



NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS

**JOB SOLICITATION, REGISTRATION AND
REFERRAL SYSTEM WORK RULES**

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Out-of-WorkList: (800) 858-8683 or (212) 366-3330

Job Call Back line: (212) 366-3328

Fax Line: (212) 229-0316

Email: jobreferral@nycdistrictcouncil.org

L.OVERVIEW

1. Establishment of Job Referral System:

The New York City District Council will make available a non-exclusive and non-discriminatory referral list for individuals seeking work with signatory contractors or otherwise bound to a collective bargaining agreement with the District Council. The terms "job referral list" and "out of work list", as used in these rules, are interchangeable and have the same meaning.

2. Non-Exclusivity of Job Referral System:

Carpenters are allowed to solicit ("shape") work from employers provided the employer is a signatory or bound to a collective bargaining agreement with the District Council.

3. Numerical Operation of the Job Referral System:

Eligibility for referral within the geographic area of the job location for carpenters having the requested job skill(s), starts numerically with the individual's personal request to be placed on a referral list (first come-first served) and his or her availability for work at the time the referral call from the Job Referral Office is made.

4. Eligibility for Referrals:

To be eligible for referral an individual must (a) be unemployed and available, (b) be currently registered on the referral list, and (c) meet the training and experience qualifications necessary to perform any specific work assignment as required. **No UBC member may register their name to the New York City District Council of Carpenters Out of Work list if they are working in the trade, in any jurisdiction. Non-District Council UBC members must present themselves at the District Council Headquarters, 395 Hudson Street, 9th Floor, New York, New York or to the Queens Representative Center, 214-38 Hillside Avenue, Queens Village, New York to obtain a Work Permit before they will be allowed to add their name to the Out of Work List.**

5. Separate Apprentice List:

Apprentices shall be referred under separate Job referral lists for each local union and shall be listed according to their apprentice year. Apprentices should freeze their out of work list registration when attending their periodic training classes if they were unemployed prior to beginning their training.

- **All graduating apprentices will be merged onto the journey person Out-of-Work list based on their percentile position on the apprentice Out-of-Work list. Example: If a graduating apprentice is exactly at the halfway position on the apprentice**

Out-of-Work list, he or she will be placed at the halfway position on the journey person Out-of-Work list. It is your responsibility to notify the Job referral office with proof of documentation upon graduating.

6. Posting of Job Referral Lists at Labor Technical College:

All out of work lists are posted weekly and job referrals are posted daily at the Labor Technical College at 395 Hudson Street, New York City and are available for viewing during its regular business hours.

II. SIGNING UP FOR THE OUR OF WORK LIST

7. Registration of Availability for Referral:

A person seeking referral to a job may register with the District Council Job Referral System by telephone during business hours (8 a.m. to 4 p.m.), by providing his or her name, telephone number, social security or UBC ID number and skill qualifications.

Non-UBC members seeking to be added to the Out of Work List must contact the Job Referral Office (**212-366-3330**) and schedule a time to come to the District Council offices at 395 Hudson Street, 9th floor, New York, New York during business hours (**8:00am to 4:00pm**) to provide the following information and documentation:

- **Name**
- **Address**
- **Telephone Contact Number**
- **Date of Birth**
- **Social Security Number or Card**
- **Proof of Certified Skills**
- **Government Issued (Federal or State) photo identification**

Upon providing the above information and documentation, he or she will be added to the Out of Work list. Thereafter, he or she may register with the District Council Job Referral System by telephone during business hours (**8:00am to 4:00pm**), by providing his or her name, telephone number, social security number and skill qualifications.

In an effort to provide a better means of security to personal information, the Job Referral Service representative will ask individuals to verify the last four digits of their social security number, date of birth and/or telephone number before releasing any information.

8. Phone Numbers to Register, Report Employment or Check Position:

1- 800-858-8683 or 1-212-366-3330 may be used when calling to put your name on the list, report employment, or check your position on the out or work list. Calls must be received between the hours of **8 a.m.** and **4p.m.** for these purposes.

9. Carpenters Must Keep Their Registration Information and Skill Certifications Current:

Carpenters are responsible for reporting and updating their current telephone number with the Job Referral Office. Carpenters are also responsible for maintaining any skill certification that may expire with the passage of time, such as CPR or NYS-DOL Laser Safety training. The Job Referral Office does not maintain or track this information. A carpenter dispatched with an expired skill certification will be removed from the job.

(a) If a member has allowed their skill certification(s) to expire, that certification(s) will go into a dormant status for up to 60 days to allow them to be recertified. Once this skill certification(s) is recertified, it is the member's responsibility to notify the Out of Work List to ensure that it has been updated. If the expired certification(s) are not updated with the Out of Work List within the allotted time, the certification(s) will automatically be removed from the member's skill profile at the Out of Work List.

(b) Any certified skill that was not taught by the UBC will require a completed notarized affidavit and/or verification by the Labor Technical Collage before it will be added to a member's Out of Work list profile. This will assure the certification(s) validity and make sure that is in compliance with UBC standards.

10. Companies you do not want to work for:

A carpenter may specify one or more companies he or she does not want to work for by faxing a notarized letter to the Job Referral Office at **212-229-0316** with the carpenter's name, social security or UBC Number and name of contractor(s) he or she does not want to work for. This restriction will only be granted if the carpenter worked for the company in the past, or has had a grievance, lawsuit or other legal claim related to the company. This restriction will remain in place until the member faxes in a notarized letter requesting that the restriction be removed.

III. YOUR RIGHTS AND OBLIGATIONS WHEN YOU ARE REGISTERED ON THE OUT OF WORK LIST

11. Carpenters Must Report Employment:

Carpenters must immediately call the job referral dispatch number, **800-858-8683** or **1- 212-366-3330**, to report that he or she has found employment if they are also registered on the Job Referral List. A carpenter reporting employment will maintain his or her position on the Job Referral List until they receive their third referral, in accordance with

Rule 22 which is stated below. **Any carpenters who fails to report that they have found employment will be removed off the Out of Work list and may be subject to fines as follows: First time-\$100.00; Second time- \$250.00; Third time- \$500.00.**

12. Carpenters Must Call the Out of Work list Every 45 Days:

When a carpenter places his or her name on the Job Referral List, they must contact the Job Referral Office registration number, 1-800-858- 8683 or 1-212-366-3330, between the hours of 8:00 a.m. and 4:00 p.m. again within 45 days from the date he or she first registered with the list and within every 45 days thereafter, assuming the carpenter is still unemployed. Failure to inform the District Council Job Referral Office that the carpenter is still unemployed, at least every 45 days shall result in the carpenter's automatic removal from the Out of Work list.

13. Freezing Your Position on the List:

A carpenter may freeze his or her Out of Work list position for a total of 30 days by faxing their request to 212-229-0316, personally filling out the form at the District Council 9th floor security or Email: jobreferral@nycdistrictcouncil.org prior to the start date of unavailability. The carpenter must include the start date, end date and the reason for requesting the freeze of the out of work list position (for example: vacation, sick, etc.). The carpenter may submit a medical note or documentation of compulsory legal attendance to obtain a hold of his or her out of work list position for more than 30 days in a referral cycle. The 45-day rule **continues** to apply during the member's freeze period.

14. Disputing Your Position on the List:

Any carpenter wishing to dispute his or her out of work list position may come to the District Council on Tuesdays between the hours of 2:00 p.m. and 6:00 p.m. to discuss it with a Job Referral Office staff member.

15. Preferred Minority and/or Female Referrals:

The District Council, from time to time, must fill lawful requests for minority or female employee's due to contract staffing requirements. In order to facilitate these requests a carpenter may, but is not required to, advice the District Council of his or her minority status or gender when calling to put their name on the Job Referral List or updating his or her skills.

- (a) Carpenters that are interested in working PLA jobs (which may require a reduction in rate) may ask to have that particular PLA work added to their Out of Work list profile. Once these criteria are added, you are liable to accept the job in which you are called for or it will go noted as a refusal and you will be dropped from the list.

16. Dispatch Hours:

The hours that the Job Referral Office will call carpenters for next day referrals will be 9:00 am to 9:00 pm. Carpenters MUST be available to accept calls during these hours. However, if a referral is needed for the same day, the Job Referral Office reserves the right to call at any time.

17. Five Rings on Your Phone:

The Job Referral representative will wait for your phone to ring up to five (5) times before hanging up. If an answering device is activated during the five (5) rings, a message will be left.

18. Call Back Rule:

The carpenter may call the Job Referral Office call back line, 212-366-3328 and will be assigned the job he or she was called for ONLY IF it is still available.

19. One Job Refusal will be allowed:

Referrals to jobs starting between 6:00 am and 10:00 am the next day are considered to be regular referrals. Carpenters are allowed to refuse one regular, next day referral from the Job Referral office in any dispatch cycle. To Exercise this option, you must inform the Job referral dispatcher that you cannot accept the referral **BEFORE** you are told any details of the job. However, a carpenter may refuse a referral they just got laid off from, start date exceed 24 hours, Acting steward job, calls from a list in which they are not register with or that has restrictive safety related or restrictive job requirements (ie: high height work, drug testing, criminal background check) without penalty.

IV. REMOVAL FROM THE OUT OF WORK LIST

20. Removal from the List for Unavailability:

Any carpenter who remains unavailable for referral for Three (3) consecutive days (for example, not answering referral calls for three (3) consecutive days) will be dropped from the Job Referral List. The carpenter must then re- register to obtain a new job referral list position. An unable does not restrict or limit a member from receiving more than one job assignment opportunity during any dispatching hours.

21. Removal from the List for Refusal of Referral, No-Shows: Being Unprepared to Work:

A carpenter will be removed from the Job Referral List by a Business Representative for taking a referral and not showing up, or completing a full days work, or for showing up without proper tool, or work clothes, or cannot perform the work listed on their Out of Work list profile.

22. Returning to the Out of Work list after employment:

Carpenters are allowed a combined total of three (3) referrals, request or shapes. There will be no limit on the number of days for each referral (a referral consists of dispatches, requests or shapes). Once a member accumulates three consecutive referrals they will be automatically dropped from the Out of Work List.

22A. No matter the number of referrals an individual has been allowed, if he or she works 45 or more days, whether from a referral, request or shape, he or she will automatically be dropped from the OWL notwithstanding that the individual has not had three referrals as identified in Rule.

23. Referral Investigation:

Members may choose to dispute being charged with a dispatch in which they did not work. To do so, they may send a fax to the out of work list, contact the respective Regional Office to speak to a business representative or come into the District Council office on the 9th floor and fill out a dispute form.

- All members will retain their prior position on the Out of Work list upon re-contacting the list after lay-off if they do not accumulate a total of three (3) consecutive referrals, requests and/or shapes.

Any member that does not work a minimum of four (4) hours work from his or her job referral from the Job Referral office and was laid off due to no fault of their own, can dispute the dispatch by requesting a referral investigation. However, any member that is on the Out of Work List, accepts a referral and is terminated for lack of skill or misconduct resulting in layoff, engineering their layoff because of the scope of work or other invalid circumstances will be removed from the Out of Work list in accordance with Section 21 of the Job Referral policy.

24. EST's Discretion in Administering the Job Referral System:

The Executive Secretary Treasurer of the District Council or his designee shall administer the referral lists and is authorized to exercise his discretion in any event a decision must be made on any administrative or procedural question that might arise that is not specifically provided for in these rules.

V. SPECIAL JOB REFERRAL RULES FOR SHOP STEWARD POSITIONS

25. Shop Steward Certification:

The District Council recognizes that a team of qualified stewards is needed to assist the business representatives in the field. All Shop Stewards must satisfy the qualifications for that position required by Section 16 of the Bylaws for the District Council for New York City and Vicinity of the United Brotherhood of Carpenters and Joiners of America, as amended. Pursuant to a resolution adopted by the Delegate

Body of the District Council on November 13, 2007, effective January 1, 2009, a shop steward must be a member of the District Council in good standing and have completed the (2001 Skill Set Training requirements) this may change as training requirements for jurisdiction, and other training requirements may be added and the District Council's eight (8) hour re-certification class. All Shop Stewards must have on file at the Out of Work List Department a notarized Affidavit of Eligibility to Serve as Shop Steward pursuant to Section 504 of the Labor Management Reporting and Disclosure Act of Eligibility on tilt: will not be dispatched as a shop steward and their shop steward credentials will be suspended until the Affidavit is tiled. The carpenter must also possess the job skills necessary and appropriate for the job to be eligible for that particular job referral.

26. A Shop Steward Must be a Carpenter in Good Standing:

A shop steward must have a current work card and cannot have any outstanding fines or assessments due to the District Council or his/her Local Union. A shop steward found by a Business Representative to not be in good standing will be removed from his or her assignment and dropped from the job referral list (just as if he or she had reported to work without tools).

Shop steward will not be dispatched from the Job Referral Office that is not in good standing at the time of referral.

27. Thirty (30) Day Lag in Skill Changes:

Any request by a shop steward for a change of skills listed in his or her personal profile on the Job Referral List will not go into effect until thirty (30) days after the request is made.

28. Forty-Eight Hour Delay in Early Release of Freeze Holds:

if a shop steward releases a freeze hold earlier than originally requested, there will be a 48-hour delay in its going into effect.

29. No Immediate Dispatches of Stewards:

Shop stewards will only be dispatched between the hours of 9:00 p.m. and 9:00 p.m.

30. A Shop Steward's Job Must Begin within 24 Hours of Dispatched Start Date:

A shop steward dispatched from the job referral list must begin working for the company they are dispatched to no later than the day following the dispatch or the scheduled start date, whichever is later. (For example, a shop steward dispatched on a Monday to start a job on Tuesday, must begin that job no later than Wednesday; if dispatched on a Friday to a job scheduled to start on Monday, the steward must begin working on the job by Tuesday.) If the job does not begin within this 24-hour time period, the shop steward must put his name back on the out of work list and also must contact the assigned business representative to advise that the job has not started. A new shop steward must be requested for dispatch by the Business Representative or contractor to

coincide with the job's actual commencement. This rule shall not apply to job start delays occasioned by awaiting security clearances required for the job site or inclement weather conditions that the job is shut down for, or if the job is shut down for unsafe jobsite conditions.

SHOP STEWARDS MUST BE PRESENT ON THEIR ASSIGNED JOB DURING ALL WORKING HOURS OF THE DAY. THEY WILL IMMEDIATELY INFORM A COUNCIL REPRESENTATIVE IF THEY ARE ABSENT FROM THE JOB SITE EVEN FOR A DAY, OR WILL BE ARRIVING LATE OR LEAVING EARLY OR OTHERWISE NOT BE PRESENT DURING THEIR SCHEDULED WORK TIME. IF THEY ARE UNABLE TO REACH A COUNCIL REPRESENTATIVE TO MAKE THIS NOTIFICATION, THEY WILL CONTACT THE BUSINESS REPRESENTATIVE CENTER ASSIGNED TO THEIR JOB SITE.

31. **Acting Shop Stewards:** When a certified Shop Steward is not available, the job referral office will dispatch the next available member with the same skills requested to serve as the acting Shop Steward. Unless previously obtained and on file with the Office of the Inspector General, the assigned Council Representative will obtain a signed statement of Eligibility to Serve as Shop Steward pursuant to Section 504 of the Labor Management Reporting and Disclosure Act from the member assigned as an acting Shop Steward.

If a member assigned as an acting Shop Steward abandons the job or is removed for failure to perform their duties as an acting Shop Steward, the assigned Council Representative will request that a replacement be dispatched from the OWL. The Council Representative will initiate Shop Steward Review proceedings so that the member's continued eligibility to serve as an Acting Shop Steward may be determined. Removal of an acting Shop Steward may also reflect on their ability to become a certified Shop Steward.

A member appointed as an acting Shop Steward may serve in that capacity for the duration of the job. If additional manpower is requested by the signatory contractor and a certified Shop Steward is available for dispatch, the certified Shop Steward will be dispatched by the OWL and will assume the duties that were being performed by the member appointed as the acting Shop Steward. The member appointed as the acting Shop Steward shall remain on the job as a regular journeyman.

32. Shop Stewards Must Finish the Job to Which They are Assigned:

Shop steward must complete the job to which they have been dispatched. If a shop steward leaves his or her assigned job before it is completed without a valid reason to be determined by the business representative in charge of that job, the business representative responsible for the job MUST notify the Job Referral Office

to remove the shop steward from the Out of Work list and request a new steward for the job. The business representatives have no discretion in taking this action. Also the business representative MUST bring the steward up for steward review. Any steward leaving a job that is still active who doesn't notify the representative for that job shall be brought on steward review.

- (a) Unless exercising their one refusal, bypass option for off hour work or unable to be reached, a temporary steward must accept all referrals in which they are called for. However, a temporary steward that has been dispatched to cover a job for another steward that is on a personal or medical leave of absence must stay on that job until the original steward either returns or until the job is completed, unless dismissed by the contractor for reasons accepted by the business representative assigned to that job. A certified steward who serves as a temporary steward will not be charged a referral if and when s/he is replaced by a returning certified steward.
- (b) A certified steward will be granted up to 90 days to secure their job while they are on personal or medical leave of absence. Any steward who incurs an injury on the job and is out on workman's compensation shall be exempt as long as he/she supplies the Council with a physician's letter stating he/she cannot return to work.

33. Keeping Shop Steward Status After Period of Layoff or After Accepting a Referral:

A shop steward who places his or her name back on the out of work list during a period of lay-off from a job will not be entitled to return to that job when it resumes. In such circumstances, a new steward, with appropriate skills, will be dispatched to the job. However, if a shop steward decides to wait out the lay-off period without placing his or her name back onto the out of work list, he or she will be entitled to return to that job as the shop steward.

34. Assignment of District Council Representative:

Every job to which a shop steward is referred shall have a District Council Representative assigned to it. All shop steward reports for that job shall reference the name of the responsible business representative.

35. All Shop Steward Dispatch Requests Will Be Reviewed:

All shop steward dispatch requests shall be reviewed upon receipt by the District Council's officer responsible for managing the out of work list (hereafter the "OWL Supervisor") or his or her staff, for potential improprieties in the skills requested (regardless of whether the dispatch request is submitted by a contractor, business representative. The OWL Supervisor and his or her staff, shall flag shop steward dispatch requests for further inquiry when:

- (a) A carpenter complains of impropriety related to a particular shop steward dispatch request or referral;

- (b) The shop steward dispatch request is selected randomly by the OWL Supervisor for investigation by the responsible business representative, as described below. The OWL Supervisor will randomly select for investigation no fewer than ten (10) shop steward dispatches per week, provided there are at least that number of dispatch requests received;
- (c) The shop steward dispatch request identifies skill certifications that have been listed by the District Council as part of the job referral system for less than one (1) year;
- (d) The shop steward dispatch request identifies skill certifications that are uncommonly requested (asbestos, welding).
- (e) The shop steward dispatch request identifies skill certifications that appear to be incompatible or otherwise questionable (a request listing concrete and refrigeration, or a request for a skill that is incompatible with the work that the contractor performs).

36. District Council Representative Skill Certification Within 48 Hours:

All shop steward dispatch requests and/or referrals that are identified pursuant to the foregoing rule shall be brought to the attention of the responsible business representative, who must then certify to the OWL Supervisor within forty-eight (48) hours, whether the skills requested are in fact necessary and appropriate. The business representative or manager shall document the steps he or she takes to investigate whether the skills are necessary and appropriate. Failure by the business representative or manager to respond to the certification request in a timely fashion will subject the business representative or manager to disciplinary charges. Certification of inappropriate or unnecessary skills will also subject the business representative to charges.

37. Effect of Unnecessary or Inappropriate Skills:

When the OWL Supervisor determines that a shop steward had been dispatched from the out of work list because the dispatch request identified unnecessary or inappropriate skills, or was incorrectly dispatched for any reason, the OWL Supervisor shall remove the shop steward and return him to the out of work list subject to the three (3) referral rule. If the Independent Monitor, Inspector General or a Representative appointed by the District Council determines that a shop steward was dispatched because of wrongful conduct on the steward's part, the OWL Supervisor shall remove the shop steward off of the job and the out of work list. Whenever a shop steward is removed pursuant to this Rule, a new shop steward will be dispatched from the out of work list based on (a) that steward's position on the out of work list and (b) the necessary and appropriate skills that should have been requested in the first instance. A steward removed from his or her position pursuant to this rule will also have his or her continued shop steward certification subject to review and possible suspension or revocation, and he or she may be subject to internal Union disciplinary charges. All acts of in-

appropriations must be reported to the IGO within 24 hours after occurrence.

38. Reassignment of Work to Successor Contractor:

A. Reassignment of Work to a Contractor Not at the Jobsite: If work on a project is reassigned to a contractor who was not working at the job site at the time of the reassignment, the shop steward assigned to that location for the displaced contractor shall have the right to retain his or her steward position on the job, provided he or she has not re-registered on the out of work list. If the original shop steward does not retain his or her position at the site, a new shop steward shall be dispatched from the out of work list.

B. Reassignment to a Contractor at the Jobsite: If work on a project is reassigned to a contractor who was simultaneously working at the job site (for example, one contractor was installing core sheetrock and the other was performing tenant work), the remaining contractor's shop steward assigned to that location shall have the right to retain his or her steward position on the job, or else a new steward will be dispatched. If the displaced contractor's crew is retained by the remaining contractor and no shop steward has been previously dispatched to the remaining contractor at the job, then the shop steward dispatched to the displaced contractor shall have the right to keep his or her assignment for the new contractor, provided he or she has not put his or her name back on the out of work list.

VI. MISCELLNEOUS

39. Publication of Skill Classifications:

The District Council shall maintain on its website a current list of skill classifications available for carpenters and shop stewards. In addition, the District Council shall make a printed list of skill certifications available for inspection by any carpenter at the District Council's offices.

40. Independent Monitor Glen G. McGorty has been appointed by the District Court for the Southern District of New York as the Independent monitor with authority to investigate allegations of wrongdoing concerning the operation of the Job Referral system. Carpenters with complaints of wrongdoing and/or corruption concerning the operation of the Job Referral system can contact the Independent Monitor through the District Council's toll free Anti- Corruption hotline, (877)-712-4896 or Email: monitor-mcgorty@crowell.com. All calls will be kept confidential and may be anonymous.

41. The Inspector General Office oversees all operations within the Inspector General's Office. The "OIG" Hotline is available to the membership for receiving and handling allegations regarding fraud, waste, abuse, mismanagement or misconduct affecting jobsites within the Council's jurisdiction. Examples of allegations that should be reported to the OIG Hotline include:

➤ Members working for less than what is provided for under the Collective Bargaining Agreement (CBA); Cheating on the OWL; Violating the UBC Constitution and NYC District Council by-laws; Contractors that are violating the CBA; Members making complaints should think carefully about the allegation and the information they have available that can help the OIG determine whether mismanagement or misconduct has been committed. To process the allegations, the OIG will need you to provide as much information as possible regarding the allegations. When calling the 1-855-UBC-TIPS Hotline, please have the following information available, if possible, in order to assist the Investigators in this matter:

- a. General Contractor name
- b. Name of any U.B.C. members
- c. employees Location
- d. Floor
- e. Hours when work is performed
- f. Type of work
- g. How many carpenters
- h. When did it happen?
- i. Who else has knowledge of the potential wrongdoing

Without sufficient information the OIG may be unable to act on allegations reported. The more information you can provide, the better chance the OIG has of determining whether any wrongdoing has been committed. The OIG is very interested in the information you have provided regarding waste, fraud, abuse, mismanagement or misconduct.

Office of the Inspector General Contact Information
Call:

855-UBC-TIPS (toll free and 24 hours)
1-212-366-3354
1-212-366-7363 (fax)

E-mail:

ig@nycdcigoffice.org

On-Line:

Complete our Online Complaint Form

Write:

NYCDC Inspector General
395 Hudson St 9th Floor
New York, NY 10014-7450

Approved: 11/21/2012

Revised: (#5)

11/30/2012

Revised: (#23) 01/09/2013

Revised: (#7) 10/21/2014

Revised: (#40) 01/14/2015

Revised: (#4,#16,#31,#32A) 09/01/2015

Revised: (#22A) 12/15/17

Revised: (31) 9/21/2018
