

## LOCAL 25 REFERRAL HALL RULES

2021

- 1. Getting Your Name on the List.** Unemployed journeypersons may call the Referral System (the “System”) any time of day, any day of the week, to list themselves on the System List (the "List") through the automated telephone system or by becoming users of Union Fusion. Journeypersons will be ranked in the order in which they call to put their names on the List or enter their names through the Union Fusion portal.
- 2. All Journeypersons are required to call the Referral System immediately whenever they are laid off or otherwise terminated by a contractor.**
- 3. Ongoing Distribution of Referral System Rules.** Referral System Rules will be sent or given to each graduating apprentice and to each newly admitted journeyperson. Whenever a copy of these Rules is sent or given to anyone it will be accompanied by a cover letter or memo that will, at minimum, include: instructions for using the automated telephone system and for becoming a user of Union Fusion; instructions for learning one’s rank on the list through the phone system or one’s Union Fusion profile; a reminder of the importance of keeping an updated telephone number in the system; and a brief description as to how the referral process will work, including information as to how a journeyperson can be listed for specialty work. The same notification process will be followed in the event of any changes to these Rules.
- 4. All Local 25 Dispatches Are Through the Referral System.** Business Agents and all other Local 25 officials (“Local 25 Officials”) are not permitted to solicit work for specific journeypersons, or to dispatch journeypersons to job sites. Should Local 25 Officials receive

requests for workers from contractors who are signatories to the CBA, they are to advise the contractor to list such requests with the System if they so desire. Should Local 25 Officials receive requests for workers from a non-signatory contractor or for temporary heat/air jobs, they must list those requests with the System.

**5. Certain Job Vacancies May Only Be Filled Through the System.** All job vacancies with out-of-town or non-signatory contractors, or signatories to the International Agreement who are not parties to the Local 25 CBA, and all temporary heat/air jobs, must be filled through the System.

**6. Pursuant to the Addendum of CBA Article 5, Section 2, signatory contractors must follow a Referral System which will ordinarily operate on a 3:1 Referral System.** For every three (3) new hires by a Contractor, one (1) unemployed member will be referred from the unemployment list. When unemployment in Local 25 reaches 20%, defined as: 20% of active journeymen are on the Referral Hall List for six consecutive weeks, or for six weeks in a two-month period, there will be a 2:1 Referral Procedure. For every two (2) new hires by a contractor, one (1) member will be referred from the unemployment list. All out-of-town contractors must make all hires from the unemployment list. This will be monitored through a report provided to the Union from the Referral Hall or able to be run in Union Fusion indicating contractors out of compliance and showing the relevant Referral Hall and direct hires.

**7. Qualifications for Special Skills Referrals.** If a job requires certain special skills, the highest-ranked journeyman on the appropriate specialty list shall be the first referred out for the position. The approved list of trade specialties are those listed in Attachment "A".

**8. Credentialing of Special Skills.** Any journeyperson who wishes to be placed on a specialty list must either have the appropriate certificate for that specialty or 160 hours of past proven work ability in that specialty as certified by Local 25. Local 25 will submit to the Parties and the Special Master proposed procedures for validating the set of specialties currently advertised by members on the List. Local 25 may also propose additional specialties or suggest other revisions to those specialties currently in the system. Procedures may be submitted on a rolling basis, as a fair method for determining whether a member has 160 hours of past proven work experience may be different for different specialties. Until approval of a procedure has been given and the Local has implemented it, the current self-identifying specialty system will prevail. Any paperwork associated with the verification of a member's specialty, such as documentation from a contractor regarding the member's past experience, will be stored electronically in the referral system.

**9. Loss of Special Skill Status; Reinstatement; Re-Credentialing by Local 25.** If a journeyperson is laid off twice within a year from first listing, or in any one-year period from that date thereafter, for inability to perform a special skill as reported by the contractor or Business Agent, that specialty will be removed from the journeyperson's profile until the journeyperson takes a refresher course in the skill at the apprentice school. The Referral Hall will send a list of members in need of such recertification to the JAC, and the JAC will let the Hall know when the refresher course has been completed.

**10. Special Requests:** If a contractor, or a BA who is assisting with regard to a contractor's request, makes a special request that would necessitate bypassing FIFO, the contractor or BA must provide a reason for the request to the Operators. The Operators will refer the request to the

Special Master's designated trade expert and to the BA, if the BA is not already aware of the request. The Special Master's designee and the BA shall immediately consider the request and convey their decision to the Operators as to whether job safety, work preservation, or the skills required merit honoring the request. Operators will send monthly reports of all such requests and their disposition to the Plaintiffs, the Union and the Special Master.

11. **Contractors' Do Not Send List:** If a contractor does not want a specific member, whom the contractor has previously employed, to be referred to it by the Hall, the contractor must submit that request to the Hall in writing and include one of the following reasons as the basis of this request: i) Does not have the skill set for the task; ii) Unsatisfactory work; iii) Attendance issues; iv) Insubordination; v) Poor attitude; vi) Conflicts on job; vii) Unsafe work practice; viii) Nonproductive; ix) No reason given; or x) Other. The Hall will provide written notice to the member of a Do Not Send ("DNS") designation within five (5) business days of receiving the contractor's request. The Hall will maintain records of all such requests and will send the Special Master and the Credentialing Committee, with copies to the Plaintiffs and the Union, a DNS report in any month that a DNS request is made, listing contractors making such requests, names of members listed for DNS, and the members' race/ethnicity as recorded in the RH system. The Union will review any Do Not Send requests with the contractor on an annual basis.

12. **Members' Do Not Call List:** Members are expected to take all referrals from the Hall. However, in very limited cases, when members have had previous conflicts with a contractor, they may ask that they not be called for future jobs with that contractor. Members will be asked to provide a reason for the request and will be informed that the Union will be notified of their Do Not Call ("DNC") request for the purpose of resolving any conflict between the member and the

contractor. The Operators will notify the Business Manager of any such requests. This DNC request will remain on file until the member elects to remove it. The Hall will maintain records of all such requests and will send the Special Master, with copies to the Union and Plaintiffs, a DNC report in any month that a DNC request is made, listing members making such requests, reasons, names of contractors that are the subject of the requests, and the members' race/ethnicity as recorded in the RH system. The Union will review any Do Not Call requests with the member on an annual basis.

**13. Contractors May Request Referrals at Any Time.** Contractors may call, fax, or submit an online form to the System to request a referral any time of day, any day of the week. The Operator will typically place calls to journeypersons on the List between 12:00 pm and 2:00 pm, Monday through Friday, except holidays.

**14. Journeyperson Must Answer Rule.** No one can accept a job for a journeyperson other than the journeyperson being referred by the System Operator. If the journeyperson cannot be personally reached, the Operator will call the next journeyperson on the List.

**15. No Response Rule.** Members who are called and do not answer either of their two listed phone numbers during normal hours four (4) days in a one (1) month period, to begin on the date of the first missed call, will be penalized and notified via SMS text and email. No exceptions. If a journeyperson does not want to be called because the journeyperson is out of town, ill, etc., the journeyperson must use the Hiatus Rule (see ¶ 19 below). On the first offense, the member will not be called for jobs for thirty (30) days, regardless of his/her position on the List(s). On the second offense, the member will be removed from the List, and dropped to the bottom of both

Lists, if applicable. If the member chooses to add his/her name back on the List(s), he/she must start from the bottom, according to FIFO.

**16. Invalid Phone Number Rule.** If a journeyperson's phone is not working when the journeyperson is called for a job, the journeyperson will be listed as having an "invalid phone number" and will be removed from the List until the journeyperson has entered a new phone number. The Operator will send SMS text and email notification to journeypersons whose phone numbers have been marked invalid. Once the journeyperson calls in with a new phone number, the journeyperson can go back on the List, at his/her original position, if less than two (2) weeks have gone by from the date of the notification. If more than two (2) weeks have gone by, the journeyperson will go to the bottom of the List when a new phone number is entered. Operators will also inform Local 25 of invalid numbers. It is the responsibility of each journeyperson to maintain at least one valid phone number at all times and to notify the Operator and Local 25 of any changes to that phone number.

**17. One Hundred Hours Rule.** If a journeyperson accepts a job that lasts one hundred (100) hours or less, the journeyperson will be allowed to call the System and have his/her name returned to its original position on the List one time. After that, the journeyperson will go to the bottom of the List, no matter how short the duration of the subsequent job, and the One-Hundred-Hour Rule will reset. If Local 25 notifies the Operator that a journeyperson has been found to have intentionally left a job before working more than one hundred (100) hours that would have otherwise been available to her/him in order to take advantage of this rule it shall

be considered “Egregious Misuse of the System” and the Operator will take such action as may be required in accordance with Rule 26 of these rules.

**18. Refusal Rule.** A Journeyperson Has Only Two (2) Chances to Refuse a Job. If a journeyperson refuses a job offered through the System a third time, the journeyperson will be dropped to the bottom of the List. The Operator will inform journeypersons refusing referrals of the consequences of such refusal at the time of the refusal.

**19. Hiatus Rule:** Journeypersons are allowed to go on hiatus from the System for up to ten (10) business days without being penalized for not accepting jobs from the System. The journeyperson must place him or herself on hiatus before being called for a job or it will count as a refusal or no answer. When a journeyperson returns from a hiatus of ten business days or less, he/she will be permitted to go back on the List at his/her original position. Alternatively, a journeyperson may completely remove his/her name from the List at any time. In this situation, if the journeyperson subsequently calls to place his/her name on the List, his/her name will be placed at the bottom of the List. If Local 25 notifies the Operator that a journeyperson has been found to have intentionally taken an hiatus in an effort to obtain a referral to a better job than the one he/she believes he/she would have been referred to if no hiatus had been taken it shall be considered “Egregious Misuse of the System” and the Operator will take such action as may be required in accordance with Rule 26 of these rules.

**20. Exhaustion of List; Permit Journeypersons.** Whenever the Operators have exhausted the list without being able to fulfill a contractor’s request, they shall notify the Business Manager, the EEOC and the Special Master. The Business Manager shall arrange to dispatch a qualified

Permit Journeyperson(s) from the New Jersey State Council of Sheet Metal Workers (contacting in order Locals 22, 27 and 19). If no qualified journeyperson can be identified by any of the other New Jersey State Council Locals, the Business Manager will forward the request to the Local 28 Referral Hall.

**21. Requests for Permit Journeypersons from Local 25.** Whenever any other Sheet Metal Local requests a Permit Journeyperson from Local 25, the request must be filled through the System. Journeypersons may refuse permit dispatches without any penalty or loss of position on the List.

**22. No-show Rule.** If a journeyperson accepts a job from the System and then does not show up for it, the journeyperson will be barred from the List for thirty (30) days following the date of Local 25's determination of the no-show and report of same to the Operator. **There are no exceptions to this rule**, provided, however, that if a member shall demonstrate to Local 25 through strict documentation, such as police or hospital reports, that the reason for the no-show was a serious accident, a sudden and unanticipated hospitalization or the like then this rule shall not apply. If a journeyperson calls the System to put his/her name back on the List after the thirty (30) day period has expired, the journeyperson will be placed at the bottom of the List. Subsequent offenses of this rule will result in the journeyperson being barred from the List for sixty (60) days.

**23. Working While on the List Rule:** Any journeyperson who obtains employment in the trade while his/her name is on the List must immediately report that employment to the System before actually starting to work so that his/her name can be removed from the list. If Local 25



notifies the Operator that a journeyperson, while working in the trade, had put his/her name on the List or had failed to promptly remove himself/herself from the List, the Operator shall bar the journeyperson from receiving referrals from the System for thirty (30) days from the date that she/he next becomes unemployed. If, after the thirty (30) day period has expired, that journeyperson calls the System to put his/her name back on the List, the journeyperson will be placed at the bottom of the List. Any Local 25 Official or journeyperson, the Operator, the Special Master or any member of his staff, or the EEOC can make a confidential report to Local 25 of any journeyperson who is working in the trade while his/her name is on the List. Subsequent offenses of this rule will result in the journeyperson being barred from the List for sixty (60) days.

**24. Disabled While on List Rule:** If a journeyperson becomes unable to work because of a disability he/she must report that disability to Local 25 within 24 hours of the onset of the condition so that it may determine whether he/she should be placed in disabled status. If Local 25 determines that disabled status is appropriate for a member reporting disability; Local 25 shall notify the Referral Hall Operator. The Operator will flag a member as disabled status for a period of no longer than 60 days. Before the 60-day disability period expires, the disabled member needs to contact Local 25 and either; notify them that he/she is once again ready, willing, and able to work or notify them that he/she is still disabled. If the disabled member is recovered and able to work again, the Union will contact the operator and the disabled status flag will be removed and he/she will maintain the same position on the list as before the disability. If the disabled member has not recovered and is still disabled, the Union will notify the Operator and the member will keep his/her disabled status and receive an additional 60-day disability period

while maintaining the same position on the list as before the disability. A member who remains disabled will maintain his/her position on the list so long as he/she contacts Local 25 before the expiration of each 60-day cycle (i.e. the 60-day cycle is continuous). If the disabled member fails to notify Local 25 before the 60-day period expires, he/she will be considered recovered and the disabled status will be automatically dropped to the bottom of the list. The member will also be dropped to the bottom of the list if said member notifies Local 25 that he/she is still disabled after the 60-day period expires, the disabled status will be put back in effect; however, the member will remain at the dropped position and will not be reinstated to the old position. \*\*Note: An email alert will be sent to Local 25 and the member for members who are nearing disability count of 60 days. The alert will continue to go out five (5) days prior to the expiration status on a member as long as he/she is flagged as disabled (i.e. the email alert is continuous with each 60-day cycle the member remains in disabled status). If a journeyman is collecting TDI, Social Security Disability or any other public or private disability payments for a current disability and puts his/her name on the List or fails to promptly remove himself/herself from the List, the journeyman will be barred from receiving referrals from the System for ninety (90) days from the date following the Operator's receipt of Local 25's notification of the violation. If, after the ninety (90) day period has expired, that journeyman calls the System to put his/her name back on the List, the journeyman will be placed at the bottom of the List. Any Local 25 Official or journeyman, the Operator, the Special Master or any member of his staff, or the EEOC can make a confidential report to Local 25 of any journeyman who is collecting such benefits while his/her name is still on the List. Collecting such disability benefits while on the List may trigger additional actions as set forth in these Rules. The procedure set forth in Rule 27 below

shall be followed if the member wishes to appeal any such actions. Nothing in this rule is intended to limit any individual's rights under the Americans with Disabilities Act, such as the right to a reasonable accommodation, if such accommodation would allow the individual to perform the essential functions of a job.

**25. Members may request a Call Transaction Detail Report.** This report is generated by the Referral System computer system and lists all calls made to members within a date range.

**26. Egregious Misuse of the System Rule.** Accusations of egregious misuse may be made by any Local 25 Official or journeyman, the Operator, the Special Master or any member of his staff, or the EEOC. Cases of egregious misuse may include, but are not limited to: soliciting or recruiting a journeyman's position with a non-signatory contractor or as a temporary heat/air mechanic (thus bypassing the List), placing his/her name on the List while working in the trade in order to maintain a favorable ranking on the List, or engaging in bellicose, belligerent or otherwise abusive or obstructive language or conduct while speaking or otherwise dealing with the System Operator. A journeyman who is found to have engaged in egregious misuse of the System will, at a minimum, be barred from using the System for thirty (30) days. Subsequent offenses of this rule will result in the journeyman being barred from the List for sixty (60) days. Additional sanctions may also be imposed, including but not limited to removal from a job that was obtained through egregious misuse of the System.

**27. Expedited Appeal Procedure.** Members will be notified by the Hall of any curtailment of job referral opportunities, suspension of Hall privileges, or removal of specialty credentials within five (5) business days of such penalty enforcement. The notice will describe the

infraction(s), present any available relevant evidence, and describe the member's right to appeal. Appeals shall be considered on an expedited basis in accordance with the procedures set forth herein.

- (a) A member receiving notice of a curtailment of privileges or removal of specialty credentials may appeal by submitting a written appeal to the Business Manager or his designee within ten (10) business days of the date of the letter of curtailment of privileges or removal of specialty credentials. The Business Manager or his designee will (i) promptly submit copies of all appeals and supporting documentation to the Parties and the Special Master; and (ii) within ten (10) business days of the receipt of the appeal, investigate the appeal, render a decision, and provide the decision to the member, Parties and Special Master. The procedures followed by the Business Manager or his designee shall be informal and may vary from case to case in the discretion of the Business Manager or his designee PROVIDED, HOWEVER, that any procedure followed must provide the accused with a reasonable opportunity to tell his/her side of the story.
- (b) A journeyman may appeal the Business Manager's decision to the Executive Board within ten (10) business days of the date of the Business Manager's decision. If the journeyman appeals the Business Manager's decision, all documents will be immediately sent to the entire Executive Board for review and a decision.
- (c) The Executive Board will decide the appeal within fifteen (15) business days of receipt of the documents from the Business Manager.

(d) Any further appeal or remedies within the Union beyond this point must be pursued according to the provisions in the Constitution and Ritual.

(e) A journeyperson may also appeal the Executive Board's decision to the Special Master if the journeyperson believes that decision was made in violation Title VII of the Civil Rights Act of 1964 or the terms of any Court Order within the Special Master's then-existing jurisdiction.

(f) The Union shall provide the EEOC and Special Master notice of all appeals and decisions within the scope of Paragraphs 27(b)-(d).

1. **Dispute Resolution Procedure:** Subject to exhaustion of the procedures set forth above in paragraph 27, the Special Master shall have jurisdiction to promptly hear and determine complaints from any party, journeyperson, contractor, or any other affected person or entity regarding the interpretation, application, administration or implementation of the System Rules and Procedures. Nothing in these rules or procedures shall serve to limit the Special Master's authority under any of the Court's existing orders.

1. **System Modifications Procedure:** These Rules may be modified by Local 25 at any time subject to review and approval by the Special Master pursuant to any of the Court's existing orders. Modifications can be proposed by any Local 25 official, any journeyperson, the EEOC or the Special Master. Any modifications proposed by the EEOC or the Special Master must be given due consideration by Local 25.

## **Market Recovery Agreement Addendum Rules**

1. All Market Recovery Agreement ("MRA") jobs must first be verified by the Business Manager. Once the job is verified it is open for all contactors.
  2. The Business Manager will notify the referral hall as soon as a job is verified without reference to any particular contractor.
  3. MRA jobs are determined on a job by job basis. Each contractor must verify each job.
  4. Before any journeyman completes the standard consent form acknowledging acceptance of work at the lower MRA rate, the journeyman must confirm that the job has been verified by the Business Manager as an MRA job.
  5. Any member on the referral list who obtains employment at the lower MRA rate through direct solicitation must immediately report that employment to the System Operator.
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1. Once the union determines that a member has accumulated 250 hours on MRA jobs, and advises the referral hall accordingly, the member will be placed at the bottom of the referral hall "A" list.
  2. While working under the MRA, members will remain on the referral hall "A" list and will be available for work on the "A" list. Member's position (number) on the referral hall list will remain the same until member has accumulated 250 hours on MRA jobs or 100 hours on "A" jobs, whichever comes first. In the case of members working at both the "A" and the MRA rate, the union will also advise the referral hall when the member has worked 100 hours at the "A" rate.
  3. The System's "Refusal Rule: A Journeyman Has Only Two (2) Chances to refuse a Job" shall not apply to a member working under the MRA who refuses an "A" job in order to continue

his/her employment at the MRA rate. A member's position (number) on the referral hall list will remain the same in such circumstances. Additionally, members who do not wish to work at the MRA rate will be permitted to refuse MRA jobs without penalty.

4. If a member working under the MRA is dispatched to an "A" job, then the System Operator shall immediately dispatch another member to that MRA job to fill the vacancy.
5. Contractors or members wishing to determine whether a job has been verified as an MRA job must call the Business Manager for that information.