

## **CODE OF EXCELLENCE**

### **Worksite Scenario Suggested Responses**

1. Remind Stewards that the first item they need to think about is the collective bargaining agreement. Is there language that requires the equal distribution of overtime? Is there language that requires the existing workforce to be offered the overtime before other workers are brought in? If there is a grievance, then the Steward should attempt to solve the grievance. If it is an issue, then the Steward should bring it to the Business Manager's attention. The Steward should attempt to meet with management and talk to them about the problem it creates when regular workers are displaced by "favorites". The workers tend to lose morale because they believe that management does not trust them to perform the additional work needed on overtime. Bring it to management's attention that there is lost productivity when workers are brought on to the jobsite and have to be laid out. These workers also have to learn the customer's and jobsite rules. There is lost productivity with the Foreman having to spend extra lay out time. This happens twice. First, it happens to the new crews coming in. Second, it happens when the existing workforce comes back to work. Someone has to know what was done and where the existing workforce needs to begin their work. Management may not be getting their value from their key employees due to the disruption brought about by the overtime workforce.
2. The Member should approach the Foreman and find out if there is a commitment or requirement by the General Contractor or the Sub-Contractors to provide drinking water. If not, the collective bargaining agreement should be checked to determine if drinking water is addressed. OSHA regulations should be checked. If the issue is still unsettled, the Member should approach management about providing the water cans. The crew, Member and Foreman can work together to find a way to get them filled every morning without interrupting production.
3. Ask T.J. to explain why he only wants to work 3 days per week. Ask how he made that decision after being in the apprenticeship program for more than two years. It may be that he has decided he really doesn't want to be an electrician. If that is the case, then he should be encouraged to look for another career. Explain to him that as an Apprentice he is governed by the rules of the Apprenticeship Program. Those rules told him up front that this is an industry where you are expected to be available for all hours of work. Failure to show up for work could result in his being fired from work and dismissed from the program. Last, remind him that by not showing up for work, he is costing the project lost productivity. Normally, projects are not delayed due to absenteeism, so the rest of crew is required to perform additional work to make up for his absence. His absence costs the employer money and should not be tolerated for very long.
4. Ask Jake and Cory to think hard about what they had just been told. If we are not productive, how can our employers bid against hard working people like themselves? Being Union means working under better conditions and for better wages and benefits, but it still means working. The only thing we have to sell is our labor. We agreed to perform to the best of our ability. Doing anything less is cheating our employers and our customers. It is also short sighted. The better our ability to finish projects on time, the better the

employer's ability to get us more work. Argue that by performing to best of our ability would get us more work in the long run and not work ourselves out of a job.

5. Larry should be welcomed to the job. If Larry still has a problem, look for the opportunity to visit with him about the possibility of going through some sort of rehab program. If he passes the pre-employment drug test, Larry should be encouraged to make the most of this employment opportunity. It should be pointed out that his work opportunities are limited. This project can help him prove to the other employers that they should take a look at giving him another chance in the future. Point out that the expectations for this Contractor are the same as the local employers. His failure to perform for this Contractor will result in another ineligible for rehire.
6. Let the crew know that the collective bargaining agreement has a dispute resolution process that allows workers to address problems without walking off the job. Walking off the job would only create a negative image and would make it much tougher to resolve the issue. Tell the crew that you will work with Management to get the issue addressed. Then, approach the Foreman and find out what their contract states about whose responsibility it is to provide restroom facilities to the project. Pressure the Foreman to talk to the General Contractor if it his responsibility to provide them, about keeping them clean. If need be, the Foreman should contact his Project Superintendent to talk to the General Contractor. OSHA should only be called in after informing management that it seems to be the only avenue available to protect workers from disease.
7. Tony should be approached and asked if he knows why the local Union had to develop the lower scale program. Tony should be educated about the economics of the area. Tony should be reminded that members do not walk off projects to solve problems. He should also be reminded that the local Union agreed to provide manpower at the agreed upon rate and the Employer bid the project at the lower rate. Being blackmailed, causing the employer to pay a higher rate would cause them to lose money on the project. That means that they will raise their bids on all future projects and may not get as much work. If that happens, Tony will be back on the road again, due to the Contractors not being competitive at home.
8. Stop George if possible, and ask him to reconsider his initial reaction. If possible, get George and Kris back together and convince Kris that it is his responsibility to take care of the employer's tools. If you and Kris can convince George that he isn't serious about losing or breaking tools, then perhaps you can protect the problem of fighting the discharge. Remind George that under the contract he has the right to terminate for proper cause. He has no proof that Kris or the apprentice was involved with any tool theft. Also remind George that the apprentice is assigned to work with the Journeyman and has no control over what the Journeyman says or does. As such, he certainly could not be held responsible for any tool theft unless George had specific evidence to prove otherwise. Last, as a long-term solution to the problem, offer to assist George in developing a tracking system for tools that can help reduce their loss.
9. Bill should be directed to look at the Code of Excellence. Bill should be required to retract his statement and offer a better understanding. The apprentice Eric should be taught that

IBEW craft workers try to be as productive as possible, no matter what type of work they may be doing. If there is a problem with productivity, Bill needs to contact his Foreman and let him know that they need more tools, information or material. Bill needs to show Eric that we are as productive as possible. Should Bill resist changing his attitude then he may be directed to appear before the Executive Board.

10. Look in the contract to see if the collective bargaining agreement has any language addressing the issue. If not, approach the three crewmembers and talk to them about the problem they are creating by not showing up for work during regular time. Absent any contract language prohibiting it, management may want to establish a policy requiring crew members to work available straight time in order to be eligible for overtime work.
11. Approach Leroy and Phil and remind them that the IBEW does not tolerate harassment of members. Remind them that the IBEW was built on organizing and they might have been non-Union before they joined the IBEW. Point out that Scott strengthened our Union when he joined our ranks and decided to stop working for less. Find out if they have attended Code of Excellence training yet. If not, help them get registered to attend the next class. Let the Business Manager know what they had done and what I had done to try to educate them on their stupidity. Remind them that they are already subject to appearance before the Executive Board and could be charged with their activities if they continue. Suggest that they made restitution to any of Scott's tools as a sign of good faith. Remind them that their employer has a policy against harassing another employee and they could be fired for their actions. Then talk to Scott; take the time to eat lunch with him and welcome him as a member of the IBEW. Point out to Scott that uneducated people act out of fear and that Leroy and Phil are afraid that new members will compete with them for the same number of jobs. Talk to Scott about the fact that by his joining the IBEW, we are stronger and once the Contractors get comfortable with his leadership abilities they would make an effort to utilize that. Then he would be able to run work and make a true comparison of the difference in working conditions. Tell him to check the serial number on his vehicle. It may have been made in the United States. Tell him that Unions have a culture of supporting each other and that when we can we try to buy Union made, American made products.
12. Point out to the entire crew that it is against the collective bargaining agreement to walk off the job because of a dispute. Remind everyone that besides losing our jobs, we would probably lose a customer because of the walk off. The customer who might be the General Contractor would be hesitant to utilize us in the future and it might cost more jobs than just ours. Contact the Business Manager to find out about the problem, if there is one, with the lack of payments to the benefit funds. Let the Business Manager know about the predicament that Jake is in and find out what I could tell Jake about insurance coverage. Inform the crew about the status of the delinquent benefit payments and what the Union is doing to try to collect.
13. It is time to change the tradition. There is nothing wrong with having the check pool as long as the crew moves it to off work hours, such as before or after work, or during lunch. Because Stewards have an inherent additional scrutiny placed on them, I would suggest that the crew find a volunteer so that the customer and employer do not see the Steward

doing this type of activity. Ask the employer to inform the customer that this type of activity is frowned upon by the local Union and everyone, including the Steward has taken the necessary steps to stop it and make sure that the customer is receiving top value for their work.

14. Tell Norm that as a Brother, the first person I am worried about is him. Tell him that I too, have noticed his lack of attendance. Ask him if there is a problem that I could help him with. If he says yes, then help him to find an Alcoholic recovery center. Check the medical insurance coverage first to find out if it is covered, and if so, what facilities are recommended. If Norm refuses to accept that he has a problem, point out to Norm that nobody likes to work with someone who isn't there all the time. Also point out that it is Norm, not the rest of the crew that seems to have the problem. The perception is it is not brotherly to help someone with him/her addiction. Point out to Norm that under the Code of Excellence, he could be discharged and then required to go through a recovery program prior to signing the books if he doesn't take care of the problem on this job.
15. Take the time to try to get these members to be more specific in their opposition to the Code of Excellence program. Try to get them to identify what portions of the program offend them. Encourage them to attend the training if they have not done so. Remind them that we are trying to uphold the ideals that our forefathers had when they created this great Union. Remind them that we are simply trying to walk the walk. Their opposition could translate into their refusal to be professional craftsmen on the job and do their best. If management thinks their opposition is due to their reluctance to be productive it obviously puts them in danger of discharge or certainly lay off at the first opportunity.
16. Talk to the workers about what I had said to other members and why. If they are upset with what I said and I feel that I am right, then they should call the Business Manager and discuss the issue with them. Try to talk to them and tell them that they have the right to file the DFR complaint but they also have an obligation to discuss their problem with the local Union first and try to resolve it prior to filing.
17. Quietly talk to the Foreman about his responsibility to his employer and the potential problem if co-workers or customers are offended by the language on the employee's shirt. The Foreman has a responsibility to ensure a workplace free from harassment, which the shirt could be construed as. Offer to be present when he tells the member that he must leave the jobsite and change his shirt to one that is not offensive. Back up the Foreman and tell the member that he could create a situation that could result in the loss of job opportunities for other members. Tell the member that if he wants to be treated like a professional then he needs to dress like one. If the Foreman still refuses to perform his job contact the Business Manager and ask him to get involved. The employer should talk to the Foreman and if he refuses to perform an important part of his job then he should be removed as a Foreman.
18. Remind the crew that the Foreman's request is in fact an order. Tell them that it is a lawful order and they could be punished for refusal to follow a lawful order. Ask why they are refusing to follow the request to take a break at the jobsite. If there is a legitimate complaint I would investigate it and report it to the Foreman. Do not buy into the old

argument that the employer cannot tell you what to do when you are on your own time. Prior to accepting the contract to perform the work, the employer had to agree to follow the customer's rules.

19. Take the Foreman aside and remind him of how the grievance procedure works. If he refuses to listen contact the hall immediately and suggest that the Business Manager contact the employer. Talk to him and if necessary, the crew about why it is so important that we keep working. If the Foreman refuses to keep the men working suggest that he is starting a wobble and that I would file charges on him. Suggest to the Business Manager that he inform the employer and try to get the Foreman replaced.
20. Talk to the crew about management's right to direct and control the work. Ask if the General Foreman is trying to simply micromanage the project or has some other issue in mind. Remind the crew that a good Foreman should be checking on the progress of his crew against the bid sheets to find out if the shop bid the work correctly or to find out if there is some sort of production problem. Talk to the General Foremen about the crews' discomfort with his bird-dogging and see what his response is. If his close oversight is legitimate talk to the crew about it. If not, encourage him to trust his Foremen to monitor the progress of the job and spend more time making sure we have the tools, material and information to keep as productive as possible. Mention to the General Foreman that he may be causing the crew to slow down, which certainly is not his intention. Talk a little about the productivity issue and how it may be impacted by trust or the lack of it.
21. As project supervisor look at the productivity and safety involved. After 10 hours of work, most workmen are tired and need the break. The contract calls for it. If I was comfortable that it could be done safely, I might ask the crew to work without the meal until the project was done. Then provide the meal as called for in the agreement. Bring up the fact that we could all eat in leisure and not have to worry about the time if we finish up transferring the switchgear first.
22. The first question to ask the member is if he received permission from the Union hall to establish the picket. If he did not, tell him to immediately take it down. Then tell the rest of the crew that he has established an illegal picket and that everyone should go to work as if there was no picket there at all. Inform supervision that what is being done is illegal and then call the Business Manager. Under the Code of Excellence file charges against the member. If the member had taken Code of Excellence training the penalty for his actions could be quite severe. Talk to the crew again about how to resolve our differences without disrupting our jobs.
23. Talk to the crew and explain the management rights clause in the collective bargaining agreement. That way everyone would know that there is no valid grievance. Then talk about why the employer needed to move manpower to satisfy the customer's needs. Suggest that this is an organizing opportunity. Perhaps the employer, with the Union hall's help could run ads in the paper looking for more workers. Suggest that all of us want steady employment. That means that when jobs are completed we need another job to go to. This is the essence of construction and we love it when it works this way. We keep

steadily employed and the employer reduces his job costs by not having to hire new workers and put them through their orientations.

24. There are two issues here to think about. First, look at the collective bargaining agreement and the tool list. Does it state, these tools only, or does it allow workers to bring extra tools? Talk to the new guys about why we negotiate a tool list. Explain that we did that to prevent workers from buying tools to keep their jobs. Point out the employer's policy on replacing employees' tools that are lost, broken or stolen on a job. Most employers do not replace employees' tools for any reason. Contact the Union hall and suggest that more time be spent with newly organized members and talk about bringing the right tools to the job. As far as their attitude goes, welcome them to the project and the Union. Try to find out what they know and assist the Foreman if he is willing, to find the right place for them to work so that they can learn more about our craft. It is important to find the right Journeyman for them to work with in order to get a positive impression of the union environment as soon as possible. Spend the next few days making sure they get introduced to the rest of the crew.
25. As a Steward I am charged with conducting an investigation. More than likely the employer has a company policy about fighting and both workers may end up terminated. I would need to find out if there was a violation of the agreement. If so, then file a grievance. Also notify the union hall. It is possible that one or both of the electricians could have charges filed against them for violation of the Code of Excellence ethics.
26. Immediately go to the Foreman and enlist his help. Tell him that we are being blamed for the sabotage. Both of us need to investigate and attempt to find out what happened. If it cannot be determined who did it then we need to make sure the customer and the General Contractor are aware that we did investigate and could not determine that it was any of our people. We need to inform the crew and enlist their help in convincing the customer that we are not to blame. Only our attitudes and actions can overcome their suspicion. Inform the Business Manager. If we are able to determine that the sabotage was performed by some of the crew then the employer should terminate the offenders. Charges should also be filed against them. They should not return to work on a union project for a long while.
27. Ask for a meeting with the new Foreman. Explain to him that he controls the productivity of the crew. It is hard to do the job when you don't have the information you need or the tools you need to make it happen. Ask him how I could help with situation. Also ask him what training he has taken to be able to move into the Foreman's position. Talk to the crew about helping him out if he is a new Foreman. Remind the crew that even if he is incompetent, he makes the rest of them look bad. It is up to them to force him to improve. Talk to the General Foreman with specific problems caused by the new Foreman that has hampered the productivity of the new crew. Suggest that the General Foreman keep a closer watch on the new Foreman. If the new Foreman does not improve in his lay out instructions or keep ahead of the crew making sure they have the tools they need, then perhaps he needs to think about replacing him. Certainly, both of us need to suggest that he take additional training in supervision techniques so that he can be better prepared to run a crew in the future. Remind the General Foreman that if he does terminate some of the crew for lack of productivity, a grievance will be filed due to his inefficiency. Tell him that we

want to perform and keep our jobs. He has the responsibility to make sure we have the information, tools and material on a timely manner so we can keep busy.

28. Call the Business Manager and inform him at the earliest opportunity. I would not leave my work area to investigate because it does not involve my employer. If I am working close by, I would go over at lunchtime, before, or after work, to see if I can verify Mike's claim. If it can be determined that there is a retired Brother working non-Union, talk to him about why. Inform him that under PBF and NEBF rules, he is jeopardizing his retirement, because they both prohibit his working after he retires. Also find out if there is an organizing opportunity with Bulb Electric. Should the Brother remain working, charges would be filed under the direction of the Business Manager.
29. Ask the Business Manager to re-convene the Labor Management Committee and interpret the make whole remedy. Did that include the overtime? If so, meet with Current Electric and talk about the decision of the LMC. Remind them that their new action of transferring Frank and Bob to another job could be construed as retaliation for losing the grievance and was a violation of Federal labor law. Push for their reinstatement on the project they were working on at the same hours they were working. Meet with the crew and remind them that we can make this work to our advantage if we show management that we simply work to the best of our ability. There was a grievance, it was settled and we keep working, no hard feelings. If we take the high road, we might be able to get further than if we rub it in their face. But, the fact remains, that it is a valid grievance to discriminate against Frank and Bob for winning the grievance.
30. Ask the Foreman to assign the new hand to work with me. Welcome him and talk about the values we hold and why the Union is glad he has decided to join us. Meet with the misguided Brothers that refused to work with him. If I found out that they should have known better, such as having attended Code of Excellence training, I would tell them that charges would be filed against them for violation of the IBEW Constitution. Tell those that are shunning him that they are sowing the seeds of destruction within our Brotherhood when they choose to discriminate against someone who has a different background than they do. Try to find someone to break ranks and make the effort to get to know the new hand and also welcome him into our ranks.
31. Immediately inform the members that wobbles will not be tolerated. They are to return to work as soon as possible or face having charges filed against them. Talk to the Foreman and find out if there is information in the bid about who is supposed to perform the work. Next, call the Business Manager and explain the situation to him. Ask him to help determine who has jurisdiction over the setting of the high voltage switchgear. If we have jurisdiction, then demand that the Foreman go to the General Contractor and fight to allow the electricians to perform our contractual work. If I don't get any satisfaction, I will file a grievance.
32. As Steward it is up to me to set an example to the crew. If All Brite Electric is correct then start talking to the rest of the crew about their obligation to live up to the contract. Ask them to tell me why they feel they should be paid for not performing any work. Talk to them about how their continued lack of productivity will impact the employer's future bids

and possibly cost us work opportunities down the line. I don't threaten the crew but talk to the Foreman and demand that he get on the crew and remind them to stick to the ten-minute break allotment. If the Foreman finds members unwilling to obey his orders then he has the ability and the responsibility to discipline those members and the Union will support him.

33. Ask the crew who gave them permission to burn the wire. Ask who gave them permission to take the wire. If the answer to both questions was nobody, then back up the superintendent if he fired them. Contact the Business Manager and file charges under the Code of Excellence for theft, not only of company property but also of company time. The stealing of copper has been going on in our industry for many years. Some employers depend upon the resale of scrap copper for extra income to defray job costs. Check with the employer to make sure he has a policy against the theft of copper and ask him to reinforce that rule with all of his employees.
34. This is obviously a jobsite supervision problem. The question is how to solve it when there are no qualified foremen on the books. The local Union has an obligation to assist this new Contractor learning how to work under the new contract. Call an LMCC meeting with the other signatory employers and impress upon them the importance of making sure that the new employer has a successful job. Ask them to each provide one or two capable foremen or journeyman to assist this Contractor. Meet with the Contractor and explain how we can help them straighten this mess out. The current supervisors and foremen would have to justify themselves just to be able to stay on the site as journeymen. If an investigation revealed that they knowingly allowed workers to leave early and paid them for that time, they should be terminated. If it can be found out who is stealing material and tools, they should be fired. In both cases charges should be filed under the Code of Excellence. A meeting should be held with the rest of crew. The workers should be reminded that we have an obligation to perform to the best of our abilities and this is giving the Union and them a black eye. The travelers should be reminded that while we appreciate their coming into our area and helping us out, we demand that they perform as well as possible. If they don't feel the need to do that then charges should be filed and they should also be terminated. Classes should be set up for travelers to attend Code of Excellence training as soon as possible. The Business Manager should also meet with the new employer and NECA and attempt to set up Effective Project Supervision Level 1 training as soon as possible. Last, the local Union should be using this as an organizing vehicle and should be looking for local electricians to help man this work.
35. Meet with the Superintendent alone and talk to him about the installation. Inform him that we have a solid reputation for quality work and the bending crew is certainly holding to the high standard. Ask the Superintendent to consider whether or not the wire pulling crew would be impacted by this change. Also ask him to consider what the customer might say if the appearance of the conduit runs changes in the middle of the job. Ask him to take a close look at the time involved in the bending. Compare the estimator's time with the actual and see if it is a problem. If it is a problem, then talk to the crew and do a time trial on the one shot bends, along with installation time. Getting the crew to buy into the Superintendent's decisions based on legitimate reasons goes a lot further than "because I'm the boss". Remind the Superintendent that while the workers are professionals, they are

also human, and sometimes keeping them happy can help with their productivity. The last question to bring up to the Superintendent is this; “Even if the bending crew can finish faster, will they be able to perform any additional work or will they still be at the bending table waiting for more work?” If they can’t leave their work area then it may be a moot point.

36. Object to his reason and demand a legitimate reason. If he fails to provide one, then immediately call the Business Manager. Also suggest to the Superintendent that laying off workers and then calling for more from the hall may be a violation of state unemployment laws. Remind him that the productivity on the job would suffer because the new employees would have to be brought up to speed on the work being performed. The employer would also be incurring more labor costs for the new employees having to go through employee orientation and whatever training the employer required before they are sent to the project. Talk to the crew if this issue was not resolved. Encourage them to maintain their high productivity standards and allow the local Union to get involved to solve this issue. Suggest that if the customer became aware of what the superintendent was doing they might frown upon it and not award any more work to his employer. Also suggest that if the media became aware of the issue, his company might not be looked so highly upon and that could impact future work opportunities. Challenge the Superintendent to be at industry standards and then he would see that our crew is performing admirably and should be congratulated on the job they are doing, not chastised.
37. As General Foreman, take the offenders aside and remind them that the customer has the right to make that rule. Inform them that if they continue, it will be considered disobeying company rules and they will be disciplined. Under the escalating steps of discipline, the next time give them a written warning and possible suspension. After that I would terminate. Inform them that the customer is the reason we have the job and we should do everything reasonable they ask to perform the work. Remind these guys that there are other Contractors the customer can use and they will have the same rule. Challenge them to find another job that has the conditions we have. Find the Steward and go over the list of offending workers. Ask the Steward to support me on this issue and remind the crews about the customer’s rule denying them use of the cafeteria. If it continued one more time, recommend suspension, after that termination