

HIRING PROCEDURE

FOR EMPLOYEES IN CLASSIFICATION KNOWN AS OPERATING ENGINEERS

This hiring procedure is entered in to between _____
(herein referred to as the Employer) and Local Union No. 181, International Union of Operating Engineers (hereinafter referred to as the Union) in order to provide the Employer with a means of securing an efficient and competent working force on a non-discriminatory basis, and in order to minimize the evils of casual employment by securing a fair distribution of work among the workers represented by the Union. To these ends the Employer and the Union agree as follows:

1. The Employer shall give the union twenty-four (24) hours' notice of its need for workmen, and within such twenty-four (24) hours period shall not hire persons not referred by the Union. If, however, the Union fails to refer workers within such twenty-four (24) hour period after having been notified to do so, the Employer shall have the right to hire persons not referred by the Union.

2. In notifying the Union of its need for workers, the Employer shall specify to the Union (a) the number of workers required, (b) the location of the project, (c) the nature and type of construction or work covered under a collective bargaining agreement with this Local, (d) the work to be performed, and (e) such other information as may be necessary to enable the Union to make proper referral of applicants.

3. The Employer shall have the right to determine the competency and qualifications of men referred by the Union, and the right to hire or not hire accordingly. However, the Union shall maintain a "skills sheet" completed by the applicant showing the skills an applicant possesses. If on two (2) consecutive occasions in a calendar year an applicant is rejected or is removed from the job by an Employer because of lack of skill(s) and the skill(s) is one the applicant has placed on the skill sheet, and such rejection is confirmed in writing by the Employer setting forth the specific reason for the rejection, then the applicant shall no longer be referred to any jobs calling for that skill(s) until the

applicant has retrained at the Training Center and been certified as having the required skill by the Training Director.

4. The selection of applicants or referral to jobs shall be on a non-discriminatory basis and shall not 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.

5. The Union shall register and refer all applicants for employment based on the priority groups listed below. Each applicant shall be registered in the highest priority group for which the applicant qualifies. The Union maintains separate referral lists in each District. An applicant may register in all Districts but should the applicant be referred from one District the applicant shall be removed from all other District lists and required to re-register upon subsequent unemployment.

GROUP A

All applicants who have worked as an operating engineer for the past four (4) years; have been employed for an aggregate time of at least one (1) year during the last four (4) years by employers who are parties to Collective Bargaining Agreements with the union, not containing discriminatory referral provisions; and who have maintained residence for the past year within the geographical area constituting the normal construction labor market (as hereinafter defined).

GROUP B

All applicants for employment who have worked as an operating engineers for the past four (4) years and have been employed for an aggregate time of at least six (6) months during the last four (4) years by employers who are parties to Collective Bargaining Agreements with the union, not containing discriminatory referral provisions.

GROUP C

All applicants for employment who have worked as an operating engineers for the past two (2) years and who have maintained residence for the past year within the

geographical area constituting the normal construction labor market (hereinafter defined).

GROUP D

All applicants for employment who have worked as an operating engineer for one (1) year.

GROUP E

All other applicants for employment.

6. The Union shall maintain a separate list for each of the five Groups set forth above, and shall list the applicants within each Group in the order in which they register as available for employment.

7. In referring applicants to the Employer, the Union shall first refer applicants in Group A in the order of their places on the list, and then refer applicants in the same manner successively from the lists for Groups B, C, etc. Any applicant who is rejected by the Employer shall be restored to their place on the list for the Group from which the applicant was referred, unless such rejection is based upon skills as set forth in paragraph 3. If an applicant is rejected by Employer or Employers two consecutive times in a calendar year, that applicant shall be placed at the bottom of the list. When an applicant is referred for employment and the employment does not exceed five (5) working days, such applicant shall retain his/her original out of work date. For each day worked past five (5) days (excluding Saturday, Sunday and official holidays, unless worked), the applicant's report-out date will be moved ahead one day for each day worked. An applicant should be aware that when referred to a few-day job, the applicant must call in and report out of work immediately upon completion of the job so that the applicant can maintain his/her proper report out date. Once an applicant works past twenty (20) days shall be required to re-register upon subsequent unemployment. When the working applicant's employment terminates, the applicant shall be registered at the bottom of the appropriate Group list on which the applicant is entitled to be registered. In order to remain on the list, any applicant not referred to work in a six (6) month period shall be removed from the list and required to re-register. It is the responsibility of the applicant to know the day the applicant registered. If an applicant, upon being referred for employment in regular order, refuses to accept the employment two consecutive times in a calendar year such applicant's name shall be placed at the bottom of the Group list on which the applicant is registered.

8. Any applicant who notifies the referring Agent that the applicant is sick, injured, off due to death of family members, or on vacation, or has had some other emergency which in the referring Agent sole

discretion believes warrants consideration shall maintain the same position on the list. Any sickness, injury which exceeds three (3) days must be verified by a physician.

9. If an applicant is referred to work and then quits employment without first notifying the referring Agent the applicant shall not be eligible to register or be referred for 10 working days.

10. Applicants who are working out of the Local's jurisdiction will be taken off of the out of work list, applicants who are dispatched or working in another jurisdiction must call their home district and report working.

11. Re-registrations for referral shall be accepted at any Union District office by the designated union official at any time during its customary office hours. New registrations shall be accepted by the designated union official at least once each week during office hours. Reasonable notice of new registration periods shall be posted by the Union in the union office and in any other place where notices to employees and applicants for employment are customarily posted.

12. The Union will use its best efforts to notify an applicant for referral when such applicant is to be referred to a job pursuant to the request of the employer but assumes no obligation or responsibility for failure to locate such applicant. If the referring Agent attempts to contact an applicant for referral but is unable to do so, the referring Agent shall contact the next available applicant. If the referring Agent is unable to contact an applicant on two consecutive occasions in a calendar year the applicant will be moved to the bottom of the list.

13. The priorities of referral set forth in paragraph 5 above shall be followed except that in cases where the Employer requires and calls for employees possessing special skills and abilities, or the Employer's schedule requires a worker in close geographic proximity to the work being referred, the Union shall pass over any applicant on the register not possessing such special skills and abilities or not within a geographic proximity to the work.

14. The Union shall require all job applicants who have not previously registered to submit a resume of experience and qualifications on a form provided by the Union and complete the required "skills sheet".

15. In the event any job applicant is aggrieved with respect to the functioning of this hiring agreement that applicant may, within ten (10) days following the occurrence of the event which constitutes the basis for the grievance, file with the person in charge of registration and referral a written statement of the grievance clearly and specifically setting forth the wrong or

violation charged. An Appellate Tribunal consisting of an Employer-Representative, a Union-Representative and an impartial Chairman appointed jointly by the Employer and Union, shall consider such grievance and render decisions which shall be final and binding on all parties. The Appellate Tribunal is authorized to issue procedural rules for the conduct of its business, but is not authorized to add to, subtract from, or modify any of the provisions of this Agreement and its decision shall be in accord with the Agreement. The Union's interpretation of these rules and the historical application are to be given deference, so long as such interpretation or historical application is not arbitrary and capricious.

16. The Union shall, and request the Employer also post in places, where notices to employees and applicants for employment are customarily posted, all provisions of this hiring hall Agreement. The Union is not responsible should the Employer fail to or refuse to post the hiring hall rules.

DEFINITIONS

17. (A) "Normal construction labor market" is defined to mean the following geographical area:

All of Kentucky except for Boone, Kenton, Campbell and Pendleton Counties.

The following counties in the State of Indiana: Bartholomew, Brown, Clark, Crawford, Dearborn, Decatur, Dubois, Floyd, Franklin, Gibson, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Ohio, Orange, Perry, Pike, Posey, Ripley, Scott, Spencer, Switzerland, Vanderburgh, Warrick and Washington.

The above geographical area is agreed upon by the parties to include the areas defined by the Secretary of Labor to be the appropriate prevailing wage area under the Davis-Bacon Act to which this Agreement, applies plus the commuting distance adjacent thereto, which includes the area from which the normal labor supply is secured.

(B) Resident – means a person who has maintained a home in the above defined geographical area for a period of not less than one (1) year or who, having a permanent home in this area, has temporarily left with the intention of returning to this permanent home.

(C) Designated Union official shall mean such person or persons directed by the Business Manager to accept registrations and re-registrations.

(D) Referring Agent shall mean someone designated by the Business Manager to refer applicants consistent with these rules.

(E) Actual Day Worked shall mean any day in which an applicant works for a period over four (4) hours.

NOTICE TO ALL INTERESTED PERSONS WHO SEEK EMPLOYMENT AT THE TRADE OR CRAFT GENERALLY REFERRED TO AS "OPERATING ENGINEERS"

Local No. 181 of the International Union of Operating Engineers has in effect with certain employers a "Hiring Procedure" by which it refers applicants for employment to said employers. Copies of this "Hiring Procedure" are posted in the Local Union offices available to all interested parties. They are also posted on all jobs and projects where they are in effect, provided that the employer has made available a place for their posting.

The "Hiring Procedure" provides that "Re-registrations for referral shall be accepted by the designated union official at any Union District office at any time during its customary office hours. New registrations shall be accepted by the designated union official at least once each week during office hours. Reasonable notice of new registration periods shall be posted by the Union in the Union offices and in any other place where notices to employees and applicants for employment are customarily posted."

District No. 1 – 700 N. Elm St., Henderson, KY 42420

District No. 2 – 6500 Interchange Road N., Evansville, IN 47715

District No. 3 – 2902 Crittenden Dr., Louisville, KY 40209

District No. 4 – 121 Cherrybark Dr., Lexington, KY 40503

District No. 5 – 924 Clark St., Paducah, KY 42003

District No. 6 – 1454 Diederich Blvd., Russell, KY 41169