

# HIRING HALL 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 Hiring Hall Guidelines, set forth below. The purpose of these Hiring Hall 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 GEB Attorney review and approval.

Once approved by the GEB Attorney, 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 Hiring Hall 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 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 Hiring Hall Guidelines to the GEB Attorney. The GEB Attorney 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

Variance  
Obtained

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.

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~~C.~~ Only applicants who are not currently employed at the trade may register their availability for referral.

Variance  
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~~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.** See Attached

## 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.

Variance  
Obtained

~~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 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 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 rules 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.

- 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 for within five (5) days of 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 Hiring Hall Rules**

Any complaints or concerns regarding alleged violations of hiring hall procedures should be directed to the GEB Attorney's Office, at (202) 457-6198. Alleged violations of LIUNA's Code of Ethics should be promptly addressed to Inspector General W. Douglas Gow, (202) 942-2360.

## **Part A: Report of Conflict**

### **Rule 1**

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.

### **Request**

Laborers' Local Union No. 71 reports a conflict between Amended Job Referral Rule 1 and Article 4.05 of its collective bargaining agreement. Article 4.05 generally provides that both the Union and the Employer shall give preference to qualified residents of Alaska and that referrals will be made to satisfy Alaska's affirmative action program.

### **Response**

There is an express conflict between Amended Job Referral Rule 1 and Article 4.05 (A)-(D) of the Agreement. Therefore, the local shall act in accordance with Article 4.05. The GEB Attorney also recognizes that Article 4.04 covers the same issue as Amended Job Referral Rule 1.

## **Part B: Request for Variance**

### **Rule 3C**

Only applicants who are not currently employed at the trade may register their availability for referral. Applicants who, after registering their availability for referral, on their own, obtain one or more jobs at the trade in the aggregate lasting eleven (11) working days or more of employment, must advise the Local Union immediately. Those applicants will then be removed from the out-of-work list. Failure to advise the Local Union of such employment as required herein will result in the applicant being removed from the out-of-work list.

### **Request**

Laborers' Local Union No. 71 seeks a variance from Amended Job Referral Rule 3C. Local 71 is a "public sector local with a hiring hall for [its] bargaining units -- the State of Alaska and the Anchorage School District -- two of the state's largest employers. [Local 71] is not a construction local." It dispatches workers to jobs which are primarily year round, permanent jobs. "The only time jobs become available is when someone quits, gets fired, retires or dies. Therefore, Local 71 believes that the rule would deny its members their legal and constitutional rights to employment.

### **Response**

Granted.

## **Part B: Request for Variance**

### **Rule 3F**

An applicant's registration of availability for referral shall be in effect for ninety (90) days. An applicant must again register his or her availability before the expiration of that period in order to retain his or her position on the out-of-work list.

### **Request**

Laborers' Local Union No. 71 seeks a variance from Amended Job Referral Rule. Local 71 has never required individuals to register again, once they are on the list. "Applicants only need to register when they are no longer working, when they initially join or when their dues are in arrears and they have brought them current." The local is not aware of any public sector referral system with a similar restriction.

### **Response**

Granted, with conditions. Rule 3C is intended to streamline the list and ensure that only those who are out of work, remain on the list. Also, when an applicant "re-registers" he/she is given an opportunity to update his/her referral card so that the Union has an accurate record of exactly which skills those on the out-of-work list possess. If the local prefers, however, it may keep applicants on the list until the date of referral. But the local must give all applicants the opportunity, every 90 days from the date of their initial registration, to update their referral cards.

## **Part B: Request for Variance**

### **Rule 4C**

An applicant who is referred to a job which, lasts ten (10) working days or less either because (1) the job is terminated or (2) 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. However, after receiving a job referral immediately following such a short-term referral, regardless of its length, that individual 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 Rules, such as voluntarily quitting or requesting to be laid off or discharged from a job to which he or she is referred.

### **Request**

Laborers' Local Union No. 71 seeks a variance from Amended Job Referral Rule 4C so that it may continue to allow applicants to retain their previously held position on the list if the job is **30 days or less**. If the individual quits or is fired, however, they must re-register at the bottom the list.

### **Response**

Granted.

## **Part B: Request for Variance**

### **Rule 4E**

Any applicant who refuses or is unavailable for two consecutive referrals shall be moved to the bottom of the out-of-work list. An applicant must be unavailable on two separate days before he/she can be moved to the bottom of the out-of-work list. An applicant will be considered unavailable if he or she cannot be reached after three calls have been placed to the telephone number provided by the applicant, unless the applicant has given the Local Union notice in writing of unavailability for a period not to exceed thirty (30) days. The three calls must be separated by intervals of no less than thirty (30) minutes.

### **Request**

Laborers' Local Union No. 71 seeks a variance from Amended Job Referral Rule 4E so that it may continue to make a single call to qualified applicants in order during set referral hours (8 a.m. - 12 p.m.). Local 71 also would like to continue its practice of allowing those who are unavailable, to retain their positions on the list. Only when applicants do not show up at a job, are they dropped to the bottom of the list.

### **Request**

Granted. Local 71 may continue to refer applicants during the set referral hours of 8 a.m. to 12 p.m. Because it refers applicants during set referral hours, the local may make a **single** call (allowing the phone to ring ~~at~~ at least 10 times) to qualified applicants in order. Also, the local does not have to drop those who are unavailable from the list, but may continue to drop those who do not show up for a referral.

## **Request for Variance/Report of Conflict**

### **Rule 4G**

An applicant shall not be referred to an employer if the applicant was previously discharged for cause by the same employer. 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 employers, showing the applicant has demonstrated the skills required.

### **Request/Conflict**

Laborers' Local Union No. 71 seeks a variance from Amended Job Referral Rule 4G because this procedure is not specialized enough for this local. For instance, an applicant may be perfectly qualified to work as a mechanic for the state highway system, but may lack the necessary security clearance for obtaining the same kind of mechanic work at the state airport. In both cases, the employer is the same (the State of Alaska). Further, in accordance with Article 4.03 of the agreement, determinations regarding the disqualification of applicants for referral to certain employers or job sites are determined by a three member referral committee.

### **Response**

Granted. The local may continue to operate in accordance with its agreement and procedures.