

JOB REFERRAL GUIDELINES FOR U.S. AFFILIATES

LABORERS' INTERNATIONAL UNION OF NORTH AMERICA

1. Requirements and Review Process

Each Local Union in the United States shall adopt written referral rules conforming to the revised Job Referral Guidelines, set forth below. The purpose of these Job Referral 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 hiring hall. All referral issues not specifically mandated by the following Guidelines must be individually approved by membership vote at two consecutive meetings and then submitted, with the relevant minutes, for the Special Counsel's review and approval.

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

2. Non-Discrimination in Job Referrals

Referrals 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, or lawful union-related activity.

3. Effect on Job Referral Guidelines

All referrals by a Local Union 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 the 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 Job Referral Guidelines to the Special Counsel. The Special Counsel 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 with the Local Union a signed and dated referral form providing name, telephone number, 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 Local Union. The Local Union will compile an out-of-work list, consisting of the applicants who have registered their availability for referral, listed in order of seniority according to their date of registration. The Local Union may confirm any prior employment, licenses, or certifications listed by an applicant.

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 Independent Hearing Officer, who shall finally resolve all such disputes.

- B.** Apprentices shall be referred under a separate out-of-work list, in order according to the requirements of the apprenticeship program.
- C.** Only applicants who are not currently employed at the trade may register their availability for referral.
- D.** Applicants shall be removed from the out-of-work list upon receiving a job referral, subject to the Local Union's stated short-term referral policy (this may include instituting a policy whereby applicants are removed from the referral list after a single referral, *regardless of the duration of the job*). An applicant who is laid off or discharged from a job must again register his or her availability for referral by telephone, postcard, or in person, in accordance with the Local Union's written policy, in order to be included on the out-of-work list.
- E.** Applicants must also register their availability for referral periodically (once each month, ninety days, or half year), in accordance with the Local Union's written policy.

5. Referral Procedure

- A.** Applicants on the out-of-work list shall be referred to jobs in the order in which they have registered their availability for referral, with the first registered applicant referred first, provided that the applicant has the qualifications requested by the employer.
- B.** Requests by an employer for specific applicants should be made in writing or, if made orally, shall be confirmed promptly by the employer in writing.
- C.** The Local Union 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 shall not be referred to an employer if the applicant was previously discharged for cause by the same employer.

6. Dissemination of the Job Referral Guidelines

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 hiring 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 Guidelines upon admission to membership.

7. Job Referral Records

A Local Union shall maintain accurate and current records of all job referrals. The records shall be preserved for a period of three (3) years from the making of each record. The records shall include the following information:

- A. Under telephone referral systems where the Local Union calls the applicant,** the Local Union must record all referral attempts, including the date and time of the call(s), the name of the person making the call(s), and the outcome of the call.
- B. Under telephone bid systems,** the Local Union must record every bid received, including the name of the applicant, the time of his or her call, the name of the office employee who took the call, and the job the applicant was bidding for.
- C. Under in-person referral systems,** the Local Union must record the attendance of every applicant and the outcome of each attempted referral made by the Local Union or bid for referral made by the applicant.
- D. Under all referral systems,** the Local Union must also record:
 - i.** All registration by applicants of their availability for referral, including the date of each applicant's registration;
 - ii.** A current out-of-work list, including all applicants whose registrations of availability for referral are then in effect, listing the date of each applicant's registration, and organized according to seniority;
 - iii.** All requests from employers for workers, including the date of each request, the name of the employer, 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 a specific applicant pursuant to 5(B), above; and,
 - iv.** All job referrals made, including the name of the employer, the applicant referred, the date on which the applicant registered his or her availability for

employment, the date of the referral, the location of the job site, the date the applicant was hired, and the date any employment terminated.

8. Access to Job Referral Information

- A.** The Local Union must promptly respond to any applicant's request for access to any record containing the job referral information described in §7, pertaining to periods during which the applicant was registered for referral. Access to records includes the right to photocopy or take notes from all referral documents. Local Unions may adopt rules that restrict access to Social Security Numbers and, where there is a concern that such information may be misused in a manner contrary to the interests of the Local Union, members' telephone numbers. In all cases, however, applicants must be provided sufficient information to determine the identity of all individuals registered, contacted, or dispatched for employment.

An appointment for inspection shall be scheduled within five (5) days of the request. Copies shall be provided promptly, subject to reasonable copying costs.

- B.** Lists containing the information described in §§7D(i) and 7D(ii) shall be conspicuously posted, or otherwise immediately available for inspection, at the offices of a 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 the Job Referral Guidelines

Any complaints or concerns regarding alleged violations of the Job Referral Guidelines should be directed in writing to the Office of the General President, Laborers' International Union of North America, 905 16th Street, N.W., Washington, D.C. 20006. Alleged violations of LIUNA's Code of Ethics should be promptly addressed to Inspector General W. Douglas Gow, (202) 942-2360.