

IUOE LOCAL 150
HIRING PROCEDURES – ADDENDUM 1

When an employer calls a Referral office for an applicant for employment, they shall be dispatched in a nondiscriminatory manner as follows:

- A. Individuals will be furnished in accordance with the provisions of this Agreement and the Regulations governing Referral Offices within forty eight (48) hours of the time they are requested by the Employer, if they are available, and in the event they cannot be or are not furnished within such period, the Employer may employ any person, but shall arrange for a dispatch order to be obtained for the individual from the appropriate area Referral Office of the Union within twenty-four (24) hours of the commencement of such employment and such dispatch shall upon request be issued to the Employer.

- B. When an Employer desires to employ persons not eligible for dispatch to such Employer under the provisions of this Addendum in the performance of work covered by this Agreement in the geographical area covered by this Addendum, either by reason of such persons special skills or previous satisfactory employment within the six calendar months next preceding the date of request by the Employer requesting, such Employer shall in writing request the Referral Office servicing the job or project for pre-job conference at least two calendar weeks prior to the commencement of the work or operation of equipment.

At such pre-job conference the classification and number of such employees and the time of the commencement of their employment or the operational stages of the job or project at which their employment shall commence shall be determined.

Thereafter upon written request of such Employer, signed by an authorized representative of Such Employer on a job or project and delivered to the Referral Office servicing such job or project stating that such Employer desires that a named person or persons be referred in a classification or classification agreed to at such pre job such person or persons shall be referred without regard to the provisions of Addendum No 1, Section 4,5,and 6 of this Agreement and the Employer shall hire such persons or person so referred.

Except as in this Section 1(B), set out, all persons performing work covered by this Agreement within the geographical area covered by this Addendum must be obtained through the appropriate Referral Office of Local No. 150.

2. LOCATION OF REFFERAL OFFICES

For the purposes of this Article only the following Referral Offices for referral to Employers for jobs in the area covered by this Agreement shall be recognized.

- A. Referral Office No. 1 located at 6200 Joliet Road, Countryside, Illinois, and embracing the Counties of Cook and DuPage.
- B. Referral Office No. 2 located at Joliet, Illinois and covering Counties of Kane, Kendall, Grundy, Will and Kankakee.
- C. Referral Office No. 3 located at Lakemoor, Illinois covering the Counties of Lake and McHenry.
- D. Referral Office No. 4 located at Rockford, Illinois covering Counties of Winnebago, Boone, Stephenson, Carroll, Jo Daviess, Lee, Whiteside, DeKalb and Ogle.
- E. Referral Office No.5 located at Utica, Illinois covering the Counties of LaSalle, Livingston, the Eastern one-half (1/2) of Bureau and the Eastern one-half (1/2) of Putnam County.
- F. Referral Office No.6 located a Lakeville, Indiana, covering the Counties of Elkhart, LaGrange, Marshall, St. Joseph, Fulton, Kosciusko and Noble.
- G. Referral Office No.7 located at Merrillville, Indiana, covering the Counties of Lake, Newton, La Porte, Porter, Jasper, Starke, and Pulaski.

3. REFERRAL LISTS

Each Referral Office shall, maintain the following lists on which person not currently employed in the highway, general building and heavy construction or related industry may register for Referral at any time during which the Referral Office is open.

- A. List 1, persons seeking active employment, i.e. each Operating Engineer who has been employed or available for employment, in the area embraced by the Referral Office in which the person seeking active employment is registering for Referral, for a period of four (4) years, i.e., forty-eight (48) months next preceding the registering for Referral in any one or more classifications set out in the Wage Classification of this Agreement on the type or kind of craft work of Operating Engineers

- B. List 2, persons seeking active employment, i.e., each Operating Engineer who has been employed or available for employment in the area embraced by all Referral Offices for a period of four (4) years, i.e., forty-eight (48) months next preceding his registering for Referral, in any one or more classifications set out in the Wage Classification of this Agreement, on the type or kind of craft work of Operating Engineers

“Preferred” registration of Lists 1 and 2 shall be permitted with regard to the following classifications;

AIR COMPRESSORS
TUGGER HOISTS
BEATERS
ROLLERS
WELDING MACHINES
CONVEYORS
GENERATORS
ELEVATOR HOISTS

EXCEPT WHEN A DUAL PURPOSE OPERATOR IS
REQUIRED. A person making a "preferred" registration shall:

- (1) Be ineligible to register and shall not register for work in any classification which is not "preferred".
 - (2) Be 55 or more years of age and have had at least ten (10) years of employment, or available for employment, in any one or more classifications contained in this Agreement, in the area defined in this Article, provided, however, that a person who does not meet such requirements but who has a physical handicap preventing his employment in any classification except one which is "preferred" and is a List 1,2,3 or 4 person, or acquired such handicap as a result of an industrial accident while employed as an Operating Engineer, shall be permitted to so register.
 - (3) All persons making a "preferred" registration shall designate at the time of such registration the specific "preferred" classification set forth above on which such person is both qualified and physically able to be employed. No persons making a "preferred" registration may simultaneously be registered for employment in non-"preferred" classifications. All persons who are registered in a "preferred" classification may change to a non-"preferred" classification when they no longer have a physical handicap preventing such registration, as evidenced by a written medical opinion. All persons making such a change of registration shall maintain their date of registration as if no change had been made.
- C. List 3, persons seeking active employment, i.e., each Operating Engineer who has been employed or available for employment, in the area embraced by the Referral Office in which the person seeking active employment is registering for Referral for a period of less than four (4) years, i.e., forty-eight (48) months but not less than one (1) year, i.e., twelve (12) months next preceding his registering for Referral, in any one or more classifications set out in the Wage Classification of this Agreement, on the type or kind of craft work of Operating Engineers.
- D. List 4, persons seeking active employment, i.e., each Operating Engineer who has been employed or available for employment in the area

embraced by all Referral Offices for a period of less than four (4) years, i.e., forty-eight (48) months but not less than one (1) year next preceding his registering for Referral, in any one or more classifications set out in the Wage Classification of this Agreement, on the type or kind of craft work of Operating Engineers.

- E. Lists, persons seeking active employment, i.e., each Operating Engineer who has been employed or available for employment in the area embraced by all Referral Offices within a period of not more than one (1) year, i.e., twelve (12) months next preceding his registering for Referral, in any one or more classifications set out in the Wage Classification of this Agreement on the type or kind of craft work of Operating Engineer, or a person seeking active employment who has not been employed in the area embraced by all Referral Offices and can meet none of the test set out in sub-paragraphs A through D last above set out.
- F Separate lists shall be kept for Apprentices on the same basis as for Operating Engineers.

The Apprentices' preference is limited to Apprentices, and Operating Engineers' preference is limited to Operating Engineers, provided that an Apprentice with a preference shall, upon being dispatched as an Operating Engineer and being employed as an Operating Engineer, thereafter have the same preference as he had as an Apprentice. For the purposes of this Addendum No- 1 only the term "Apprentice" shall include the following classifications:

HELPERS, OILERS, TRUCK CRANE OILERS AND INSTALLING WELLPOINTS

The foregoing lists shall be maintained on the basis of the written statement of the person seeking active employment.

- G An employee who while employed or a person registered for Referral:
 - (1) becomes incapacitated by reason of any injury or disease arising out of and in the course of employment on the type or kind of craft work of Operating Engineers shall for all purposes of this Addendum No I be considered employed or available for employment for the Full period of incapacity, or

(2) becomes incapacitated by reason of any injury or disease not arising out of and in the course of employment on the type or kind of craft work of Operating Engineers shall for all purposes of this Addendum No. 1 be considered employed or available for employment if a Class 1 or 2 person seeking active employment for period of incapacity, but in no event for more than four (4) years, and if a Class 3 or 4 person seeking active employment for the period of incapacity, but in no event for more than three (3) years.

H. No person seeking active employment may register for Referral as an Operating Engineer and an Apprentice at the same time.

I. Any person, who, while registered for Referral in a Referral Office, accepts employment in the highway, general building and heavy construction or related industry other than under this Addendum shall notify the Referral Offices in which he is registered in writing within forty-eight (48) hours after such acceptance to strike his name from the list or lists on which he is registered. Upon complaint being filed by a Referral Office with the Board created under the Joint Arbitration Clause of this Addendum that any such person has failed to give the notice required by this Sub-Paragraph, and if such person had been given notice of such complaint and opportunity to be heard, the Board may deny such person the right to register for Referral for a period to be fixed by such Board but which shall not exceed one (1) year.

J. All persons seeking active employment when registering shall set forth their name, address and telephone number and classification or classifications of work sought and their experience therein and may change such classification or classifications at any time before being dispatched.

4. ORDER OF DISPATCH

In the dispatching, each Referral Office shall dispatch those on List 1 so long as there are any in the classification requested by the Employer who are registered and available for work and thereafter those on List 2 so long as there are any in the classification requested by the Employer who are registered and available for work and thereafter those on List 3 so long as there are any in the classification requested by the Employer who are

registered and available for work and thereafter those on List 4 so long as there are any in the classification requested by the Employer who are registered and available for work

In the event the request is for employment for five (5) or more working days and in the event that there is no registrant in the classification called for on Lists I through 4 or there is no registrant available for work on Lists 1 through 4, the Referral Office of which the request is originally made shall contact the Referral Office nearest the job or project, which office shall proceed as in the paragraph last above set out. Any person dispatched under this paragraph shall be considered as working in then embracing the Referral Office which issued the dispatch for the duration of his employment.

In the event, after proceeding as set out above, no Referral Office is able to fill the request, such Referral Office of which the request was originally made shall dispatch those on List 5 so long as there are any in the classification called for by the employer who are registered and available for work

5. LIST PLACEMENT

Subject to Sections 8A through D of this Addendum No. 1, all registrants on Lists 1 through 4 shall be dispatched in the order of registrant's date of registration as available for work and in accordance with their experience as Operating Engineers in the Construction Industry, i.e., the earliest registered individual with the required experience first, as established by the written statement of the registrant, required by Section 3(J) above, and thereafter in order of date of registration. A registrant shall have the right to submit any dispute to the Joint Arbitration Board established by the Arbitration Clause in this contract in accordance with paragraph 13 of this Addendum. The name of a registrant so dispatched shall be stricken from the list when dispatched. However, a dispatched registrant shall resume the former position on the applicable registration list upon the Referral Office's notification that the registrant is again available for work and actually worked for the last employer ten working days or less.

6. CALL BACK — LIST 5

All persons on List 5 shall be dispatched in order of registrant's date of registration as available for work and in accordance with their experience as Operating Engineers as established by the written statement of the registrant required by Section 3(J) above. When dispatched their names shall be stricken from the list, provided, however, that upon written request of a signatory employer, signed by the senior representative of the employer on a job or project and delivered to the Referral Office embracing such job or project stating that the employer desires, on the basis of past satisfactory service that a named Class 5 registrant be dispatched to such job or project, such Referral Office shall dispatch such Class 5 registrant only after the following conditions have been met.

- A. No employee shall be laid off or discharged to make room for such person.
- B. The requested registrant must have been in the employ of the requesting Employer for a period of eighteen (18) months or more from the date of the signing of this Agreement.
- C. The Employer shall not request more than one (1) Class 5 registrant by name in each calendar year.
- D. The Employer shall not request a Class 5 registrant by name in the months of December, January, February or March.
- E. The Employer shall not request a Class 5 Registrant unless he has in his employ six (6) or more persons classified as Operating Engineers working in the area covered by this Agreement.

7. CANCELLATION OF REGISTRATION

Registration on Lists 1 through 4 shall be valid until canceled or registrant is dispatched.

Registration on List 4 shall be valid for one (1) calendar month only, and no such registration shall be carried over to the succeeding month. Any person not dispatched during the calendar month in which he registers shall, if he desires, be available for

dispatch upon re-registration.

Any registrant of the Referral Office of which a request is originally made who refuses three consecutive dispatches for any reason shall have his name placed at the end of the list on which he is registered.

8. CALL BACK - LIST 1 THROUGH 4

Regardless of anything in these Regulations to the contrary:

- A. Upon written request of an Employer, signed by the senior representative of the Employer on a job or project and delivered to the Referral Office embracing such job or project stating that such Employer desires, on the basis of past satisfactory service within the preceding thirty-six (36) calendar months; that a named Class 1, Class 2, Class 3, or Class 4 registrant be dispatched in a particular classification to such job or project, such Referral Office shall dispatch such registrant in such classification to such job or project, provided such person is registered in such Referral Office and available for work at the time of the receipt of the written request and has also been so registered with the Referral Office for a least seven (7) days if the person had quit previous employment voluntarily and provided, further, that no employee shall be laid-off or discharged except for cause to make room for such person.

In the event the named person is not registered or not available for work at the time of the receipt of a written request under this Section 8(A), the Referral Office shall so notify the employer as soon as possible, and the forty-eight (48) hour period provided in Section 1 shall not commence to run until receipt by the Referral Office of either a request for an unnamed registrant by classification or a further request under this Section 8(A) for a named person who is registered and available for work at the time of the receipt of the written request or a request under Section 8(B).

For all purposes of this Section 8 (A) employment by an employer engaged in a joint venture on work for which a new more employer parties to such joint venture is responsible to such joint venture shall be considered employment of a registrant only to the

one employer to whom the registrant was dispatched.

- B. Upon written request of an Employer, signed by the senior representative of the Employer on a project and delivered to the Referral Office embracing such job or project stating that such Employer desires an Employee in a particular classification who has had either(i) a specified number of months or years (not to exceed, however, twenty-four (24) months or two (2) years experience on a particular type of equipment of (ii) a specified number of months or years (not to exceed, however, twenty-four (24) months or two (2) years) experience on a particular type of work, or both, the Referral Office shall contact, if available, the persons in that classification registered and available, for work in the order in which they would be dispatched under paragraph 4 and 5 of these Regulations and inquire of the registrant as to his experience under (i) and (ii) and the Referral Office shall dispatch the first such registrant who advises the Referral Office that he has such experience.

In the event no person with the requisite experience is available the Employer ordering such person shall not be free to hire directly a person to operate such piece of equipment or perform such work who has had less experience than the experience called for in the order.

- C. In the case of two or more pieces of new equipment (that is, types of equipment developed to which present classifications and working rules are not fairly applicable) not previously used in the area covered by this Agreement, the number of months experience on such new equipment which may be specified in the request shall be six (6) months less than the number of months the two or more pieces of new equipment have been used in the area covered by this Agreement
- D. When an individual Employer rents or leases equipment, a List 1 or 2 Employee of the lessor operating the equipment may be transferred to the payroll of the lessee, but shall be considered an Employee of the lessor for the purposes of these nondiscriminatory hiring procedures, provided such Employee has been dispatched in accordance with these nondiscriminatory hiring procedures and

shall have been in the employ of the lessor, or a lessee of the lessor, for the five (5) working days next preceding the date of the rental of the equipment, and the Referral Office servicing the job or project on which such equipment is to be used is notified in writing by the Lessee, before twelve o'clock noon of the day prior to the first day such equipment is to be used on the job or project, and provided further that such Employee's employment by the lessee shall terminate upon the termination of the lease or rental of the equipment or replacement.

9. EMPLOYER RESPONSIBILITY

The Employer may reject any registrant dispatched by a Referral Office for employment. The Employer shall determine the registrant's ability and competence to satisfactorily perform the work prior to on the job employment. Such determination shall not be the responsibility of the Union.

10. PRO RATA COST SHARING

The cost and expenses of maintaining the referral system shall be borne by all applicants for employment. In the case of applicants who are not members of the Union, their share of such cost and expenses shall not exceed a sum equal to the pro rata share of the costs and expenses of operating the referral system and the referral there from which is being borne by the members of the Union from the payment of dues. Upon the date of registration or dispatch at the referral office, the applicant shall incur the obligation of making payments of their pro rata share of such cost and expenses.

11. NON-DISCRIMINATION

The Union and the Employer and each Referral Office of the Union; in carrying out the provisions of this Agreement with respect to HIRING and the registration and dispatch of persons seeking active employment, will not discriminate either in favor of or against such registrants, or persons seeking to register by reason of membership in or non-membership in any Union, nor shall the carrying out of the provisions of this Agreement with respect to HIRING and the registration and dispatch of persons seeking active employment be based on, or in any way affected by Union membership; bylaws, rules, regulations, constitutional provisions or any other aspect or

obligation of Union membership, policies or requirements. The Employer shall not discriminate either in favor of or against person's seeking active employment or any of them by reason of membership or non-membership in any Union or by reason of acting on-behalf of or in opposition to any Union.

12. REPORTING FOR WORK

Upon being dispatched, the registrant shall proceed to the job at once. When call is made to a Referral Office for persons to report to work on day of request a reasonable time shall be allowed for persons traveling to the job site as agreed by the Referral Office. A registrant who fails to report for work when dispatched on the shift to which dispatched or within the time agreed to if dispatched to work on the day of request without good cause therefore shall not be eligible for dispatch for seven (7) days thereafter. When a registrant is requested by Employer to be dispatched on the day of request, and the registrant dispatched does report for work that same day, he shall be paid for his full shift.

13. JOINT ARBITRATION BOARD

Any Employee or applicant for employment aggrieved by the operation of the registration facilities or Referral Offices of the Union, or these Regulations as applied to that person has the right to submit their grievance to the Joint Arbitration Board created by the Joint Arbitration Clause of this Agreement provided that such submission is made in writing within ten (10) days after the occurrence of the grievance. The Board shall have the full power to adjust the grievance and its decision thereon shall be final and binding upon the Employee or applicant for employment and upon all other parties thereto.

Forms for the submission of such grievance shall be available at all times in each Referral Office.

14. WORK IN OTHER AREAS

A. An Employee who while employed on the type or kind of craft work of Operating Engineers, or who was or is transferred by an individual Employer to a job or project outside of the area covered by this Agreement, and was or is there employed by such individual Employer or by a Joint Venture with which said individual Employer is associated on

the type or kind of craft work covered by this Agreement, shall for all purposes of this Addendum No. 1, be considered to have been employed or registered for employment in the area covered by this Agreement for the period of such services outside of the area covered by this Agreement.

15. MILITARY OR OTHER SERVICE

An Employee who since August 15, 1960, while employed or registered for employment or prior to August 16, 1960 was employed or available for employment in any one or more classifications set out in the wage Classification of this Agreement on the type or kind of craft work of Operating Engineers entered or enters the Military Service of the United States or Works for Local Union No. 150 or its International Union as an Employee or elected officer shall for all purposes of this Addendum be considered employed or registered for employment in the geographical area covered by this Addendum for the period of such Military Service or work for the Local Union or its International Union.

16. EMPLOYER INDEMNIFICATION

It is expressly understood and agreed between the Employer and the Local Union that any registrant dispatched by a Referral Office and put to work shall be regarded for the purposes of this Agreement as an employee of the Employer, and the Employer shall and hereby does indemnify and save harmless the said Local Union from any and all liability on account of injury or death of third persons or injury or destruction of the property of third persons where such injury or death to persons or destruction of property shall be caused by the negligence or willful and wanton acts of said employee in the course of this employment. The Employer further shall and hereby does indemnify and save harmless the Local Union from all claims and demands, suits, actions, loss, damages, recoveries, judgments costs or expenses in any manner arising out of or in connection with any such injury, death, loss at damage.

17. POSTING

These regulations shall be posted on the Bulletin Board in each Union Referral Office and the Bulletin Boards of the Employers where notices to Employees and applicants for employment are posted