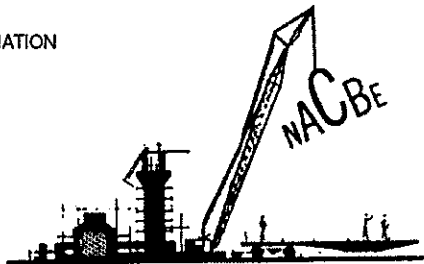


BOILER MANUFACTURERS ASSOCIATION  
SPECIALTY CONTRACTORS  
NTD EMPLOYERS ASSOCIATION

JEFF HINES  
McCarl's Inc.

J. JACOB SNYDER  
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## NATIONAL JOINT RULES AND STANDARDS COMMITTEE

753 State Ave., Suite 570

Kansas City, KS 66101

January 16, 2018

File: 6.3 NJRSC Corresp.

TO: All U.S. CSO District and Lodge Business Managers

RE: Nondiscriminatory Referral Amendment Clarification

Gentlemen and Brothers:

The National Joint Rules and Standards Committee has received several questions concerning referral of manpower under the newly amended language of **Article 8: Nondiscriminatory Referral** of the Uniform Referral Standards and Joint Referral Rules. In order to assist with transition from the previous referral language to the modified referral language, the following five (5) questions have been answered to clarify the position of the National Joint Rules and Standards Committee and should be placed with the Model Referral Rules of each Local Lodge for future reference.

**Question 1:** Due to the modified language in Article 8.7.1 Alternative To Applicable Collective Bargaining Agreement stating “*Each employer shall have the right to select the first twenty (20) preferred referral applicants or fifty percent (50%) of referral applicants, whichever is less, from the Primary out-of-work list of any Local Lodge within the Vice-Presidential section having jurisdiction over Local Lodge (00)*”, does the Employer have the right to select these referral applicants per project or per shift?

**Answer:** **The Employer selectivity language referred to in Question 1 is on a per-project and not a per-shift basis.**

**Question 2:** If an Employer makes the decision to use the modified language in Article 8.7.1 Alternative To Applicable Collective Bargaining Agreement and desires to requisition the first twenty (20) preferred referral applicants or fifty percent (50%) of referral applicants, whichever is less, from the Primary out-of-work list of any Local Lodge within the Vice-Presidential section having jurisdiction over Local Lodge (00), is the Employer limited to the top ninety percent (90%) of a Local Lodge's Primary out-of-work list in requesting preferred applicants?

**Answer:** **The Employer is allowed to select the preferred referral applicants referenced above from anywhere on the Primary out-of-work List of any Local Lodge within the respective Vice-President's geographical jurisdiction regardless of position on said list.**

**Question 3:** If an Employer makes the decision to utilize the modified language in Article 8.7.1 Alternative To Applicable Collective Bargaining Agreement, are they required to notify the Local Lodge prior to the start of the job?

**Answer:** **The Employer is required to notify the Local Lodge prior to the start of a project if it intends to utilize the modified selectivity language referenced above.**

**Question 4:** If an Employer is performing work under a Collective Bargaining Agreement that allows limited selectivity or transferability before requiring the Employer to utilize the referral rules of a Local Lodge, will the number of selected/transferred applicants be deducted from the first twenty (20) preferred referral applicants or fifty percent (50%) of referral applicants allowed to the Employer?

**Answer:** **The Employer selectivity language allowed under the modified referral rules would be suspended on future requisitions until the Local Lodge is allowed the opportunity to meet the established ratio of fifty percent (50%) of the workforce with qualified referral applicants.**

**Question 5:** Due to the modified language of Article 8.9.3 Referral of Apprentice/Trainee Applicants stating "*Qualified Construction Boilermaker Apprentices/Trainees meeting the requirements of Article 5.3.1 of these Referral Rules shall be requisitioned by employers and referred according to ratio requirements of the Boilermaker National Apprenticeship Program (BNAP) or a Certified/Accredited Trainee Program approved by the International President*" and the letter sent by the Boilermaker National Apprenticeship Program, dated May 11, 2017, which requires Local Lodges to maintain a twenty percent (20%) journeyman to apprentice ratio, should an Apprentice/Trainee be requisitioned and referred as the fifth (5th) or sixth (6th) person on a job site?

**Answer:** **When the modified referral language of the Uniform Referral Standards and Joint Referral Rules is utilized, an Employer has an obligation to requisition Apprentices/Trainees at a ratio of twenty percent (20%). After four (4) Journeymen Boilermakers are referred, the next requisitioned and referred applicant should be an Apprentice/Trainee to maintain the proper ratio.**

To: All U.S. CSO District and Local Lodges  
RE: Nondiscriminatory Referral Amendment Clarification  
January 16, 2018  
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You are reminded of the posting requirements as set forth in Articles 2.3 and 8.4 of these Rules. Please post this notice on the Local Lodge bulletin board, website, job site location and/or facility where the Uniform Referral Standards and Joint Referral Rules are displayed.

Please contact me with any questions.

Sincerely,



Timothy Simmons  
Secretary, NJRSC

TS:kr

Cc: N.B. Jones, IP  
U.S. IVP's  
T. Brown, AAIP  
M. Vandiver, SAIP, AD-AAIP, ED-CSO  
G. Forkin, AD-CSO, AIP, ED-QCCUS  
M. Stanton, AD-CSO, AIP, D-JS-CSO  
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