

EMPLOYMENT PLAN

of the

ELECTRICAL CONTRACTING INDUSTRY

IN OPERATION AS PART OF THE
COLLECTIVE LABOR AGREEMENT
FOR THE INDUSTRY WITH
LOCAL UNION NO. 3, I.B.E.W.

Established

January 5, 1939

AMENDED 2013 – EFFECTIVE 5/8/13

EMPLOYMENT PLAN

Preamble

The purpose of this 2013 Employment Plan is to administer a plan for the equitable distribution of employment in the industry through the cooperative action of the participating Employers, the Joint Industry Board of the Electrical Industry and Local Union No. 3, I.B.E.W. This employment Plan shall be administered by the Joint Industry Board as an integral part of the collective labor agreement for the electrical industry, effective May 8, 2013.

Employment Plan

Section 1 - Joint Employment Committee

a) There shall be a Joint Employment Committee of the Joint Industry Board comprised of four (4) Employer members and four (4) members of the Union together with the Chairman of the Joint Industry Board and the Employment Director as ex officio members without the right to vote. The Committee shall be a standing committee of the Joint Industry Board, which shall appoint its Employer and Union members.

b) The Committee shall meet on a regular basis. Any two (2) members of the Committee may request the Chairman of the Joint Industry Board to convene an emergency meeting.

c) A quorum shall consist of not less than one (1) representative of the Employers and one (1) representative of the Union. Those members of the Employment Committee attending a meeting shall be authorized to cast the full number of votes for their side.

Section 2 - Jurisdiction

a) The Joint Industry Board acting through its Joint Employment Committee shall have jurisdiction in the matter of equitable employment of qualified journeyman electricians by members of the industry as herein provided.

b) There shall be an Employment Department of the Joint Industry Board, consisting of an Employment Director and necessary staff, that shall administer the activities, records and reports of the Joint Industry Board relating to this Employment Plan.

c) In furtherance of the public interest in equitable distribution of work, requests for construction electricians or apprentices by any participating Employer can be made to the Employment Department of the Joint Industry Board for assignment to work within the terms of and as part of the Employment Plan.

d) The Employment Department shall maintain a list of qualified and eligible journeyman electricians.

e) At the request of an Employer, journeymen shall be referred by the Employment

Department from such eligibility list and such assignments shall, so far as practicable, depending on the nature of the work and the qualifications and experience of the employees affected, be made in rotation from such list.

f) The Employment Committee of the Joint Industry Board shall devise the means for equitable referral rotation of employment among the journey person electricians which is fair and practicable for both the Employers and the Journey person electrician and which is consistent with the terms of this plan.

g) The Employment Department shall gather and maintain such statistics and information, as directed by the committee, necessary to facilitate the purpose of promoting stability of employment in the industry.

h) The Employment Department shall render a monthly report to the committee summarizing the work of the Employment Department, the results thereof, and especially showing specific distribution of journey person electricians during the period covered by the report.

i) Individual Employers or Employees with inquiries or complaints relating to work assignments shall submit their inquiry or complaint in writing to the Employment Director. The complaint shall be investigated, proper action taken, and the complainant informed thereof. Any appeal to the Employment Committee shall be in writing within a reasonable time from notice of the decision of the Employment Director. The Committee shall review the appeal at its next meeting. All appeals shall be decided by majority vote of the Committee.

Section 3 - Emergency Work Sharing Provisions

During periods of extreme unemployment within the industry, when the number of unemployed A-rated journey persons (as reported to the regular monthly meeting of the Joint Industry Board) exceeds 5% of the available pool of A-rated journey persons (see Appendix A), for two consecutive months and reaches 10% in the third month the following emergency work sharing provisions of this Plan shall be implemented the first Monday of the following month. All "A" rated construction journey persons shall be obligated to take a furlough as prescribed during each furlough period. All employers shall be obligated to hire furlough replacements as prescribed during each referral period.

a. THE FURLOUGH AND REFERRAL PERIOD

i) The furlough and referral periods shall be determined one time per year by the Employment Committee based on the employment report submitted at the monthly Joint Industry Board meetings.

ii) During Furlough periods the Vacation Program shall be suspended, except as provided in Sub-Section c) viii.

b. The furlough period within which all furloughs are to be completed shall commence the first Monday of the following month. The furlough period shall be one year (12 months).

Employers with more than five (5) furlough eligible A Journeypersons shall immediately hire an A Rated Journeyperson(s) (minimum of 1) up to the specified percentage in (i) below.

For those employers employing 5 furlough eligible "A" Rated Journeypersons or less, the Employers are required to furlough, but not replace, the same percentage of their "A" Rated workforce. However, if unemployment is above 25%, at the commencement of the furlough period those shops have to hire one (1) replacement.

For those jobs that require a specific certification, the employer will hire journeypersons as journeypersons with similar certifications are available; (example: welders, splicers, CDL, asbestos handler, etc.).

- c. The furlough and referral periods shall be determined by a review of the number of unemployed journeypersons in the available pool as reported at the Joint Industry Board meeting, in accordance with the following subsection (i). Unemployed shall be defined as all "A" rated journeypersons listed as readily available for employment with the Employment Department of the Joint Industry Board. Any person designated as unemployed must respond to a call from the Employment Department within forty - eight (48) hours. Should they not respond within seventy-two (72) hours they will be considered unavailable.

Available pool shall not include:

- A. Superintendents or Assistant Superintendents
- B. Estimators/Engineers/Project Managers
- C. Any person receiving Workers Compensation or NYS Disability Benefits
- D. Any person working out of town or country permanently
- E. Permanent New York City Employees
- F. Any person attending college full time
- G. Any person designated as otherwise occupied
- H. Street Lighting and Traffic Maintenance

i. When List of Unemployed Equals:	Furlough shall be:	Referral shall be:
Less than 10% unemployed	Plan does not apply	Plan does not apply
10% or more, but less than 15%	10 weeks, 4 must be consecutive, remainder at the discretion of the contractor, subject to iv.	10% of the workforce subject to furlough shall immediately be hired in the first month of the first 6-month period, and 10% of the workforce subject to furlough must immediately be hired in

15% or more but less than 20%	12 weeks, 4 must be consecutive, remainder at the discretion of the contractor, subject to iv.	the first month of the 2 nd six month period. 15% of the workforce subject to furlough shall immediately be hired in the first month of the first 6-month period, and 15% of the workforce subject to furlough must immediately be hired in the first month of the 2 nd six month period.
20% but less than 25%	14 weeks, 4 must be consecutive, remainder at the discretion of the contractor, subject to iv.	20% of the workforce subject to furlough must immediately be hired in the first month of the first six month period, and 20% of the workforce subject to furlough must immediately be hired in the first month of the 2 nd six month period.
25% or more	14 weeks, 4 must be consecutive, remainder at the discretion of the contractor, subject to iv.	15% of the workforce subject to furlough must immediately be hired in the 1st week. 15% of their workforce subject to furlough must immediately be hired in the 18 th week. 15% of their workforce subject to furlough must immediately be hired in the 35 th week.

ii. Two weeks of each of the above annual furlough requirement can be taken at times agreed to between the employer and employee, when possible.

iii. After hiring the required number of furlough replacements and in the event an employer is going to lay off part of their work force, those employees that were hired as a result of this furlough plan will not be laid off until completion of the referral period unless the employer lays off at least 25% of the furlough eligible journeypersons from the start of a furlough period. This count is determined one time at the beginning of the plan year. However, an employer retains the right to lay off for cause. Furlough replacements may not be furloughed until completion of their referral period.

iv. If the employer reduces their furlough eligible workforce by 25% in any period, they do not have to hire for the next one or two referral periods within the furlough period year. However, an employer who reduces the 25% and does not hire replacement workers loses the flexibility to schedule the furlough at their discretion for Journeypersons only, not supervision, and their employees must take their furloughs in consecutive weeks.

v. Subject to (vi) Unemployment incurred in the one year before the effective date of the furlough period shall count toward furlough time and unemployment time incurred in the current period shall count towards furlough time.

vi. For purposes of calculating furlough time owed, partial weeks will be rounded up or down.

vii. Any journeyperson not now required to take a furlough, that has nine consecutive months of employment as of the start of a referral period, shall be required to take a furlough, prorated to the number of weeks currently in effect. Two of the weeks to be taken when the journeyperson chooses, upon mutual agreement with the employer, when possible.

viii. When the furlough plan is in effect, a Journeyperson working on an 80-20 job may avail himself/herself of the following relief options: a) if he/she works on an 80-20 job, nine months in the furlough year period, the furlough requirement will be reduced by four weeks.

ix. Any journeyperson not subject to any furlough in a given year will be entitled to two weeks vacation to be taken when the journeyperson chooses upon mutual agreement with the employer.

x. Holidays falling within a furlough period are to be paid in accordance with the terms of the working agreement. Journeypersons will not be required to take off additional days for holidays that fall during their furlough.

xi. Upon receipt of the "A" rate, a journeyperson will be subject to the provisions of the Employment Plan of the Electrical Contracting Industry. MIJs who are about to advance to the "A" rate will be offered the opportunity to work for 6 or 12 additional months on market recovery jobs at the current rate in effect. An M journeyperson who qualifies to become an "A" journeypersons shall have the option with union approval to continue working as an "M" journeyperson at the current rate in effect. At anytime after choosing to continue to work as an "M" journeyperson, the employee can opt to become an "A" journeyperson.

xii. These journeypersons working on market recovery jobs will not be required to take furlough during their first full year of employment at the "A" rate of pay. Such individuals who choose this option will be slotted on the employment list as per this plan and their position will move on the list concurrently with their employment in the 6 or 12 month program. Such individuals may remain employed by their current employer at the "A" rate of pay.

xiii. Effective 1/1/2007 journeypersons who lose time due to compensation or disability will be credited one day of unemployment credit for each two days of compensation or disability incurred after 1/1/07.

SECTION 4. - REFERRAL SYSTEM

- a. In the event an employee is in imminent danger of not being qualified for unemployment benefits due to the period of time he/she has been unemployed, that employee may be given a preference in being referred to employment by the Employment Department.
- b. Unemployed journeypersons will be slotted based on their employment history in the 12 months period immediately preceding their last termination date, or most recent date the journeyperson was available for employment whichever is later. Journeypersons who complete their full referral period as a furlough replacement will not be referred out as a furlough replacement in the next referral period.
 1. For any employee who is terminated, his / her termination slip shall indicate the record of his / her furlough(s) when this plan is in effect. During the furlough period any A Journeyperson reporting to the Employment Department for a job assignment shall be placed on the list of unemployed in accordance with the existing agreed upon plan.
 2. Any employee who works nine consecutive months on an 80-20 job.
 - 2.1 Any employee who works nine consecutive months on an 80-20 job has the right to go back to the Employment Department to become available for work and for reassignment provided a replacement worker is available; or
 - 2.2 Any employee who works nine consecutive months on an 80-20 job can have his/her name placed on the available employment list while remaining on the 80-20 job until called for another job.
 - 3 All employees shall be fully transferable from job to job during his / her period of employment.

SECTION 5 - SUPERVISION

a. At the Employer's option, any employee may be designated as general forperson, sub-foreperson or jobbing person subject to; one person shall be designated foreperson by the Employer. In order to become a sub-foreperson or a foreperson on a job where there are: i) ten (10) or less workers a sub-foreperson or foreperson must be a journeyperson for at least one (1) year and ii) more than ten (10) workers a sub-foreperson must be a journeyperson for at least two (2) years and a foreperson must be a journeyperson for at least three (3) years. In addition to the above on the job experience the sub-foreperson and foreperson must have taken all the required safety courses including: CPR, Lockout/Tagout, High Voltage Theory class, OSHA 30 Safety Class, Confined Space Initial Class (for subway and fiber optic) and a respiratory protection class (for asbestos), in addition to any other classes that may be determined to be necessary for the sub-foreperson or foreperson to take in order to protect the journeypersons and apprentices working for him or her.

This section shall apply only to sub-foreperson and foreperson tickets issued after the date of this contract.

SECTION 6 SUPER ABUNDANCE OF WORK

During periods of a super abundance of work opportunity, the following emergency measures shall be taken:

- a. Every effort shall be made to recruit skilled journeypersons for work in this jurisdiction by the union.
- b. If the number of journeypersons registered as available for employment is not sufficient to fill the Employment Department's call for journeypersons, each employer shall lay off an amount equal to 10% of their employees *on furlough*, subject to a minimum of one (1) employee. Employers with 9 or less "A" rated journeypersons are not subject to this provision. Furlough replacements and non-furlough replacements shall be returned on a one-to-one basis.

SECTION 7

Journeyperson electricians formerly employed by a Joint Industry Board Employer in New York City shall have first preference to job opportunities for which they are qualified and eligible. No employee will acquire any preference rights until he/she has been employed in the area by one or more of the participating Employers for at least twelve (12) months immediately prior to application for employment.

SECTION 8

Nothing in this Plan, or any act, rule or decision of the Employment Committee of the Joint Industry Board shall be construed as limiting the right of any individual contractor to discharge immediately any journeyperson electrician for inefficiency, insubordination or any other just cause.

SECTION 9

Local Union No. 3, International Brotherhood of Electrical Workers and the Employers agree to continue an active program of education to maintain and increase the skills and abilities of electricians and contractors wherever possible to keep abreast of the rapid developments of the industry.

SECTION 10

The Electrical Contracting Industry (consisting of public spirited and civic minded employers) recognizing the need of continual vocational training among its employees and whereas the public educational vocational training program may be curtailed due to the lack of appropriate funds, the Employers desire to be of further service to the community and in an effort to relieve the dire need, and supply the wants of vocational training, and in an effort to cooperate with the public

administration, the Joint Industry Board may furnish instructors and supervise advanced training courses for electricians eligible for employment under the Plan.

SECTION 11

In the administration of said Employment Plan qualified journeyperson electricians shall be referred to Employers without discrimination. The Employment Department is a non-exclusive hiring hall.

SECTION 12

Consideration to an Employer or Union request for exception to the terms of this Plan shall be given by the Employment Committee of the Joint Industry Board.

Exceptions - Consideration to an Employer or Union request for exception to the terms of this Plan shall be given by the Employment Committee of the Joint Industry Board in order to provide the economical continuation of certain classes of work which require specific persons in the performance of that work.

SECTION 13

If and when the Union decides this plan is not working, this plan will be suspended, and the 1939 Revised 1992 Employment Plan will be put into effect.