

# **IUOE LOCAL 98    OUT-OF-WORK LIST PROCEDURES AND RULES**

## **Objectives and Principles**

1. IUOE Local 98 shall establish and maintain a non-exclusive Out-of-Work List to be utilized by Local 98 members who are currently in good standing and who are seeking employment that falls within the craft jurisdiction of Local 98. The Out-of-Work List Procedures and Rules shall supplement all of the Local 98 trade rules, the various Local 98 collective bargaining agreements, the Local Union's Bylaws, and the IUOE Constitution.
2. The Out-of-Work List Procedures and Rules shall be implemented and administered in a non-discriminatory manner with respect to all individuals. 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, ethnicity, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status, domestic violence victim status, or because of any other protected class status.

## **Procedures and Rules**

3. Eligibility for referral commences upon a Local 98 member properly registering on the Out-of-Work List in the manner and form as prescribed by the Local.
4. To be eligible to be referred to interviews or jobs through the Out-of-Work List, a Local 98 member must:
  - (a) be a member in good standing; and
  - (b) be currently unemployed as it pertains to employment falling within the Local's craft jurisdiction, and be available for work at all times; and
  - (c) abide by and comply with all of the Procedures and Rules listed herein, along with all of the Local Union's employment and trade rules, the various Local Union collective bargaining agreements, the Local Union's bylaws, and the IUOE Constitution.
5. Failure to abide by or comply with any of the provisions listed herein shall render a member ineligible to obtain employment via the Out-of-Work List. A member's ineligibility to utilize the Out-of-Work List shall remain in full force and effect until such time that the member in question can sufficiently prove that he/ she has taken all necessary steps to restore his/ her eligibility in accordance with these Procedures and Rules.

6. Until further notice, the normal dates/times for a member to register his/her name on the Out-of-Work list shall be as follows: Monday – Friday 7:30 am – 3pm. A message can be left after hours 413-998-3230 ext. 107
7. A Local Union Business Representative or the Local's Dispatcher will contact eligible members based upon: (1) their position on the Out of Work List; and (2) whether or not they have the work experience, certification(s), and/or license(s) required for the position that the employer wishes to interview or employ a member for. Members that are unavailable for dispatch shall contact the Hall and remove themselves from the Out of work list for a period of time, If the Local is unable to contact the member within a reasonable time period, then the member will be deemed "unavailable" for the interview or employment. Once deemed unavailable for dispatch the member will be displaced to the bottom of the Out of Work List.
8. Local 98 recognizes the fact that Employers have the right to employ workers from the open market, subject to the provisions of the various Local Union's collective bargaining agreements. Local 98 will use its best efforts to honor any and all reasonable requests from an employer, subject to these Procedures and Rules, the various Local Union collective bargaining agreements, the Local 98 trade rules, the Local Union's bylaws, and the IUOE Constitution. In order for such an employer request to be considered, the member being requested must provide the appropriate Business Representative or the Dispatcher with the following information: (1) the name of the contractor that the member will be employed by; (2) the location of the project or facility; and (3) the job title/classification that the member is being employed in.
9. If a member refuses a job referral, the member shall be displaced to the bottom of the Out-of-Work List unless the member is able to sufficiently prove a reasonable excuse based upon good cause.
10. If a member accepts a job referral and thereafter fails to show up at the potential employer's facility and/or fails to make the required contact (telephone call, e-mail, etc.) with the potential employer, then the member shall be displaced to the bottom of the Out-of-Work List unless the member is able to sufficiently prove a reasonable excuse based upon good cause. If a member has a pattern of not showing up for a dispatch, he or she may be displaced to the bottom of the Out of Work List. This will be documented with an Incident Form and placed in the member's file.

### **Member's Responsibilities**

11. In order to ensure that the Out-of-Work List will correctly and accurately reflect each member's qualifications and availability for employment, each member must appear at the Local Union office as needed and upon reasonable request to update his/her work experience and to verify his/her current certifications and licenses.

12. No member shall hold himself or herself out as competent to perform work for which he/she is not certified, licensed or qualified to perform. In the event it is discovered that any member's certification(s) or license(s) are expired or otherwise determined to be invalid, then said member shall not be allowed to re-register such certification(s) or license(s) until he/she provides acceptable, written proof to the Local Union that such certification(s) or license(s) are once again valid and current.
13. In addition to the Procedures and Rules listed herein, all Local 98 members shall abide by and comply with all of the Local Union's work and trade rules, the various Local 98 collective bargaining agreements, the Local Union's bylaws, and the IUOE Constitution.
14. In the event that a member has been out of work due to a disability claim or a Workers Compensation claim, or has been otherwise unable to work due to an injury (whether on-duty or off-duty), then the member may be required to provide Local 98 with a letter from his duly licensed medical provider stating that the member is fit for duty without any limitations prior to being eligible to utilize the Local 98 Out-of-Work List or the Local Union's Training Center. This fit for duty requirement is subject to the requirements of the American with Disabilities Act, or any other applicable city, state, or federal law concerning disabilities.
15. A member always has the right to contact signatory contractors for employment regardless of their position on or off the Out of Work List.

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

16. Local 98 has a zero-tolerance policy regarding the use of alcohol, drugs, or other controlled substances. No member shall enter the premises of the Local 98 Union offices, referral hall, or training center either in possession of, or under the influence of, any alcohol, illegal drugs, or other controlled substances. In the event that Local 98 has 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 place his/her name on the Out-of-Work List or the utilize the referral hall or the training center that day, and they will be asked to leave Local Union's premises immediately. Prescription drugs which have been lawfully prescribed to the member by a licensed medical care provider shall not fall under the category of controlled substances unless they prevent a member from reasonably and safely utilizing the Local Union's facilities, or from reasonably and safely carrying out the duties of his/her employment, as the case may be.

In the event that a member violates any of the provisions of this section, then until further notice from Local 98, that member will NOT be allowed to: (1) utilize the Local Union's 98 Out-of-Work List or be referred to employment by Local 98; Local 98 also reserves the right 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 Local 98 Out-of-Work List and be referred to employment, and the member also acknowledges that he may be required to sign a HIPAA authorization to facilitate this process.

Local 98 members utilizing the Local 98 Out-of-Work List acknowledge the fact that many job sites (both public and private) require an individual to pass a drug and/or alcohol test as a condition of employment. Local 98 therefore reserves the right, as permissible by law, to require any member who fails a required job site drug and/or alcohol test to take and pass a subsequent drug and/or alcohol test administered at a testing facility approved by Local 98 before he/she will be allowed to utilize the Local 98 Out-of-Work List or the Local Union's training center again, and the member acknowledges that he/she may be required to sign a HIPAA authorization in order to facilitate this process.

Finally, any Local 98 member who violates any of the provisions of this section may also be subject to fines and penalties pursuant to the Local Union bylaws and the IUOE Constitution.

### **Union's Responsibilities**

17. In the event that a member believes that any of his/her registration information or place on the Out-of-Work List is inaccurate or incomplete, then said member may come to the Local 98 office during business hours to address and resolve the alleged issue with a Local 98 Business Representative. In the event that the member feels that his/her dispute has not been adequately addressed or resolved by the Local 98 Business Representative, then the member may request an appearance before the Business Manager and/or Local Union Executive Board to address said dispute.
18. The Local Union shall use its best efforts to notify members when work is available for them, but the Local Union shall not be responsible or obligated for the failure to locate a member. It is the responsibility of the member to provide Local 98 with accurate, up to date contact information, including but not limited to, **ONE** designated, current, working telephone number to be utilized for job referrals.
19. A letter will be sent to the member stating the reason for being removed from the Out of Work list.

### **Miscellaneous**

20. The Business Manager is authorized to exercise his/her discretion in the event that a decision must be made with regard to any administrative or procedural issue which is not explicitly provided for in these written procedures.
21. A copy of these rules shall be posted at the Local Union's offices and shall be provided to all Local 98 members upon reasonable request.
22. 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.

23. The Business Manager, as well as the Local Union Executive Board, as the policy making body of this Local Union, shall have the right to revise these Out-of-Work List Procedures and Rules as they see fit so long as same is done for the good of Local 98 and its membership.
24. In the event that any provision contained in these Out-of-Work List Procedures and Rules conflicts with a provision contained in the various Local 98 collective bargaining agreements, the Local Union bylaws, or the IUOE Constitution, then the provisions of the various Local 98 collective bargaining agreements, the Local Union bylaws, or the IUOE Constitution shall prevail.
25. In the event that any provision of these Out-of-Work List Procedures and Rules shall be declared or determined by any court of competent jurisdiction to be illegal or invalid, the validity of the remaining parts, terms or provisions shall not be affected thereby and shall remain in full force and effect.