

NO. GEB 18.

WHEREAS, IUPAT members and signatory contractors do not control a majority of market shares in most of our construction markets, and

WHEREAS, construction users and contractors have a choice in deciding to use IUPAT members or not on these projects, and far too many of them are choosing not to use IUPAT members, and

WHEREAS, the only thing our top down organizers have to sell is that IUPAT members are the most skilled, productive, and dependable workers in our industry, that is what makes us worth higher wages and benefits than our nonunion counterparts

THEREFORE BE IT RESOLVED that the Constitution be amended to add a new 194(f) that reads as follows:

Section 194(f). All District Council bylaws shall contain the following provision: In recognition of the fact that each District Council's strength in negotiations comes in large measure by its ability to supply highly skilled, responsible workers to employers, it shall be the duty of all members to render a fair days work in workman like manner. Any member, who is terminated for cause, three times within a twenty-four month period, from a position under a District Council collective bargaining agreement, shall be subject to charges. Unless the Trial Board finds exceptional circumstances, the penalty shall be expulsion from membership. In cases where the terminations resulted strictly from lack of skills, the Trial Board may require the member to attend journeyman upgrade training classes in lieu of expulsion. For members whose termination was a result of falling in the category of dispensated member as defined by Section 102 of the IUPAT Constitution, the Trial Board may recommend that Section 102 be implemented in lieu of expulsion.

BE IT FURTHER RESOLVED that the Constitution shall be amended to add a new mandatory clause section that reads as follows:

Section ____ . Provided it does not conflict with any federal, state or provincial law, District Councils and Local Unions shall include in each of their collective bargaining agreements the following clause. The clause should be added in the collective bargaining agreement under hiring procedures or hiring hall clause. This clause shall be enforced in accordance with the Top Workplace Performance Plan as outlined by the International Union as amended from time to time and it shall read as follows:

(a) Should any person referred for employment be terminated for cause, his or her referral privilege shall be suspended for two weeks. Should the same individual be terminated for cause a second time within a twenty-four (24) month period, his or her hiring hall privileges shall be suspended for two months. Should the same individual be terminated for cause a third time within a twenty-four (24) month period, his or her referral privileges shall be suspended indefinitely.

(b) A termination shall not be considered as "for cause" for purpose of this provision if the person referred for employment has filed a grievance challenging the propriety of his or her termination, unless and until the grievance is resolved in a manner that affirms the termination for cause. For the purpose of this provision, a decision of the District Council Joint Trade Board and/or an arbitrator shall be final and binding.

(c) The provisions in subsections (a) and (b) notwithstanding, a Termination Review Committee, composed of the members of the District Council Joint Trade Board [or, alternatively, if there is no Joint Board, "composed of two (2) members appointed by the Business Manager/Secretary-Treasurer of the District Council and two (2) members appointed by the Employer Association"] may, upon written request of the applicant, vacate or reduce the period of suspension should the Committee determine, following inquiry or investigation, in its sole and complete discretion, that equity requires such action.