

**LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL NO. 220
AMENDED HIRING HALL / JOB REFERRAL RULES**

Dispatch Hours:	Roll Call:
From 1:30 p.m. to 3:30 p.m. Monday through Friday (Except Holidays)	The first Friday of each month From 7:30 a.m. to 11:30 a.m.

In order for the Local Union 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 amended rules have been promulgated under the LIUNA hiring hall guidelines.

1. Non-Discrimination in Job Referrals.

- A. Referrals to jobs shall be on a nondiscriminatory basis and shall not be based on, or in any way affected by, race, gender, national origin, sexual orientation, disability, religion; or lawful union-related activity.
- B. Non-members shall be required to pay a service fee each month equivalent to Membership dues.
- C. Applicants on service fee if dispatched to work shall on or before the eighth (8th) day after employment become and remain members in Good Standing of the Union, or if not in the construction industry, on or before the 31st day.

2. Effect of 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 the term of a Collective Bargaining Agreement. This Local Union shall, as provided in the LIUNA hiring hall guidelines, submit a Notice of Conflict citing the relevant sections of the agreement and the hiring hall rules to the Office of the General President. The General President shall advise the Local Union in writing whether a conflict exists.
- B. Except as otherwise provided herein, these Rules shall apply to dispatches under the Southern California Master Labor Agreement (MLA) and any other agreement to which this Local Union is party.

3. Registration of Availability for Referral:

- A. All new applicants who seek dispatch in the construction industry under the Master Labor Agreement or any other construction agreement, shall be screened and tested by the Joint Apprenticeship Committee to determine whether the employee is journeyman, in which case the applicant can register as a journeyman, or whether the applicant must apply for and be accepted by the Joint Apprenticeship Committee as an apprentice, in which case he or she shall be registered on the apprentice list.

B. An applicant seeking referral to a job must file with the Local Union a signed and dated registration form ("skills card") providing name, telephone number to be contacted for referrals 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. Applicants registered on the Construction Laborers list shall be deemed to have the skills of a general laborer; all other skills must be stated on the registration form. Blank referral forms will be available at the Local Union. The Local Union will compile out-of-work lists, consisting of the applicants who have registered their availability for referral. The Local Union shall assume that the information on the last completed registration form is complete and accurate and that any certifications or licenses referenced therein expired or will expire on the date set forth on the completed form. Accordingly, it shall be the responsibility of each registrant to ensure that the Local Union has the complete and accurate information by updating his or her last registration form as necessary, including, but not limited to, providing current contact information and a current list of certifications, training and licenses. All such updates must be in writing on a form prescribed by the Local Union and signed and dated by the applicant. The Local Union may confirm any skills, prior employment, licenses, or certifications listed by an applicant. The Local Union may challenge an applicant's representations concerning his prior employment, licenses, or certifications. If the Local Union makes such a challenge, it must promptly notify the applicant in writing, who shall have ten 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 Joint Referral Committee provided in Section 10, below. Any applicant who remains aggrieved by a final decision of the Local Union may file a protest with the General President who shall finally resolve all such disputes in accordance with procedures that he shall establish.

C. The Local Union may maintain separate out of work lists for types of work covered by collective bargaining agreements other than the Master Labor Agreement, including but not limited to Cement Finishers, Landscape Laborers, Diablo Canyon, and non-construction work. Applicants are entitled to register on any list for which they are qualified to perform the work. Applicants are only entitled to register on one geographical list at a time. (Kern, Santa Barbara, or San Luis Obispo)

D. Apprentices shall be placed on a separate out-of-work list for referral to contractor's signatory to the appropriate Master Labor Agreement or other construction agreements, in the order of their date and time of registration. Separate lists shall be maintained for different types of apprentices, such as Construction Laborers, Cement Finishers, and Landscape Irrigation Fitters.

E. Only applicants who are not currently employed at the trade and who are available for employment may register their availability for referral. A person who is on disability and not cleared medically to work, including but not limited to any member on reduced disability dues, may not register on the list. Applicants may register on the out-of-work list only at one Local Union hiring hall facility, either at the Bakersfield or Nipomo facility. All referrals within Kern County will come from the Bakersfield hiring hall facility and all referrals within Santa Barbara and San Luis Obispo Counties will come from the Nipomo hiring hall facility. A referral may come from either hiring hall facility if the appropriate out-of work list has been exhausted or if the contractor requests a special skill.

F. Applicants shall be removed from the out-of-work list upon receiving a job referral, subject to the provisions at Section 8(a) 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. A registration form with the Local Union, the applicant may thereafter register his or her availability by telephone to the Local Union.

H. An applicant's registration of availability for referral shall be in effect as long as necessary, provided, however, that the applicant is in conformance with these rules and that he/she continues in good standing status with the Local Union (or pays the appropriate service fee) and that he/she calls in for roll call while registered on the out-of-work list. Roll call shall be on the first Friday of each month, from 7:30 a.m. to 11:30 a.m., at which time the applicant must call in and provide their address on file, membership number, and Social Security number. Roll Call must be a live call as voicemail will not be accepted. If an applicant is delinquent in his or her membership dues or service fees on roll call day, the applicant will be advised of the delinquency. The applicant shall have forty eight hours from the end of the roll call to become current in the dues or service fees, and if not, shall be removed from the list. An applicant who fails to call in for roll call shall be taken off the out-of-work list unless the applicant submits a written request to be excused, in which case the applicant shall retain his or her position on the out-of-work list. Applicants shall be excused from roll call no more than two (2) times per calendar year. The written request to be excused must be received by the Local Union no later than the close of business on the Friday immediately following the roll call day.

4. Referral Procedure:

A. Subject to preferential groupings in the applicable labor agreement (including, but not limited to, preferential dispatch of rehires, certain classifications, foremen and sponsored laborers) and these Rules, 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. Requests by an Employer for specific applicants shall be made in writing and shall conform to the requirements of the applicable collective bargaining agreement. Such request must be dated and signed by an appropriate management representative specifying whether the person is a rehire and the name of the job for which the referral is requested.

C. All dispatches shall be made by telephone. To notify an applicant of a job referral, the Local Union shall call the applicant at the primary 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, the start date of the job, and the results of the call, including whether the call was answered, by whom and what response, if any, was made.

D. Hiring hall hours are 1:30 p.m. to 3:30 p.m., Monday through Friday, excluding the holidays set forth in the Southern California Master Labor Agreement (MLA). Any applicant who refuses or is unavailable without excuse for a referral during hiring hall hours shall be removed from the out-of-work list. An applicant will be considered unavailable if he or she cannot be reached when a call lasting at least eight (8) rings has been placed to the telephone number provided by the applicant, or the call goes to voice mail.

E. Subject to preferences for dispatches referenced in Section 4A, above, 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.

F. The Local Union facility will furnish in accordance with the request of the Contractor each such qualified and competent applicant from among those registered on the applicable out-of-work list to the Contractor by use of a written dispatch slip stating information pertinent to the prospective employment. If there are no applicants available on the applicable out-of-work list (for example, no Landscape Laborers on the Landscape Laborer list) applicants from the Construction Laborers list may be called.

Dispatches under the Master Labor Agreement and other construction industry agreements that provide for Groups A through D, below, shall be in the order of preference stated below:

Group A: Applicants whom a Contractor requests by name who have been laid off or terminated from employment of the type covered by this agreement in the area served by the employment facility within five (5) years before a request from the same Contractor or a joint venture of which one (1) or more members is a former Employer, who laid off or terminated them provided they are available for employment. This provision shall also apply to individual Employers wishing to rehire employees of a joint venture of which the individual employer was a member.

Group B: In addition to requests permitted in Group A, above the Contractor may request for employment in Wage classification Groups II, III, IV, V, and VI, any person registered on the out-of-work list out of order for any reason; provided, however, that the person has worked at least (300) hours under this Agreement in the previous six (6) months in the area served by the Local Union employment facility, or has been available for work on the out-of-work list at least 300 hours calculated at 8 hours per day (including holidays and weekends) at the Local Union employment facility, or a combination of both totaling at least 300 hours. Under this section, working in the area served by the Local Union employment facility shall include a person dispatched to a Contractor in that area and then transferred by the Contractor to another area pursuant to the transfer provision contained in this Agreement. At no time shall any job contain more than fifty (50) percent of persons requested under this section.

Group C: Applicants whose names are entered on the employment list of the registration facility and who are available for employment and who have been employed in the type of work covered by this Agreement within the geographical jurisdiction of Kern, Santa Barbara, or San Luis Obispo Counties for at least one hundred (100) hours within the preceding year. Workmen in Group C shall be referred on a first-in, first-out basis; that is the first man registered in that group shall be the first man referred.

Group D: All other applicants whose names are entered on the employment list of the registration facility and who are available for employment. Workmen in Group D shall be referred on a first-in, first-out basis; that is the first man, registered in that Group shall be the first man referred.

G. Solar List- Given the potential for high demands for referrals on utility scale solar projects (Solar Projects) to perform work not related to traditional civil work performed under the Master Labor Agreement (Solar Work), the Local Union shall maintain a separate out-of-work list for the referral of applicants to perform Solar Work on Solar Projects (Solar List).

1. Eligibility for Registration on Solar List

a. Applicants who are not otherwise eligible to register on the Local Union's other out-of-work lists established by these Rules shall be permitted to register on the Solar List.

b. An applicant on the Solar List shall not be permitted to register on any other out-of-work list unless he/she has met the qualifications for placement on such lists. Work performed by an applicant dispatched from the Solar List shall not qualify as employment that would enable an applicant to be placed on any other out-of-work list.

2. Dispatch from Solar List

a. All referrals for Solar Work on Solar Projects shall be made pursuant to the provisions for dispatch of applicants contained in these Rules, subject to section b. below.

b. Only when the Local Union has exhausted its other out-of-work lists for the dispatch of applicants for Solar Work on Solar Projects, will it then call applicants on the Solar List. Applicants on the Solar List shall be called and referred to Solar Projects in the order in which they have registered for availability for referral from the Solar List, with the first registered applicant referred first, provided he/she has the qualifications requested by the Contractor.

The Local Union may elect to delete Group D by posting written notice of such election at the hiring hall.

H. Emergency Dispatch- If the Employer contacts the Local Union after posted dispatch hours and requests workers to be dispatched to a jobsite within twenty-four (24) hours of the Employer's call to the Local Union (and the Employer does not request the worker by name), the Local Union shall dispatch the person nearest to the top of the out-of-work list who can be contacted by telephone. If the Local Union cannot contact the person by telephone after one telephone call lasting eight (8) rings or because the call goes to voice mail, the Local Union shall call the next qualified person on the list. A person who is not reachable by telephone for an Emergency Dispatch shall not be eliminated from the out-of-work list, except as provided in 8a (iv) below. No dispatch shall be interrupted to begin another dispatch

5. Referrals of Apprentices:

The Local Union, through the Joint Apprenticeship Committee, shall dispatch Apprentices from a separate list on a first-in, first-out basis; that is, the first person registered in that group shall be the first person referred; provided however, a Contractor may request an Apprentice by name and such Apprentice shall be dispatched regardless of the Apprentice's placement on the list, provided the Employer's request for a specific apprentice is documented in writing.

6. Additional Preferences in the Construction Industry:

Notwithstanding any other provision of these Rules, a worker dispatched under the Master Labor Agreement or other appropriate construction industry agreement shall be given preference in the order of dispatch under any of the following circumstances:

- a. A Contractor becomes newly bound to the Master Labor Agreement or other construction industry agreement and requests the dispatch of its existing employees at the time the Contractor becomes bound.
- b. A Contractor agrees to sponsor an employee as a Journeyman Laborer who has not worked under any Laborers Union Agreement, provided the Contractor agrees in writing that he intends to employ the worker on a full time basis. The Contractor shall send a letter to the Local Union to document its request. Such employee shall be deemed a Temporary Journeyman, and if he or she leaves the employment of the Contractor and returns to the Local Union for dispatch, the employee shall be referred to the Joint Apprenticeship Committee for screening and testing to determine whether the employee shall maintain journeyman status or should be registered as an apprentice. The JAC's decision as to the person's status shall determine whether the employee is placed on the journeyman or apprentice out-of-work list for dispatch to another employer.
- c. A skilled worker is "stripped" from a non-union employer and is dispatched to a Contractor, subject to applicable state and federal law and provided the circumstances surrounding the situation are documented in writing. These workers shall join the union by paying the equivalent amount of a month's dues.
- d. A worker is a certified job steward and is dispatched to the job to act in such capacity.
- e. An employee is transferred by the Contractor from another area in conformance with the ratio and other requirements for such transfer set forth in the Master Labor Agreement or appropriate construction industry agreement.

At no time shall any job contain more than fifty percent (50%) of persons requested under subsection b, c and d above.

7. Availability for Employment:

Available for employment shall mean persons eligible for referral or present at the telephone number submitted to the Local Union during the Local Union's posted dispatch hours unless excused for the following reasons:

- a. When death occurs in the immediate family, from the date of death and not exceeding one (1) week after the date of burial: provided, however, that the applicant produces bona fide proof of such death.
- b. Persons on jury duty provided they produce bona fide proof they are serving on jury duty.
- c. Persons temporarily serving the U.S. Military Reserve provided they produce bona fide proof of such service.
- d. Required attendance at a Workers' Compensation hearing or other administrative or court hearing provided they produce bona fide proof of their required attendance at such hearing.

e. Recent breakdown of personal transportation preventing travel to a jobsite. An applicant must provide documentation to the Local Union within five days and shall not be entitled to more than two such excuses per calendar year.

f. The applicant has submitted a written letter to the Local Union that he or she will be outside of the area served by Local 220, provided that only one such letter may be submitted per calendar year and the period of unavailability may not exceed 30 calendar days.

8. Elimination from Out-of-Work List:

a. Persons shall be eliminated from the registration list for the following reasons:

(i). Dispatched to a job, except that a person who is rejected by the Contractor or fails to complete five (5) full days of work ("short term referral") shall retain his/her position on the list, provided the applicant re-registers his or her name on the out-of work list within two (2) business day of termination or rejection by the employer. Applicants who had a short term referral will be removed from the list upon the next dispatch after the short term referral, regardless of the duration of the job. This short term referral provision shall be inapplicable and the applicant will be removed from the out-of-work list, if the applicant takes any action designed to manipulate this provision, such as voluntarily quitting, or requesting to be laid off or discharged from a job to which he or she is referred. Upon request of the Contractor, no person who is rejected by the Contractor shall be dispatched again to the Contractor. Upon Local Union's request, the Contractor will confirm its request in writing.

(ii). Failure to accept the dispatch without a legitimate and documented reason. The Following penalties shall apply:

- First Offense- withheld thirty (30) days from the out-of-work list.
- Second Offense- withheld sixty (60) days from the out-of-work list.
- Third Offense- withheld ninety (90) days from the out-of-work list.
- Fourth Offense- withheld twelve (12) months from the out-of work list.

(iii). Not available for employment at the applicant's primary telephone number on file during posted dispatch hours. An applicant is not available if the applicant cannot be contacted after one telephone call lasting eight (8) rings or where the call goes to voice mail. However, if the applicant returns the call within one-half hour, the applicant shall be dispatched if the referral request has not been filled, and if the referral request has been filled, the applicant shall be returned to his or her position on the out-of-work list; provided, however, the applicant shall be entitled to make only one call back in any one dispatch period.

(iv). A construction industry apprentice who is contacted and refuses a referral outside of posted dispatch hours.

(v). Failure to register or call in for roll call in accordance with these rules, unless excused because of a bona fide emergency for which documentation is furnished to the Local Union within five days. An applicant shall not be entitled to more than two (2) emergency excuses per calendar year.

(vi). Rejected by the Contractor for failure to pass a drug or alcohol test. In addition to the penalties listed below, such person will be not be dispatched again until he passes a drug and

alcohol test at a facility designated by the Local Union. The cost of the test shall be borne by the worker.

- First Offense- withheld thirty (30) days from the out-of-work list.
- Second Offense- withheld sixty (60) days from the out-of-work list.
- Third Offense- withheld ninety (90) days from the out-of-work list.
- Fourth Offense- withheld twelve (12) months from the out-of work list.

(viii). Failure to report for work after accepting referral without a legitimate and documented reason. The following penalties shall apply:

- First Offense- withheld thirty (30) days from the out-of-work list.
- Second Offense- withheld sixty (60) days from the out-of-work list.
- Third Offense- withheld ninety (90) days from the out-of-work list.
- Fourth Offense- withheld twelve (12) months from the out-of work list.

(ix). On disability and not cleared medically to work, including but not limited to any member on reduced disability dues.

(x). An applicant is working, and therefore unavailable for employment. The applicant shall notify the Local Union of such employment immediately, and if the applicant does not, he or she shall be eliminated from the list upon the Local Union's discovery of such employment, even if the applicant is no longer employed. The following penalties shall apply:

- First Offense- withheld thirty (30) days from the out-of-work list.
- Second Offense- withheld sixty (60) days from the out-of-work list.
- Third Offense- withheld ninety (90) days from the out-of-work list.
- Fourth Offense- withheld twelve (12) months from the out-of work list.

b. Journeymen shall not be eliminated from the out-of-work if he or she refuses a job referral in a classification lower than a journeyman classification.

9. Suspension from Out-of-Work List:

The Local Union shall suspend from the registration list for dispatch as a construction industry journeyman, any person who demonstrates a lack of journeyman skills, qualifications or work ethic. A person's lack of skills, qualifications, or work ethic shall be based on the following.

- a. Any person who has been laid off or quit a job on at least three occasions within the past 12 months; or
- b. At least two Contractors have documented in writing within the last 12 months the persons lack of skills, qualifications or work ethic. A person will not be dispatched to a Contractor who advises the Local Union in writing that it will not accept the worker for employment.

A person suspended from the registration list shall be referred to the Laborers Training School for testing and evaluation. If the Training School determines that the person has the skills and qualifications of a journeyman laborer, such person shall be reinstated to his place on registration list had he not been suspended. If the Training School determines that the person does not have

the required skills and qualifications of a journeyman, the Training School shall prescribe a course of training prior to being allowed back on the registration list.

10. Joint Referral Committee.

For dispatches under the Master Labor Agreement and other construction industry agreements that so provide, there is established a Joint Referral Committee consisting of four (4) representatives of the Contractor and four (4) representatives of the Union. The establishment of the Committee is for the purpose of interpreting and enforcing all the terms and provisions of Master Labor Agreement or other appropriate construction industry agreement. Any person having any disagreement with an applicant's placement or dispatch shall submit his grievance to the Joint Referral Committee, by filing a written grievance with the Local Union, stating the reasons for the grievance within ten (10) working days after the occurrence of the grievance. The Joint Referral Committee shall have full power to adjust the grievance and its decision shall be final and binding upon the person submitting the grievance and all other parties involved in the dispute. In the event of deadlock of the Joint Referral Committee, the grievance shall be referred to the permanent hiring hall neutral arbitrator, whose decision shall be final and binding. The costs of arbitration shall be borne equally by the Contractor and the Local Union involved in the dispute. Forms for the submission of any such grievance shall be available at all times in the office of the Local Union. Neither the Joint Referral Committee nor the permanent hiring hall neutral arbitrator has the authority to modify, vary, change, add to or remove any of the terms or conditions of these Rules.

11. Violation of Rules.

Workers employed but not properly dispatched by written referral for work shall be removed from employment immediately at the request of the Union in writing, to the Employer and the Employer shall immediately request employees to replace those removed from the Union's hiring hall. A worker so removed shall be paid only for actual hours worked.

12. Dissemination of the Referral Rules:

These rules shall be:

- A. Conspicuously posted at the offices of each Local Union; and
- B. Additional copies of these rules shall be available to members upon request, subject to the payment of reasonable copying costs. New members shall receive a copy of the job referral rules upon admission to membership.

13. Job Referral Information:

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 registration 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 and time of each request, the name of the employer, the name of the dispatcher, the location of the job site, the start

date of the job, the length of the job, if known, and any request by the employer for applicants with special skills, licenses, or certifications, or an applicant employed by the employer pursuant to 4(D), 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 person making 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 applicants 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.

14. Access to Job Referral Information:

A. Any applicant can inspect or copy any record containing the job referral information described in § 13. An appointment for inspection shall be scheduled for within five (5) working days of request. Copies of 500 pages or less shall be provided within ten (10) working 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. A list containing the information described in § 13B 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.

15. 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 these rules must be individually approved by membership vote at two consecutive meetings and then submitted, with the relevant minutes, for the General President's review and approval.

Once approved by the General President, all referral rules will remain in affect indefinitely; renewed approval is not required.

16. 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 John Billi (202) 942-2360.