

LIUNA CODE of PERFORMANCE
REFERRAL HALL and UNION MEMBERSHIP RULES
FOR LABORERS LOCAL 397

The Code of Performance as established by LIUNA and all Local Affiliates are for all referral applicant and members of Laborers Local 397 agree to meet and exceed goals set by the Union and Contractors and incorporate these values in day-to-day work performance. List below not limited to the following:

- The truthfulness of the knowledge and skills I listed on my referral application.
- Agree to pre-hire and random substance testing (alcohol, illegal drugs, etc.)
- Report promptly upon referral to a job and show up for work on time, ready, willing and able to work.
- Be aware of and follow Laborers Local 397's job referral rules Article No.3 of the current Building/Heavy/Highway Collective Bargaining Agreement.
- Avoid absenteeism and tardiness.
- Follow directions from foremen and/or supervisors.
- Will not be insubordinate.
- Agree to give a fair day's work
- Avoid disruptions on the job by using the established procedures to resolve disputes.
- Understand and use safe practices and safety equipment and to work in a safe and productive manner.
- Stealing
- Agree to termination for substance abuse (alcohol, illegal drugs, etc.)
- Refrain from conduct that would interfere with the Union's performance of its lawful and contractual obligations.

Should any person referred for employment with any signatory contractor of Laborers Local 397 being "discharged for cause" and/or any person interfering with any Union Officer's lawful performance of their obligations or violation of Local #397's "Appropriate Behavior in the Hiring Hall" rules, shall be automatically suspended for one (1) month from all referral privileges as stated in the current Laborers Local 397's current Building/Heavy/Highway Agreement Article No.3.

- Should the same individual be terminated for cause or violation of hiring hall rules a second (2nd) time within a twenty-four (24) month period, their referral privileges shall automatically be suspended for six (6) months.
- Should the same individual be terminated for cause or a violation of hiring hall rules a third (3rd) time within a twenty four (24) month period from the first violation, their referral privileges shall automatically be suspended indefinitely (time period begins from the date of the most current discharge).

A termination or hiring hall rule violation shall not be considered suspended if the person has filed a grievance challenging the propriety of their termination, unless and until the grievance is resolved in a manner that affirms the discipline set forth. For the purpose of a grievance challenge, the decision of the Review Committee shall be final and binding.

All grievances must be filed by the applicant in writing within five (5) calendar days of termination or notice of violation to the Review Committee. Such appeal must be in writing containing a brief statement of issues as known by the grievant. Failure to file with the Review Committee within the time described shall void any challenge to the discipline as set forth and described above.

A Review Committee shall be composed of three (3) members appointed by the Business Manager of the Southwestern Illinois Laborers District Council. The Review Committee may vacate or reduce the period of suspension but may not increase or add to the provisions as set forth above. The Review Committee's decision will be by majority vote and shall be based on all available evidence including but not limited to, as appropriate, the circumstances of the evidence, written statements, skill evaluations by third parties. Each party presenting evidence shall be solely responsible for any/all costs (if necessary) associated with the presentation of their individual evidence. The Review Committee's decision shall rest in its sole and complete discretion.

The decision of the Review Committee will affect only the issue of eligibility for future referrals, and will not affect the termination or Union rules violations unless all parties expressly consent to have that issue considered also.

If dissatisfied with the decision by the Review Committee, the grievant may appeal the Review Committee's decision to an Independent Review Officer (IRO) whose costs shall be paid by the International Union. The IRO shall establish a procedure for expedited and prompt review of such appeals. Any appeal to the IRO must be filed by the applicant in writing within five (5) calendar days of time he/she had been notified of the Review Committee's decision. Such appeal must be in writing containing a brief statement of issues as known by the grievant.

Failure to file within the time described shall void any appeal and the decision of the Review Committee shall stand as issued.

Review Committee address:
Laborers District Council
20 Bronze Pointe North
Swansea IL 62226

Approved by the Membership of Laborers Local 397 on this date August 12, 2010

Revised August 2014 per NLRB Case 14-CB-123614

To clarify “... granting certain employer requests by name for individuals” is ONLY for requesting employers’ who previously employed requested individual referred by Laborers Local397 within Local397’s geographical area