

## **LOCAL 98 REFERRAL HALL RULES & PROCEDURES**

### **Declaration of Principles**

1. The Union shall establish and maintain a Referral List for those Local 98 members in good standing seeking employment as operating engineers in the construction industry. The Referral Hall Procedures are not exclusive, and the Union hereby recognizes that these procedures shall augment the employment rules identified in the collective bargaining agreements between the IUOE Local 98 and the various employer associations as well as all independent employers.

2. The Local 98 Referral Hall rules and procedures shall be implemented in a non-discriminatory manner with respect to all Local 98 members. Local 98 will not refuse to refer any individual to employment or discriminate against any individual in compensation or in terms, conditions or privileges of employment, because of an individual's age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status, domestic violence victim status, or other protected class status.

### **Member's Right to Solicit Own Employment**

3. Members of Local 98 shall be allowed to solicit employment for themselves from employers provided that the employer is signatory to a Local 98 a collective bargaining agreement. In the event that a member obtains his own work, he is required to call Local 98 within 24 of obtaining employment in order to: (1) report that he has found employment and (2) to and the type of equipment he will be operating.

### **Job Reporting Requirements**

4. In order to comply with the reporting requirements of this section, a member must call and report the job to **BOTH**: (1) the Local 98 Referral Hall at 413-998-3230 ext. 107; **AND** (2) the cell phone number of the Local 98 Business Representative where the job is located. When a member is reporting a job, it is recommended that the member call the Local 98 Referral Hall first so that he can verify who the appropriate Local 98 Business Representative is, and then contact that Business Representative on his cell phone to report the job. Proper reporting is required to enable Local 98 to contact the identified employer representative and accurately verify the member's employment.

### **Employer's Request for Particular Member**

5. An Employer may request a particular member and such a request shall be honored to the best of the Local's ability subject to the receipt of a written request for the member from the Employer which shall provide: the member's name, the job site location; and the equipment the member will be operating, or the work the member will be performing, as the case may be.

### **Normal Operating Hours**

6. The normal operating hours of the Referral Hall are Monday through Friday from 7:30 am until 3:00 pm each day, excluding Union holidays as determined by the Local's various collective bargaining agreements. These normal operating days and hours may be reasonably increased, reduced, extended, or otherwise reasonably modified at the discretion of the Business Manager for reasons such as: (1) unusually large number of employment requests from employers; (2) holidays; (3) inclement weather, natural disaster, etc.; (4) or any other extenuating circumstances which would reasonably require a modification of operating hours. In the event the normal operating days and/or hours of the Referral Hall are changed, the Local will use its best efforts to notify the membership as quickly and efficiently as possible.

### **The Referral List and Procedures**

### **Member's Responsibilities**

7. Any member who has been out of work on a disability claim or a Workers Compensation claim, or who has been otherwise unable to work due to an injury (whether on-duty or off-duty), then before the member will be permitted to utilize the Referral Hall again, the member may be required to provide the Local with a letter from the member's duly licensed medical provider stating that the member is fit for duty without any limitations or restrictions, subject to the requirements of the Americans with Disabilities Act or any other applicable city, state, or federal law concerning disabilities.

### **Members unavailable for employment must remove themselves from the Out of Work List**

### **Zero Tolerance Drug & Alcohol Policy**

8. The Local has a zero tolerance policy regarding the use of alcohol, drugs or other controlled substances. No member shall enter the premises of the Local's Referral Hall either in the possession of, or under the influence of, any alcohol, illegal drugs, or other controlled substances. In the event that the Local has credible, probable cause to believe that a member is in possession of, or under the influence of, alcohol, illegal drugs, or any other controlled substance, then that member will not be allowed to utilize the Referral Hall facilities that day, and they will be asked to leave the premises immediately. Prescription drugs which have been lawfully prescribed to the member by a licensed medical care giver shall not fall under the category of controlled substances unless they prevent a member from reasonably and safely utilizing the Referral Hall facilities, or from reasonably and safely carrying out the duties of his/her employment, as the case may be. If there is any question regarding a member's ability to work safely while taking prescription medication, then before the member can be referred to work by Local, that member will be required to present a letter from his/her prescribing medical provider stating that the member can safely operate heavy equipment and otherwise carry out the duties of his/her employment on a construction site while taking such medication.

In the event that a member violates any of the provisions of this section, then the member may not be allowed to utilize the Local Union Referral Hall. Local 98 also reserves the right (as permissible by law) to require any member who violates any of the provisions of this section to take and pass a drug and/or alcohol test before being allowed to utilize the Referral Hall facilities, and the member also acknowledges that he/she may be required to sign a HIPAA authorization to facilitate this process.

### **Local Union's Responsibilities**

9. If a member inquires, he shall be informed of his position on the Referral List. In the event that a member disputes his position on the Referral List, the member shall first discuss any problem he/she may have with the Business Representative(s) on duty. In the event that the problem is not resolved with the Business Representative(s), the members may then request a meeting with the Business Manager and may also request an appearance before the Local Union's Executive Board to submit his/her complaint.

10. The Local shall use its best efforts to notify members when work is available for them, but the union shall not be responsible or liable for the failure to locate a member.

11. The Business Manager is authorized to exercise his/her discretion in the event that a decision must be made with regard to any or administrative or procedural issue that is not explicitly provided for in these written procedures.

12. These rules shall be posted in the Local Union's main office and/or the Referral Hall in places that are conspicuous to all members.

13. Where necessary to implement the rights and responsibilities of all Local 98 members, any gender-specific terms utilized herein shall be construed to be gender-neutral.

14. The Business Manager, in conjunction with the Local Union's Executive Board, shall have the right to revise these Referral Hall procedures at any time as they see fit so long as same is done for the good and benefit of the Local Union's membership.

15. In the event that any of the provisions contained in these Referral Hall procedures shall be in conflict with any provision contained in the Local Union's Bylaws, or the IUOE Constitution, then the provisions of the Bylaws or the Constitution shall prevail.