

**REVISED – 11/9/16**

**JOB REFERRAL PROCEDURES**

**OF THE**

**NORTHEAST REGIONAL COUNCIL OF CARPENTERS**

**1. OVERVIEW**

In order to administer the job referral system in a fair and equitable manner, having in mind the complex and varied classifications of carpentry work, 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 established. The Northeast Regional Council of Carpenters (“NRCC”) will make available a non-exclusive and non-discriminatory referral list for individuals seeking work with signatory contractors or contractors otherwise bound to a collective bargaining agreement with the NRCC. The referral list will select and refer applicants for employment without discrimination against applicants based on their local union affiliation within the United Brotherhood of Carpenters and Joiners of America (“UBCJA”) or based on race, religion, gender, national origin or age.

**2. ELIGIBILITY**

A. To be eligible for dispatch applicants must:

- Be a member in Good Standing
- Be unemployed and available for employment at all times
- Be currently registered on the Out-of-Work List
- Meet the minimum training skills qualification requirements as per the request
- If member is an apprentice, they must be in compliance with the Apprentice Advisory Committee Standards regarding attendance at the Training Center in order to be eligible for the Out-Of-Work List.
- Applicants must provide the NRCC Central Dispatch Center with an active phone number and must be available for contact between the hours of 2:00 p.m. to 6:00 p.m., Monday through Friday. In the event that an applicant cannot be contacted during these specified time periods, the NRCC Central Dispatch Center will contact the next available applicant meeting the requested specifications.

B. It is the PERSONAL RESPONSIBILITY of each applicant to register promptly and to keep the information on their application current and up to date. When an applicant becomes unemployed, he/she shall contact the NRCC MIX 20/20 System and provide his/her name, primary contact number, address, social security or UBC ID number, geographical location in which he/she desires employment and any updates as to the carpentry skills or certifications that

he/she possess. An applicant seeking referral to an employment opportunity within the jurisdictional area of the NRCC may contact the NRCC Central Dispatch Center 24 hours per day via the automated telephone system or during the hours of 7 a.m. to 6 p.m. Each applicant must update his/her skills profile sheet upon completion of any additional training or certification program.

- C. To effectively maintain the integrity of the Out-of-Work List, each registered applicant is required to notify the NRCC Central Dispatch Center of their continued unemployment on a thirty (30) day basis from the anniversary date of the applicant's placement by calling the NRCC Central Dispatch Center. Failure to exercise this procedure after the expiration of a thirty (30) day period shall be presumptive evidence that the applicant is working or that he/she does not choose to be referred. As such, the applicant's name will be removed from the Out-of-Work List.
- D. An applicant may specify one (1) or more companies he/she does not wish to be employed with, by contacting the NRCC Central Dispatch Center via notarized letter. This restriction will only be granted if the carpenter worked for the company in the past, or has had a grievance, lawsuit or other legal action related to the company. This restriction will remain in place, unless removed via notarized letter by the applicant.

### **3. GENERAL DISPATCH PROCEDURES**

- A. The NRCC Central Dispatch Center will dispatch to requesting employers in chronological order based on the skill and/or training requested, and the geographical preference of the applicant. If no particular skill is requested by the employer, then the NRCC Central Dispatch Center will dispatch applicants based on chronological order and geographical preference of the applicant. Specific requests by an employer for a previously employed applicant will be honored provided that the applicant is currently unemployed and a member in good-standing with the NRCC. Any member of the NRCC staff who fills an employment opportunity without going through the NRCC Central Dispatch Center will be subject to disciplinary action at the discretion of the Executive Secretary-Treasurer or his designee.
- B. All applicants will be dispatched by the following groups:

**Group 1** – All applicants for employment who have five or more years experience as carpenters in their specific craft within the construction industry, who are members of the local affiliate wherein the applicant is registering for referral, or are members of the NRCC and have chosen one or more local regions as their primary work area instead of solely their home local, have passed a journey-level examination administered by a local union affiliate of the UBCJA or have been certified by a Joint Apprentice and Training Committee sponsored by a local union affiliate of the UBCJA, and who is a member in good standing who has

been employed for a period of at least one year in the last four years by a local NRCC affiliate.

**Group 2** – All applicants for employment who have five or more years of experience as carpenters in their specific craft within the construction industry, are members of the NRCC, retirees who are eligible to work based on status with respective funds, members who are from any regional council affiliate within the UBCJA, have passed a journey-level examination administered by a local union affiliate of the UBCJA or have been certified by a Joint Apprentice and Training Committee sponsored by a local union affiliate of the UBCJA, and is a member in good standing.

- C. Apprentices shall be referred under a separate referral list and shall be listed according to their apprentice year. Apprentices should freeze the registration on the Out-of-Work list when attending training classes if they were unemployed prior to beginning their training. Apprentices may be dispatched manually by Senior Council Representatives.
- D. The Carpenters employed on a job within the geographical jurisdiction of the NRCC shall be processed through and supplied by the NRCC Central Dispatch Center in accordance with the terms and conditions set forth in this document and the area Collective Bargaining Agreement, (CBA). In the absence of a provision in the area CBA, fifty percent (50%) of the carpenters employed on a job within the geographical jurisdiction of the NRCC shall be processed through and supplied by the NRCC Central Dispatch Center in accordance with the terms and conditions set forth in this document. However, any provision of the area Collective Bargaining Agreement that is in conflict with these procedures supersedes this rule.
- E. Any applicant accepting a job dispatch who does not appear for work as scheduled shall have his or her name moved to the bottom of the Out-Of-Work list. If the applicant disputes this finding, he/she can request a hearing on this matter by submitting a letter to the Executive Secretary-Treasurer of the NRCC. The Executive Secretary-Treasurer shall appoint a committee of the Executive Board to hear such cases.

#### **4. EXCEPTIONS TO THE ORDER OF THE OUT-OF-WORK LIST**

- A. In order to meet the business needs of signatory employers and to provide for the administration of the Collective Bargaining Agreement, the NRCC shall apply the following exceptions to the order of applicants on the Out-of-Work List:
  - 1. If an employer requests a specific individual, that person will be referred if available.
  - 2. If an employer requests the recall of specific individuals who were previously laid off from the jobsite, the requested persons will be referred if available.

3. Where an employer requests an applicant with specific skills and abilities, the NRCC will refer the first applicant on the list with the requested skill if available.
  4. Where an employer makes a specific request for an apprentice, the next apprentice on the list will be referred if available.
- B. The NRCC, based on the qualifications listed in certain labor agreements, ordinances, resolutions or other lawful requests, may be required to fill requests by race, gender or specific economic wage condition due to contract staffing requirements. In order to facilitate these requests an applicant may, but is not required to, advise the NRCC of his/her minority status, gender or willingness to work on reduced wage rate jobs when placing his/her name on the Out-of-Work List or updating his/her skills.

## **5. SOLICITING/SHAPING WORK**

- A. Applicants are allowed to solicit (“shape”) work from potential employers provided that the employer is a signatory or bound to a collective bargaining agreement with the NRCC. Applicants are PERSONALLY RESPONSIBLE to notify the NRCC Central Dispatch Center if they seek and acquire an employment opportunity outside of the referral system. Each applicant is required to notify the NRCC Central Dispatch Center within two (2) business days of the (a) contractor, (b) location of the jobsite, and (c) the date of employment.
- B. Any applicant who fails to comply with Provision 5(A) shall be removed and restricted from placement on the Out-of-Work List for a period of no less than thirty (30) days after the employment in question ends. Furthermore, any applicant registered on the Out-of-Work List and is currently working for any UBCJA Affiliate or NRCC signatory contractor will be immediately removed from the Out-of-Work List and restricted from placement on the Out-of-Work List for a period of thirty (30) days after his/her employment in question ends.

## **6. STEWARDS**

- A. In those cases where mobility provisions are applicable, or as per the area’s Collective Bargaining Agreement, the first person on the job shall be a Certified NRCC Shop Steward, who shall be assigned by the Executive Secretary-Treasurer or his designee.
- B. The NRCC will exercise its discretion, pursuant to the Collective Bargaining Agreement, to dispatch applicants who possess the skills and/or training requested, as Steward regardless of their chronological location on the Out-of-Work List. Identification and designation of stewards shall be at the discretion of the Executive Secretary-Treasurer or his designee.
- C. The NRCC shall periodically offer Certified Shop Steward Training for members on an as needed basis. Any member who registers to attend the Certified Shop



Steward Training and fails to report for the entire class will be prohibited from registering for another Shop Steward Training for a period of twelve (12) months.

- D. All Certified Shop Stewards will be obligated to attend a minimum of four (4) local union meetings of the respective locals per year. Failure to do so will result in revocation of their Certified Shop Steward status until otherwise reinstated by the Council. Beginning in January 2014, all local unions shall have a sign in/sign out sheet for stewards attending each meeting which will be used to track compliance with this policy.

## **7. JOB REFUSALS**

- A. An applicant who refused dispatch on three (3) consecutive calls for employment, within the skill, training and location of geographical preference, as personally specified, shall be moved to the bottom of the Out-of-Work List on the date that he/she refuses a referral for the third (3<sup>rd</sup>) consecutive time.
- B. In the event a member receives a dispatch call for a blended rate/reduced rate or HUD job, and the member refuses the call for employment, that member shall be subject to the provisions of this section.

## **8. POSITIONING ON THE OUT-OF-WORK LIST**

- A. Once an applicant accumulates a total of fifteen (15) days of employment, regardless of the number of jobs worked or contractors he/she has worked for during that period, his/her name will be removed from the list. The individual must then contact the NRCC Central Dispatch Center upon the completion of that fifteenth (15<sup>th</sup>) day period to reinstate his/her status on the Out-of-Work List, if they are unemployed.
- B. The employer retains the right to reject any applicant dispatched by the Union for just cause. However, the rejected applicant shall retain the position held on the Out-of-Work list at the time of dispatch.

However, if an applicant is terminated and/or rejected by two (2) employers for not being able to handle a skill/function of the trade, this skill will be removed from the applicant's records until the applicant shows proof that he/she has successfully obtained training to qualify for this particular skill as administered by the NRCC Apprenticeship & Training Fund.

Any applicant who accepts a referral to a job and is then rejected by the employer because of a positive drug or alcohol test shall be placed on the bottom of the Out of Work list. Applicants who decline a job referral because of the requirement that the applicant submit to a drug or alcohol test shall be charged with a job refusal. If the applicant disputes this finding, he/she can request a hearing on this matter by submitting a letter to the Executive

Secretary-Treasurer of the NRCC. The Executive Secretary-Treasurer shall appoint a committee of the Executive Board to hear such cases.

- C. With respect to lay-offs, any applicant who places his/her name on the Out-of-Work list sooner than the day following the applicant's formal lay-off, will be subject to the immediate removal from the Out-of-Work List and restricted from registration on the Out-of-Work List for five (5) days.
- D. An applicant may freeze his/her position on the Out-of-Work List for a maximum of twenty-one (21) days by contacting the NRCC Central Dispatch Center, prior to the start date of unavailability due to medical, legal or vacation related issues. The applicant must receive another job referral before being allowed another twenty-one (21) days of freezes. As a provision of requesting a freeze, the applicant must submit a medical note or documentation of compulsory legal attendance if he/she wishes to exceed twenty-one (21) days. However, the thirty (30) day employment status notification rule 2(C) continues to apply during the applicant's freeze period.

## **9. NOTIFICATION OF OUT-OF-WORK LIST PROCEDURES**

- A. The Out-of-Work List Referral Procedures shall be available during normal business hours at all offices of the NRCC and posted on the NRCC website. Any member of the NRCC may contact their local affiliate for a copy of these procedures by electronic or regular mail. The referral procedures shall also be posted conspicuously at all times at all offices of the NRCC.

## **10. DISPATCH RECORDS RETENTION**

- A. All records pertaining to dispatch will be maintained by the Council through the NRCC Central Dispatch Center for a minimum of six (6) months. Any individual proposing to amend any part of the procedures should submit their proposal in writing to the NRCC Council Office. Any amendment must conform to both the By-Laws of the Council and the United Brotherhood of Carpenters and Joiners of America Constitution and By-Laws, the Collective Bargaining Agreement, and applicable law. Any amendment must be approved by the delegates of the NRCC at the next regularly scheduled meeting.

## **11. OUT OF WORK LIST ADMINISTRATIVE AUTHORITY**

- A. The Executive Secretary-Treasurer of the NRCC, or his designee, shall administer the Out-of-Work List and is authorized to exercise his/her own discretion in any event a decision must be made on any administrative or procedural question that may arise in a particular situation that is not specifically provided for in the above language.