURNED CALLS THOROUGHLY IN WRITING.

LABORERS' LOCAL 809 HIRING HALL RULE MODIFICATION:

LABORERS' LOCAL 809 REQUESTS TO MODIFY THEIR HIRING HALL RULE 5(B) 3 SO IT READS AS FOLLOWS:

WHEN AN APPLICANT IS DISPATCHED TO A JOB FROM THE UNION HALL, THE

APPLICANT MUST REPORT TO THE JOB AT THE TIME REQUESTED. IF THE

APPLICANT FAILS TO REPORT TO THAT JOB AND FAILS TO NOTIFY THE UNION

HALL WITHIN TWO (2) HOURS AFTER STARTING TIME WITH A LEGITIMATE

EXCUSE FOR THE NO SHOW, THE APPLICANT SHALL BE SUSPENDED FROM THE OUT-OF-WORK LIST FOR THIRTY (30) DAYS FOR THE FIRST NO SHOW, SIXTY (60)

DAYS FOR THE SECOND, AND NINETY (90) DAYS FOR THE THIRD NO
SHOW WITHIN
A SIX (6) MONTH PERIOD. THE APPLICANT WILL BE REQUIRED TO
SIGN THE OUT-
OF-WORK LIST AFTER THE SUSPENSION TIME PERIOD IS
EXHAUSTED, ONLY TO BE
PLACED AT THE BOTTOM OF THE APPROPRIATE OUT-OF-WORK LIST.

THIS VARIANCE WILL BE APPLIED TO ALL MEMBERS OF LOCAL 809
EQUALLY IN A
NON-DISCRIMINATORY MANNER AND MUST BE DOCUMENTED IN
WRITING.

LABORERS' LOCAL 809 HIRING HALL RULE MODIFICATIONS:

LABORERS' LOCAL NO. 809 REQUESTS TO MODIFY THEIR HIRING HALL RULE
4(A) TO ADD THE UNDERLINED TEXT BELOW:

4. REGISTRATION OF AVAILABILITY FOR REFERRAL:

A. AN APPLICANT SEEKING REFERRAL TO A JOB MUST FILE WITH LOCAL
UNION 809 A SIGNED AND DATED REFERRAL FORM PROVIDING NAME,
TELEPHONE
NUMBER AND SOCIAL SECURITY NUMBER AND STATING ANY SKILLS THE
MEMBER POSSESSES AND THE JOBS THE MEMBER IS ABLE TO PERFORM,
INCLUDING ANY RELEVANT LICENSES OR CERTIFICATIONS. BLANK
REFERRAL FORMS WILL BE AVAILABLE AT THE LOCAL UNION.

LOCAL UNION 809 WILL COMPILE 2 OUT OF WORK LISTS, WHICH WOULD
GROUP
APPLICANTS ACCORDING TO THEIR QUALIFICATIONS, AND MAINTAIN THE
OUT-
OF-WORK LIST AS FOLLOWS:

GROUP "A"- ALL PERSONS HAVING AT LEAST ONE YEARS EXPERIENCE IN
THE CONSTRUCTION INDUSTRY WORKING FOR AN EMPLOYER WHO IS PARTY
TO A
COLLECTIVE BARGAINING AGREEMENT WITH THE LABORERS' DISTRICT
COUNCIL
OF OHIO OR ONE OF ITS AFFILIATED LOCAL UNIONS AND WHO ARE
CONTINUALLY AVAILABLE FOR WORK.

GROUP "B" – ALL PERSONS HAVING LESS THAN ONE YEARS EXPERIENCE IN
THE
CONSTRUCTION INDUSTRY WORKING FOR AN EMPLOYER WHO IS PARTY TO A
COLLECTIVE BARGAINING AGREEMENT WITH THE LABORERS' DISTRICT

**COUNCIL
OF OHIO OR ONE OF ITS AFFILIATED LOCAL UNIONS AND WHO ARE
CONTINUALLY AVAILABLE FOR WORK.**

**ONE YEAR'S EXPERIENCE SHALL BE DEFINED AS HAVING WORKED A
MINIMUM OF 1,500 HOURS FOR AN EMPLOYER WHO IS PARTY TO A
COLLECTIVE BARGAINING AGREEMENT WITH THE LABORERS' DISTRICT
COUNCIL OF OHIO OR
ONE OF ITS AFFILIATED LOCAL UNIONS.**

**QUALIFIED APPLICANTS SHALL BE REFERRED IN ORDER OF REGISTRATION
BEGINNING WITH GROUP "A" . ONCE GROUP "A" IS EXHAUSTED GROUP "B"
APPLICANTS SHALL BE REFERRED IN ORDER OF REGISTRATION.**

**APPLICANTS WHO ARE ON THE "B" LIST MAY OBTAIN "A" LIST STATUS, WHO
HAVE REMAINED IN GOOD STANDING FOR THREE YEARS WITHOUT
INTERRUPTION FROM THE DATE OF INITIATION, REGARDLESS OF THE
NUMBER OF
HOURS THAT MEMBER HAS WORKED IN THE CONSTRUCTION INDUSTRY FOR
AN
EMPLOYER WHO IS PARTY TO A COLLECTIVE BARGAINING AGREEMENT WITH
THE LABORERS' DISTRICT COUNCIL OF OHIO.**

**ANY MEMBER WHO HAS 1,000 HOURS OF EXPERIENCE FOR AN EMPLOYER
WHO IS
PARTY TO A COLLECTIVE BARGAINING AGREEMENT WITH THE LABORERS'
DISTRICT COUNCIL OF OHIO AND A MINIMUM OF 160 HOURS AT THE TRAINING
CENTER MAY BE MOVED FROM THE B LIST TO THE A LIST.**