1. HIRING PROCEDURES

When an Employer calls a Referral Office for an applicant for employment, the applicant 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 an applicant is requested by the Employer, if the applicant is available. In the event an applicant cannot be or is 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. Upon request, such a dispatch shall be issued to the Employee.

B. When an Employer desires to employ a person ineligible 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 such Employer shall in writing request the Referral Office servicing the job or project for a pre-job conference at least two calendar weeks prior to the commencement of the work or operation of the equipment. The Employer may make such a request where the individual has special skills or previous satisfactory employment within the six calendar months preceding the date of the request by the Employer.

At such pre-job conference, the Employer and the Union shall determine the classification and number of such Employees and the time of the commencement of their employment to the extent practicable. 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 classifications agreed to at such pre-job conference such person or persons shall be referred without regard to the provisions of Addendum No. 1, Sections 4 and 5 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 Union No. 150.

2. LOCATION OF REFERRAL 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 Countryside, Illinois, covering the Counties of Cook and DuPage.

B. Referral Office No. 2 located at Joliet, Illinois, 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 the Counties of Winnebago, Boone, Stephenson, Carroll, Jo Daviess, Lee, the Eastern One-Half (1/2) of Whiteside, DeKalb and Ogle.

E. Referral Office No. 5 located at Utica, Illinois, covering the Counties of LaSalle, Livingston, and the Eastern one-half (1/2) of Bureau and the Eastern One-Half of Putnam Counties.

F. Referral Office No. 6 located at 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, LaPorte, Porter, Jasper, Starke and Pulaski.
H. Referral Office No. 8 located at Rock Island, Illinois, covering the Counties of Henry, Rock Island and Mercer and the Western One-Half (1/2) of Whiteside in Illinois; and the Counties of Clinton, Scott, Cedar, Muscatine, Louisa, Des Moines and Lee in Iowa.

3. REFERRAL LISTS

A. For the purpose of this section of the Addendum entitled REFERRAL LISTS, the following definitions and meanings apply:

(1) “Qualifying hours” refers to work performed for a signatory employer in any one or more classifications identified in the Wage Classification section of this Agreement where that work is within the occupational jurisdiction of the Operating Engineers;

(2) “Comparable hours” refers to verifiable work performed in any one or more classifications identified in the Wage Classification section of this Agreement where that work is within the occupational jurisdiction of the Operating Engineers;

(3) “Demonstrated required proficiency in the Operating Engineers craft” refers to the passage of three proficiency tests conducted by the Local 150 Apprenticeship and Skill Improvement Program;

(4) “Designated Referral Office” means the Referral Office that the registrant has designated as his Referral Office.

(a) The registrant’s Designated Referral Office is the Office where he first chooses to register.

(b) A registrant may only have one (1) Designated Referral Office at any given time.

(c) A registrant may not change his designation for one (1) year following registration with the following exception: if the registrant changes his legal residence, the Referral Office covering the area of his new residence may allow him to designate that Office as his new Designated Referral Office before the expiration of one (1) year.

(5) The definition of and criteria for "Step Two Permit status" is contained in a document entitled NOTICE AND AGREEMENT REGARDING REGISTRATION AND PERMIT PROCEDURES AND RECEIPT OF “BECK RIGHTS” NOTICE, and/or its successor documents.

B. Each Referral Office shall maintain the following lists. Persons not currently employed in the highway, general building and heavy construction or related industries may register for Referral on these lists when the applicable Referral Office is open and such persons meet the eligibility requirements as identified below:

(1) List 1 shall be comprised of persons who have:

(a) identified the Referral Office as his Designated Referral Office, and

(b) Either:

(i) worked 8000 or more qualifying hours in the area covered by the Referral Office where registration is sought; or

(ii) worked 8000 or more comparable hours in the area covered by the Referral Office where registration is sought, demonstrated the required proficiency in the Operating Engineers craft, and obtained and maintains Step Two Permit status; or

(iii) successful completion of the Local 150 Apprenticeship and Skill Improvement Program.

(2) List 2 shall be comprised of persons who have:

(a) identified a Referral Office other than the one where registration is sought as his Designated Referral Office, and

(b) Either:
(i) worked 8000 or more qualifying hours in any of the areas covered by any of the Referral Offices; or

(ii) worked 8000 or more comparable hours in any of the areas covered by any of the Referral Offices, demonstrated the required proficiency in the Operating Engineers craft, and obtained and maintains Step Two Permit status; or

(iii) successful completion of the Local 150 Apprenticeship and Skill Improvement Program.

(3) List 3 shall be comprised of persons who have:

(a) identified the Referral Office as his Designated Referral Office, and

(b) Either:

(i) worked less than 8000 but more than 4000 qualifying hours in the area covered by the Referral Office where registration is sought; or

(ii) worked less than 8000 but more than 4000 comparable hours in the area covered by the Referral Office where registration is sought, demonstrated the required proficiency in the Operating Engineers craft, and obtained and maintains Step Two Permit status; or

(iii) successful completion of the Local 150 Apprenticeship and Skill Improvement Program.

(4) List 4 shall be comprised of persons who have:

(a) identified a Referral Office other than the one where registration is sought as his Designated Referral Office, and

(b) Either:

(i) worked less than 8000 but more than 4000 qualifying hours in any of the areas covered by any of the Referral Offices; or

(ii) worked less than 8000 but more than 4000 comparable hours in any of the areas covered by any of the Referral Offices, demonstrated the required proficiency in the Operating Engineers craft, and obtained and maintains Step Two Permit status; or

(iii) successful completion of the Local 150 Apprenticeship and Skill Improvement Program.

(5) List 5 shall be comprised of persons who are ineligible for inclusion on any other List.

(6) List 6 - Apprentices. 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. No person may register for referral as an Apprentice on Lists 6 or 9 and register for referral on other List(s) at the same time.

(7) List 7 – Preferred Registration. “Preferred” registration of Lists 1 and 2 shall be permitted with regard to the following classifications except where a dual purpose operator is required: Air Compressors, Heaters, Welding Machines, Conveyors, Generators, Elevator Hoists. A person making a “preferred” registration shall:

(a) Be 60 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 any of the areas covered by any of the Referral Offices, 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.

(b) All persons seeking a “preferred” registration shall designate at the time of such registration the specific “preferred” classifications set forth above on which such person is both qualified and physically able to be employed. Such classifications shall then be maintained by the Referral Office as separate lists for referral of such preferred registrants for employment.

(c) No person who obtains “preferred” registration may simultaneously be registered for employment in non-“preferred” classifications. A person who is registered in a “preferred” classification may change to a non-“preferred” classification when he no longer has a physical handicap preventing such registration, as evidenced by a written medical opinion. A person making such a change of registration shall maintain his date of registration as if no change had been made. Any applicant for preferred registration who is not seeking full time employment or is receiving a pension shall not resume the former position on the applicable preferred registration list when working twenty (20) days or less.

(8) List 8 – Pipeline. Separate lists shall be kept for dispatch of registrants subject to the National Pipeline Agreement. The Pipeline Referral Procedures issued by the Union set forth the referral rules for Pipeline List registrants.

(9) List 9 – Out of District Apprentices. An apprentice eligible for inclusion on his designated Referral Office’s Apprentices List (List 6) may register with other Referral Offices. In that event, the registrant shall be included on List 9 of each Referral Office where he so registers.

(10) List 10 – Out of District Preferred Registration. A registrant eligible for inclusion on his designated Referral Office’s Preferred Registration List (List 7) may register with other Referral Offices. In that event, the registrant shall be included on List 10 of each Referral Office where he so registers.

C. The foregoing Lists shall be maintained on the basis of the written statement of the person seeking active employment or other verifiable representations regarding the registrant’s experience and qualifications.

D. Notice of Unavailability. 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 and shall request in writing that his name be struck 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 Grievance Committee 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.

E. Contact Information. 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.

F. Grandfathering Provision. Any person on any List as of the August 3, 2011 revisions to this Addendum shall remain eligible for inclusion on that List despite anything in the revisions to the contrary. Any person who has been dispatched prior to the date of formal implementation of the 2011 revisions shall remain eligible to return to the List from which he was dispatched.

4. ORDER OF DISPATCH

A. Each Referral Office shall dispatch those registrants 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 and thereafter those on List 5 so long as there are any in the classification requested by the Employer who are registered and available for work.
The Referral Office may dispatch persons from Lists 6-10 in an order contrary to the foregoing where required by Section 3 above, other portions of this Agreement, or other Agreements negotiated by the Employer and the Local Union, and where required by law. In no event will the Referral Office exercise its discretion to recruit other registrants for referral until it has determined that no one from its Lists 1-4 and List 5 is able to be dispatched.

B. In the event the Employer makes a request for employment for five (5) or more working days and in the event that there is no registrant in the classification called for on the Lists described in Section 3 or there is no registrant available for work on the Lists described in Section 3, the Referral Office where the request was originally made shall contact the Referral Office nearest the job or project. That second Referral Office shall attempt to dispatch individuals on that Referral Office’s Lists as described in the foregoing. In the event that second Referral Office has no registrant available for work, the Referral Office where the request was originally made shall contact the remaining Referral Offices, and those offices shall attempt to dispatch individuals as described in the foregoing paragraph. Any person dispatched under this paragraph shall be considered as working in the area covered by the Referral Office which issued the dispatch for the duration of his employment.

5. LIST PLACEMENT AND REGISTRATION DATES

A. Subject to Sections 7 A through D of this Addendum No. 1, all registrants shall be dispatched in the order of the registrant’s date of registration on each List 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 3C above, and thereafter in order of date of registration. A registrant shall have the right to submit any dispute to the Joint Grievance Committee established by the Joint Grievance Committee Clause in this contract in accordance with paragraph 12 of this Addendum. The name of a registrant so dispatched shall be stricken from the list when dispatched. However, a dispatched registrant shall resume his former position on the applicable registration list upon the Referral Office’s notification that the registrant is again available for work and has actually worked for the last Employer twenty (20) working days or less.

If a registrant changes his Designated Referral Office:

(1) The registrant will go to the bottom of the applicable out-of-work list of his new Designated Referral Office.

(2) If a registrant changes his Designated Referral Office, he can utilize his original registration date (from List 1 or 3) as his registration date for placement purposes on List 2 or 4 (the “out of district” lists) with his former Designated Referral Office.

B. Incapacity by Reason of Injury or Disease. A registrant who becomes incapacitated by reason of any documented injury or disease shall retain the registration date associated with his last day of work pursuant to this Addendum until such time as he is again available for work. The three refusal rule referenced in CANCELLATION OF REGISTRATION shall not apply to such registrants.

C. Military Service and Union Employment. 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 of more classifications set out in the Wage Classification of this Agreement in the occupational jurisdiction of Operating Engineers, who entered or enters the Military Service of the United States or works for Local 150 or its International Union as an Employee or elected officer shall for all purposes of this Addendum be considered to have worked a reasonable number of qualifying hours during the period of such Military Service or work for the Local Union or its International Union.

6. CANCELLATION OF REGISTRATION

Registration on Lists 1 through 4, and 6-10 shall be valid until canceled or the registrant is dispatched.

Registration on List 5 shall be valid for one (1) calendar month upon advance payment of the monthly registration fee. Monthly registration fees may be paid no more than twelve months in advance. Registrants must re-register for dispatch within 20 days from the expiration of their registration in order to keep their original List 5 registration date.

Any registrant of the Referral Office of which a request is originally made who refuses five consecutive dispatches shall have his name placed at the end of the list on which he is registered.
7. CALL BACK

Regardless of anything in these Regulations to the contrary:

A. Call Back of Registrants Lists 1-4. Where the Employer submits a written request signed by the senior representative of the Employer on a job or project and delivered to the Referral Office covering such job or project stating that such Employer desires, and where the Employer requests that on the basis of past satisfactory service within the preceding thirty-six (36) calendar months, that a named List 1, 2, 3, or 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. The named registrant must be registered in such Referral Office and available for work at the time of the receipt of the written request and also be so registered with the Referral Office for at least seven (7) days if the person had quit previous employment voluntarily. The Employer is not entitled to make such a request if the Employer has laid off or discharged an Employee without just cause to make room for the named registrant. Provided further, that such registrant shall not have received a retirement benefit from the Midwest Operating Engineers Pension Fund.

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 7 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 7 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 7 B.

For all purposes of this Section 7 A, employment by an Employer engaged in a joint venture on work for which one or more Employer parties to such joint venture is responsible to such joint venture shall be considered employment of a registrant only by the one Employer to whom the registrant was dispatched.

B. Requests Based on Experience. Upon written request of an Employer, signed by the senior representative of the Employer on a project and delivered to the Referral Office covering 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 or (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 paragraphs 4 and 5 of these Regulations. The Referral Office will inquire of the registrant as to his experience under (i) and (ii). The Referral Office shall dispatch the first 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 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.

E. Call Back of Registrants Lists 5, 6, and 9. A registrant on List 5 may be called back under the same conditions described in 7 A but only where said registrant has obtained and maintains Step Two Permit status. Registrants on Lists 6 and 9 may be called back under the same conditions described in 7A but only where said registrant has worked at least 2000 qualifying hours.
F. Call Back of Registrants List 8 (Pipeline). The Pipeline Referral Procedures issued by the Union govern whether Pipeline List registrants have Call Back rights and set forth any procedures associated with Call Back for Pipeline List registrants, to the extent any such rights exist.

8. 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.

9. 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 therefrom 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.

10. 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 persons 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.

11. REPORTING FOR WORK

Upon being dispatched, the registrant shall proceed to the job at once. When a call is made to a Referral Office for persons to report to work on the same day of the request, a reasonable time shall be allowed for persons traveling to the job site as agreed by the Referral Office. A registrant who without good cause fails to report for work when dispatched to the assigned shift, or within the time agreed by the Referral Office if dispatched to work on the day of request 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.

12. JOINT GRIEVANCE COMMITTEE

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 Grievance Committee created by the Arbitration Clause of this Agreement provided that such submission is made in writing within ten (10) days after the occurrence of the grievance. The Joint Grievance Committee 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.

13. INDEMNIFICATION

A. By Employer. 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 injury or destruction of property shall be caused by the negligence or willful and wanton acts of said Employee in the course of his 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, lost or damage.

B. By Union. It is expressly understood and agreed between the Employer and the Union that all referrals to Employers shall be made on a non-discriminatory basis. The Union shall and hereby does agree to defend, indemnify and hold
harmless the said Employer from any and all liability on account of the alleged discriminatory operation of the Referral Offices and/or the alleged unlawful administration of the referral process prior to the Employer’s consideration of applicants. The Union further shall defend, indemnify and hold harmless the Employer from all claims and demands, suits, action, administrative proceedings, recoveries, judgment, costs and expenses or other liabilities in any manner arising out of or in connection with any alleged discriminatory Referral Office operation or administration as specified herein.

14. **DRUG/ALCOHOL TESTING**

Applicants for referral under this Addendum No. 1 may be required to submit to drug/alcohol abuse testing procedures, as provided in an applicable collectively bargained drug/alcohol policy. Any applicants for referral who have tested positive for illegal drugs and/or abuse of alcohol under the applicable testing procedures shall thereafter be required to present proof that they have completed an approved drug/alcohol rehabilitation program, prior to and as a condition of being allowed to re-register on the out-of-work list.

Any applicants who have tested positive for illegal drugs and/or abuse of alcohol under the applicable testing procedures three times shall thereafter be required to present proof that they have completed an approved in-patient drug/alcohol rehabilitation program of no less than 30 days’ continuous duration, prior to and as a condition of being allowed to re-register on the out-of-work list. In addition, prior to and as a condition of being allowed to reregister on the out-of-work list, applicants must sign a consent to submit to random drug testing for a period of five years. Failure to submit to a drug test within 36 hours of receipt of notice to do so will be considered a fourth positive test subject to the provisions below.

Any applicants who have tested positive for illegal drugs and/or abuse of alcohol under the applicable testing procedures four times shall be suspended from the out-of-work list for one year and shall thereafter be required to present proof that they have completed an approved in-patient drug/alcohol rehabilitation program of no less than 30 days’ continuous duration, prior to and as a condition of being allowed to re-register on the out-of-work list. In addition, prior to and as a condition of being allowed to reregister on the out-of-work list, applicants must sign a consent to submit to random drug testing for a period of five years. Failure to submit to a drug test within 36 hours of receipt of notice to do so will be considered a fourth positive test subject to the provisions below.

15. **POSTING**

This Addendum 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.

MID-AMERICA REGIONAL
BARGAINING ASSOCIATION

LOCAL 150, IUOE

Dated: ___________________________  Dated: ___________________________

Published: August 4, 2011