

LIUNA LOCAL UNION 383 AFFILIATED WITH THE SOUTHERN CALIFORNIA DISTRICT
COUNCIL OF LABORERS,
REFERRAL POLICY

Referral Hours:

From 1:00 p.m. to 4:00 p.m.

Monday through Friday (Except Holidays)

Roll Call:

The last Friday of each month

From 7:30 a.m. to 11:30 a.m.

To maintain and administer a system for referral of applicants to employment in a fair and equitable manner, the following rules have been adopted by LIUNA LOCAL UNION 383 AFILIATED WITH THE SOUTHERN CALIFORNIA DISTRICT COUNCIL OF LABORERS (hereinafter “LIUNA Local Union 383”).

1. **Effect of Hiring Hall Rules:** All referrals by LIUNA Local Union 383 to jobs within its jurisdiction shall be made in accordance with these rules except to the extent that any rule contained herein conflicts with law or with a term of collective bargaining agreement or in accordance with a variance granted.

2. **Registration of Availability for Referral:**

A. An applicant seeking referral to a job must file with LIUNA Local Union 383 a signed and dated referral form providing name, telephone number(s) 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 LIUNA Local Union 383 located at 512 W. Adams, Phoenix, AZ 85003 between the hours of 7 am and 12 noon and 1pm to 4pm.

LIUNA Local Union 383 may confirm any prior employment, licenses, or certifications listed by an applicant, and the Local Union may challenge an applicant's representations concerning his/her prior employment, licenses, or certifications. If the Local Union makes a challenge, it will 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. Decisions of the Local Union concerning the validity of an applicant’s qualifications are final, but may be reconsidered in the event the applicant has any subsequent training or experience.

B. LIUNA Local Union 383 will compile a referral list, consisting of the applicants who have registered their availability for referral, listed in order of seniority according to their date of registration, and established on the basis of groups. (Group “A” Journeyman; Group “B” Journeyman; Group “C” Apprentices)

Group “A” Journeyman List: All applicants for employment that have at least four thousand (4,000) hours experience in the construction industry; have been certified a Journeyman Laborer by a duly constituted Local Union or an area Joint Apprenticeship and Training Committee; and who have been employed in the trade for a period of at two thousand (2,000) hours in the last two (2) years under a collective bargaining agreement with LIUNA Local Union 383, the Southern California District Council of Laborers’ or LIUNA, within the geographical jurisdiction of Local 383.

Group “B” Journeyman List: All applicants for employment that have at least four thousand (4,000) hours experience in the construction industry; have been certified a Journeyman Laborer by a duly constituted Local Union or an area Joint Apprenticeship and Training Committee.

Group “C” Apprentice List: All other applicants who are registered in the Arizona Laborers’ Training Trust Fund Apprenticeship Program.

C. Apprentices shall be referred under a separate referral list in order according to the requirements of the apprenticeship program, and shall be listed according to their apprenticeship year.

D. Only applicants who are not currently employed at the trade may register their availability for referral. A person who is on disability and not cleared medically to work, may not register on the referral list. Applicants, who, after registering their availability for referral, on their own, obtain a job at the trade, must advise LIUNA Local Union 383 immediately. Those applicants will then be removed from the referral list. Failure to advise the Local Union of such employment as required herein will result in the applicant being removed from the referral list for a period of thirty (30) days for the 1st violation, sixty (60) days for the 2nd violation, and ninety (90) days for the 3rd violation.

E. The Local Union will set up three Geographical Lists in the following manner: Work to be performed in Apache, Coconino, Gila, Navajo, and Yavapai Counties will be referred through the Northern Arizona List; work performed in Graham, Greenlee, La Paz, Maricopa and Pinal Counties will be referred through the Central Arizona List; and work performed in Cochise, Pima, Santa Cruz and Yuma Counties will be referred through the Southern Arizona List. Applicants can only register on one list at a time. If one Geographical List is exhausted, applicants may be referred from the other lists.

F. Applicants must also register their availability by email, telephone, or in person for “roll call” during the last Friday of each month between 7:30 am through 11:30 am.

G. Applicants who are not members of the Union in good standing must pay a registration fee of \$ 35.00 per month in advance to gain access to the list. The registration fee is not dues or initiation fee and does not affect the applicant’s standing in the Union.

3. **Referral Procedure:**

A. Applicants on the referral list shall be referred to jobs in the order in which they have registered their availability for referral, beginning with Group “A” (Journeyman). The first registered applicant will be referred first, provided further, that he or she has the qualifications requested by the employer. Once Group “A” is exhausted Group “B” (Journeyman) applicants shall be referred in order of registration if he or she has the qualifications requested by the employer. The Business Manager may refer a qualified Steward to any job deemed necessary, regardless of their position on the referral lists. Apprentices will be referred as required under any applicable collective bargaining agreement.

B. Requests by an employer for specific applicants employed by the employer shall be fulfilled, as required by any applicable collective bargaining agreement and provided that such individuals are not working for another employer and are registered on the referral list. If the collective bargaining agreement does not contain such a provision, an employer may request specific applicants if they are registered on the referral list. However, all requests for specific applicants must be confirmed promptly by the employer in writing. Any request by an employer for qualified women or minorities pursuant to a bona fide affirmative action requirement of the employer shall be fulfilled by referring applicants as registered who meet the requirements in accordance with 3 (A), above.

C. To notify an applicant of a job referral, The Local shall call the applicant at the primary telephone number on file. ***It is the applicant’s obligation to see that the Local Union has the proper phone number and address 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, and the results of the call including whether the call was answered and by whom and what response, if any, was made.

D. LIUNA Local Union 383 will make every effort to make all referral calls during the hours of 1:00 pm and 4:00 pm Monday through Friday. During these set referral hours and in emergency situations (in which the urgent nature of the request shall be documented in detail) LIUNA Local Union 383 may make a single call of no less than 8 rings to the primary phone number given to the Local Union to applicants in order of their registration on the referral list. In instances where applicants must be contacted outside of set referral hours, applicants who are not reached would not be deemed unavailable.

E. When the Local Union determines that the applicant who is first on the referral list cannot be referred because of refusal, unavailability, or lack of required skills, the Local Union shall then refer the next applicant on the referral list who is willing, available, and has the required skills.

G. Any applicant who fails to accept or is unavailable for suitable employment during established dispatch hours will be removed from the referral list.

4. **Additional Preferences in the Construction Industry:**

Notwithstanding any other provision of these Rules, a worker referred under the Arizona Laborers Agreement or other appropriate construction industry agreement shall be given preference in the order of referral under any of the following circumstances:

A. An Employer agrees to sponsor an employee as a Journeyman Laborer who has not worked under any Laborers Union Agreement, provided the Employer agrees in writing that he intends to employ the worker on a full time basis. The Employer 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 Employer and returns to the Local Union for referral, the employee shall be referred to the Arizona Laborers' Training Fund for screening and testing to determine whether the employee shall maintain journeyman status or should be registered as an apprentice. The Funds decision as to the person's status shall determine whether the employee is placed on the journeyman or apprentice referral list for referral to another employer.

B. A worker is a certified job steward and is referred to the job to act in such capacity.

5. **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 referral 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 one (1) such excuse 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 383, provided that only one (1) such letter may be submitted per calendar year and the period of unavailability may not exceed 30 calendar days, shall maintain their position on the referral list (frozen and not advancing)

G. The applicant is enrolled and taking training classes offered by the union or the training fund, shall maintain their position on the referral list (frozen and not advancing) by submitting a notice at the time they register for class verifying their inability to go to work.

6. **Elimination from Referral List:**

A. Persons shall be eliminated from the referral list for the following reasons:

(i). Referred to a job, except that a person who is rejected by the Employer 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 referral list within two (2) business days of termination or rejection by the employer. Applicants who had a short term referral will be removed from the list upon the next referral after the short term referral, regardless of the duration of the job. Upon request of the Contractor, no person who is rejected by the Contractor shall be referred again to the Contractor. Upon Local Union's request, the Contractor will confirm its request in writing.

(ii). Failure to accept the referral without a legitimate and documented reason or taking any action such as voluntarily quitting, or requesting to be laid off from a job to which he or she is referred. The following penalties shall apply:

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

The imposition of the suspension from the list shall not commence until the applicant seeks to re-registers for the referral list. The applicant will be responsible for re-registering again on the referral list after the specified suspension and they will be placed at the bottom of the list.

(iii). Not available for employment at the applicant's primary telephone number on file during posted referral 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 referred 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 referral list; provided, however, the applicant shall be entitled to make only one call back in any one referral period.

(iv). A construction industry apprentice who is contacted and refuses a referral outside of posted referral 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 unless the applicant can prove that such drug was medically approved and necessary. In addition to the penalties listed below, such person will be not be referred 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 referral list.
- Second Offense- withheld sixty (60) days from the referral list.
- Third Offense- withheld ninety (90) days from the referral list.
- Fourth Offense- withheld twelve (12) months from the referral list.

The imposition of the suspension from the list shall not commence until the applicant seeks to or re-registers for the referral list. The applicant will be responsible for re-registering again on the referral list after the specified suspension and they will be placed at the bottom of the list.

(vii). Failure to report for work after accepting referral without a legitimate and documented reason involving unforeseen, extenuating circumstances. The following penalties shall apply:

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

The imposition of the suspension from the list shall not commence until the applicant seeks to or re-registers for the referral list. The applicant will be responsible for re-registering again on the referral list after the specified suspension and they will be placed at the bottom of the list.

(viii). On disability and not cleared medically to work. Only applicants that are physically able to work and not currently employed at the trade may register their availability for referral. Further, all applicants must advise the Local Union of any medical or physical conditions that may prohibit them from performing required tasks. Failure to advise the Local will result in the applicant being removed from the referral list until a medical release prepared and signed by a medical doctor is submitted to the Local.

(ix). 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 referral list.
- Second Offense- withheld sixty (60) days from the referral list.
- Third Offense- withheld ninety (90) days from the referral list.
- Fourth Offense- withheld twelve (12) months from the referral list.

The imposition of the suspension from the list shall not commence until the applicant seeks to or re-registers for the referral list. The applicant will be responsible for re-registering again on the referral list after the specified suspension and they will be placed at the bottom of the list.

7. **Dissemination of the Job Referral Rules:**

Additional copies of these Guidelines and all Local Union referral are available to applicants upon request, subject to the payment of reasonable copying costs.

8. **Alleged Violations of Hiring Hall Rules**

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.