

LABORERS' INTERNATIONAL UNION OF NORTH AMERICA
LOCAL 265
REFERRAL RULES

1. Requirements and Review Process

Each Local Union in the United States shall adopt written referral rules conforming to the Job Referral Guidelines (“Guidelines”), set forth below. The purpose of these Guidelines is 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.

All rules and policies pertaining to the referral of applicants must be written and prominently posted in the Local Union office and referral hall. All referral issues not specifically mandated by the following Guidelines must be individually approved by membership vote and then submitted, with the relevant minutes, to the General President, through their Regional Offices, for review and approval.

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

2. Non-Discrimination in Job Referral: Referral to jobs will be on a nondiscriminatory basis and will not be based on, or in any way affected by, race, gender, national origin, sexual orientation, disability, religion, lawful union-related activity, or any other status protected by applicable law.

3. Effect on Referral Hall Guidelines

All referrals by Local 265 to jobs within its jurisdiction shall be made in accordance with these Guidelines except to the extent that any rule contained herein conflicts with a term of collective bargaining agreement. Any Local Union that concludes that these Guidelines conflict with the term of a collective bargaining agreement shall submit a Notice of Conflict citing the relevant sections of the agreement and the Guidelines to the General President, through their Regional Offices, who shall advise the Local Union in writing whether such a conflict exists.

4. Registration of Availability for Referral:

A. An applicant seeking referral to a job must file a Referral form in person with Laborers' Local 265 at the Local Union office or online at www.laborerslocal265.com or by using the MTP app (available for download) (referred throughout these rules as “app”). This form must be signed (or digitally confirmed) and dated and include; the applicant's name, membership information (if applicable), telephone number, social security number and list any verifiable skills and provide copies of any licenses or certifications the applicant possesses. The applicant must also list the employers he/she has performed these skills with.

Local 265 has five (5) out-of-work lists and an apprenticeship list consisting of the applicants who have registered their availability for referral. Applicants who are members of Local 265 in good standing may complete a referral form in person Monday through Friday during regular business hours or anytime online at www.laborerslocal265.com or by using the app . All other applicants may complete forms on the 2nd (second) and 4th (fourth) Thursdays of the month between the hours of 10:00 a.m. and 12:00 noon at the Union office.

The out-of-work lists shall be maintained in the following manner effective September 1, 2021.

Group A: All applicants who are members of Local 265 in good standing having at least 4000 hours working in Local 265's jurisdiction as a journeyman construction laborer for an employer who is party to a collective bargaining agreement with Laborers' Local 265, the Laborers' District Council of Ohio or LIUNA and who are continually available for work.

Group B: All applicants who are members of Local 265 in good standing having less than 4000 hours but more than 1500 hours working in Local 265's jurisdiction as a journeyman construction laborer for an employer who is party to a collective bargaining agreement with Laborers' Local 265, the Laborers' District Council of Ohio or LIUNA and who are continually available for work.

Group C: All applicants who are members of Local 265 in good standing having less than 1500 hours working in Local 265's jurisdiction as a journeyman construction laborer for an employer who is party to a collective bargaining agreement with Laborers' Local 265, the Laborers' District Council of Ohio or LIUNA and who are continually available for work.

Group D: All applicants who are members of Local 265 but are under suspension.

All members on the A, B or C lists whose membership lapses will be moved to the bottom of the D list until their membership is made current. Upon becoming current with their membership they must re-register and will then be placed on the bottom of the appropriate list.

Group E: All applicants who do not qualify for Group A, Group B, Group C or Group D.

Local 265 will require confirmation of any prior employment. In which case the applicant would be required to provide authentic business records such as a letter from an employer, W-2's, time cards, checks stubs, etc. The Local Union may challenge an applicant's representations concerning his prior employment, licenses, or certifications. If the Local Union makes a challenge, it must promptly notify the applicant in writing, who shall have five 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 the Office of the General President, Laborers' International Union of North America, 905 16th St., NW, Washington, D.C. 20006, who shall finally resolve all such disputes in accordance with procedures that he shall establish.

B. Apprentices will be referred under a separate out-of-work list and referred based upon employer request or the order in which they signed the referral list. Apprentices shall be registered according to their standing the same as provided for journeymen in (3.) above

C. The referral list is intended for those who are out of work and able to work at the trade. An applicant who, after registering their availability for referral, is recalled by an employer, or on their own obtain, one or more jobs employed at the trade lasting a total of ten (10) working days or more, must notify the Local Union immediately. Those applicants will then be removed from the out-of-work list.

Failure to notify the Local Union of such employment as required herein will be cause for that applicant to be removed from the list and be barred from re-signing for a period of thirty (30) days after said employment has ended.

D. Applicants shall be removed from the out-of-work list upon receiving a job referral, subject to the provisions 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.

E. An applicant's registration of availability for referral shall be in effect on a quarterly (every 3 months) basis. Applicants must again renew their availability in order to retain their position on the out-of-work list. **Applicants' renewal dates will be during the first five (5) business days of each quarter**, regardless of the initial registration date. The renewal will be in person at the Union office or online at www.laborslocal265.com or by using the app during the assigned period.. The following are the re-registration periods:

- a) January
- b) April
- c) July
- d) October

5. Referral Procedure

A. Applicants on the Referral List shall be referred in the order in which they have registered their availability for referral. Referrals will be made as follows:

- Group A, after exhausted then to
- Group B, after exhausted then to
- Group C, after exhausted then to
- Group D, after exhausted then to
- Apprenticeship List then to
- Group E

The first registered applicant on each list shall be referred in the order listed above, provided he or she has the qualifications requested by the employer.

B. Requests by an employer for specific applicants who are members in good standing of Local 265 shall be fulfilled regardless of the applicants' position on the out-of-work list.

C. Local 265 shall record all employer requests for laborers, the date and time of the request, the name of the dispatcher, the name of the employer, the location of the job, and the start date of the job.

D. An applicant who is referred to a job which, lasts less than ten (10) working days either because (1) the job is cancelled, (2) completed or (3) the applicant is laid off or discharged, will return to his or her position on the out-of-work list prior to receiving the referral, only after resigning their referral form in person at the union office or online at www.laborslocal265.com or by using the app. After receiving a referral(s) lasting a combined total of ten days the applicant must again register in order to be included on the out-of-work list. The short term referral provisions herein are inapplicable and the applicant will be removed from the out-of-work list, if the applicant takes any action within the first ten (10) days of employment designed to manipulate this provision of the Amended Job Referral Rules, such as voluntarily quitting or requesting to be laid off or discharged from a job to which he or she is referred.

Applicants referenced in the above paragraph (4.C) may re-register in person at the union office any time during normal business hours or anytime online at www.laborslocal265.com or by using the app.

E. Applicants referred to an employer that requires passing a drug/safety screen and subsequently fails the screen, will be barred from re-signing the list until the applicant has presented the Local Union documentation of the successful completion of an appropriate rehabilitation or counseling program. Any applicant who is referred and subsequently is not employed by the employer will be required to provide the Local Union with verifiable information as to why they did not become employed by this employer. If unable to provide this information the applicant will be required to complete the above referenced program.

F. Any applicant who refuses or is unavailable for three consecutive referrals will be moved to the bottom of the out-of-work list. An applicant must be unavailable on three separate days before he or she is moved to the bottom of the out-of-work list.

An applicant will be considered unavailable if he or she cannot be reached after a call has been placed to the telephone number or numbers provided by the applicant, between the hours of 3:00 p.m. and 5:00 p.m. Each call made between 3:00 p.m. and 5:00 p.m. will allow ten rings before moving to the next applicant. The applicant is responsible for updating any changes to their telephone numbers by providing any changes to the dispatcher. **Any calls placed outside of the designated time (3:00 p.m. and 5:00 p.m.) will not be counted against the applicant regardless of the applicant's response to the call.**

An applicant may choose to become inactive on the out-of-work list by supplying the Local Union with a request in writing of unavailability for a period not to exceed thirty (30) days. If an applicant submits written documentation from a doctor, the applicant's status on the list may remain inactive until he/she supplies documentation from a doctor stating that he or she is able to return to work.

G. Applicants while attending the Ohio Laborers' Training and Upgrading Center may, prior to attending the Training Center, notify the Local Union of the dates of attendance and for that period of time the applicant will be notified of a referral opportunity by phone at the Center. Applicants, while attending the Training Center will not be penalized for refusing a job. The applicant must notify the Local Union in writing, of their attendance to the Training Center, to qualify for this exception.

H. 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.

I. An applicant shall not be referred to an employer if the same employer previously discharged the applicant for cause. Applicants, who are twice lawfully rejected by an employer for lack of skills, after referral by the Local Union, shall not be eligible for referral to a job requiring the same skills without first providing the Local Union with references from two previous companies stating that the individual successfully performed the skill or skills in question.

6. Dissemination of the Referral Rules

All rules and referral policies must be in writing. These Guidelines and all Local Union referral rules and policies must be posted conspicuously in the office and referral hall of each Local

Union, where they are available for review at all times in which the Local Union is open. Additional copies of these Guidelines and all Local Union referral rules shall be made available to members upon request, subject to the payment of reasonable copying costs. New members shall receive a free copy of the job referral rules upon admission to membership.

7. Job Referral Records

The Local Union will maintain accurate and current records of all job referrals. The records shall be preserved for a period of two (2) 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 of each request, the location of the job site, 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 5(B), 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, name of the employer, the location of the job site, the start date of the job, the basis for not making the referral, the result of the call, including whether the call was answered and by whom, and what response, if any, was made, and
- E. All job referrals made, including the applicant 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 was terminated.

8. Access to Job Referral Information:

- A. Any applicant may inspect or copy any record containing the job referral information described in paragraph 7. Access to Social Security Numbers, phone numbers, email addresses, medical information, and other private information should be restricted, so long as sufficient information is provided to determine the identity of all individuals registered, contacted, or dispatched for employment. An appointment for inspection shall be scheduled for within five (5) days of request. Copies of 500 pages or less shall be provided within ten (10) days of request. Copies of more than 500 pages shall be provided within (30) days of a request. The charge for copies shall be \$0.50 per page for the first twenty (20) pages, and \$0.25 per page thereafter.
- B. Lists containing the information in paragraph 7 (B) and (E) shall be conspicuously posted, or otherwise immediately available for inspection, at the offices of the 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.

9. Alleged Violations of Referral Hall Rules

Any complaints or concerns regarding alleged violations of these Guidelines or of referral procedures should first be directed to the Business Manager of the Local Union, through the Uniform Local Union Constitution, or grievance process of the collective bargaining agreement, if applicable. Thereafter, aggrieved applicants may write to the Office of the General President, Laborers' International Union of North America, 905 16th St., NW, Washington, D.C. 20006.