

# CODE OF EXCELLENCE

## Worksite Scenarios

### Answer Sheet

1. The first thing we should do is to refer to 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 a complaint, 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 in a productive manner.
2. Check the collective bargaining agreement to determine if drinking water is required to be provided by the employer. OSHA regulations should also be checked. If the issue is still unsettled, the Steward should approach management about providing water cans. The crew, Steward and Foreman can work together to find a way to get them filled every morning without interrupting production.
3. First, I would ask T.J. to explain why he only wants to work 3 days per week. I would explain to him 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. I would remind him that by not showing up for work, he is costing the project lost productivity and the rest of crew is required to perform additional work to make up for his absence. Crew makeups are essential to perform their task so that all other crews can perform their duties without being delayed by a crew that gets behind. His absence costs the employer money and shouldn't be tolerated for very long.
4. I would 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. I would argue that by performing to the best of our ability would get us more work in the long run, and not work ourselves out of a job. I would suggest to John that he re-evaluate his thinking. I would take the time to question the accuracy of his thinking. I would also suggest that he consider taking a Code of Excellence class to better educate himself on the IBEW and its role in the Outside Line industry.

5. First, Larry should be welcomed to the job. If Larry still has a problem I would 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. I would also 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. 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 convince George not to follow through with their terminations. Remind George that under the contract he has the right to terminate for proper cause. He has no proof that Kris or the apprentice is 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.
7. 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 if they need more tools, information or material to keep busy. Bill needs to show Eric that we are as productive as possible. Should Bill resist changing his attitude then contact the Business Manager for further directions.
8. Look in the contract to see if the collective bargaining agreement has any language addressing the issue. If not, approach the crew members and talk to them about the problem they are creating by not showing up for work during regular time. Absent any contractual 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.
9. I would approach Leroy and Phil and remind them that the IBEW does not tolerate harassment of members. I would remind them that the IBEW was built on organizing and they might have been non-union before they joined the IBEW. I would point out that Scott strengthened our union when he joined our ranks and decided to stop working for less. I would find out if they have attended Code of Excellence training yet. If not, I would help them get registered to attend the next class. I would also let the Business Manager know what they had done and what I had done to try to educate

them on their stupidity. I would remind them that they are already subject to appearance before the Local Peer Review Committee and could be charged with their activities if they continue. I would suggest that they make restitution to any of Scott's tools as a sign of good faith. Last, I would remind them that their employer may have a policy against harassing another employee and they could be fired for their actions. I would then talk to Scott. I would take time to eat lunch with him and welcome him as a member of the IBEW. I would 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. I would 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. I would also tell him to check the serial number on his vehicle. It may have been made in the United States. I would 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.

10. I would point out to the entire crew that it is against the collective bargaining agreement to walk off the job because of a dispute. I would 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. I would contact the Business Manager to find out about the problem, if there is one, with the lack of payments to the benefit funds. I would let the Business Manager know about the predicament that Jake is in and find out what I could tell Jake about insurance coverage. I would inform the crew about the status of the delinquent benefit payments and what the union is doing to try to collect.
11. I would tell Norm that as a Brother, the first person I am worried about is him. I would tell him that I too, have noticed his lack of attendance. I would ask him if there is a problem that I could help him with. If he says yes, then I would help him to find an Alcoholic recovery center. I would probably 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, I would point out to Norm that nobody likes to work with someone who isn't there all the time. I would also point out that it is Norm, not the rest of the crew that seems to have the problem. It is not brotherly to help someone with his/her addiction. I would 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.
12. I would take the time to try to get these members to be more specific in their opposition to the Code of Excellence program. I would try to get them to identify what portions of the program offend them. I would also encourage them to attend the training if they have not done so. I would remind them that we are trying to uphold the ideals that our forefathers had when they created this great union. I would 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.

13. I would talk to the workers about what I had said to other members and why. If they are upset with what I said and I still feel that I am right, then they are free to discuss the issue with the Business Manager. I should 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.
14. I would 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. I would also 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. I would 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. I would also 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 I would then 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.
15. I would remind the crew that the foreman's request is in fact an order. I would tell them that it is a lawful order and they could be punished for refusal to follow a lawful order. 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.
16. I would take the foreman aside and remind him of how the grievance procedure works. If he refuses to listen I would contact the Business Manager immediately. I would talk to him and the crew about why it is so important that we keep working.
17. I would talk to the crew about management's right to direct and control the work. I would ask if the general foreman is trying to simply micromanage the project or has some other issue in mind. I would 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. I would 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 I would talk to the crew about it. If not, I would 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. Last, I might mention to the General Foreman that he may be causing the crew to slow down, which certainly is not his intention. I would talk a little about the productivity issue and how it may be impacted by trust or the lack of it.

18. As project supervisor I would 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 or the workers are entitled to receive one hour additional pay. 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. I would then provide the meal as called for in the agreement. I might even bring up the fact that we could all eat in leisure and not have to worry about the time if we finish replacing the transformer first.
19. The first question I would ask the member is if he received permission from the union hall to establish the picket. If he had not I would tell him to immediately take it down. I would 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. I would inform supervision that what is being done is illegal and then I would call the Business Manager. If the member had taken Code of Excellence training the penalty for his actions could be quite severe. I would talk to the crew again about how to resolve our differences without disrupting our jobs.
20. I would 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 I would talk about why the employer needed to move manpower to satisfy the customer's needs. I would also 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. I would also 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.
21. As a Steward I would conduct an investigation. More than likely the employer has a company policy about fighting and both workers may end up terminated. I would notify the union hall. It is possible that one or both of the employees could have charges filed against them for violation of the Code of Excellence. Lastly I would convene a meeting of all hands to inform them of the potential consequences to the employer and/or by the customer. Complaints from the general public seeing the fight and the employers name on the trucks could cause the employer to lose the project and your job.
22. I would immediately notify the Steward or the Business Manager. I would tell him that we are being blamed for the sabotage. An investigation will take place. If it can not be determined who did it the customer and the General Contractor will be notified we investigated and could not determine who was responsible. 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. Under the code of Excellence they should not return to work on any union project until restitution is made.

23. I would ask for a meeting with the new Foreman. I would 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. I would ask him how I could help with the situation. I would talk to the crew about helping him out since he is a new Foreman. I would remind the crew that even if he is incompetent, he makes the rest of them look bad. Last, I would talk to the General Foreman with specific problems caused by the new Foreman that has hampered the productivity of the new crew. I would suggest that the General Foreman keep a closer watch on the new Foreman. If the new Foreman does not improve in his layout instructions or keep ahead of the crew making sure they have the tools they need, then perhaps he needs to think about replacing him. Last, I would remind the General Foreman that if he does terminate some of the crew for lack of productivity I would file a grievance due to his inefficiency. I would tell him that we want to perform and keep our jobs. He has the responsibility to provide a safe work environment, and make sure we have the information, tools and material delivered in a timely manner so we can keep busy.
24. I would 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, I would talk to him about why. I would inform him that under PBF and NEBF rules, he is jeopardizing his retirement, because they both prohibit his working after he retires. I would also find out if there is an organizing opportunity with Bulb Electric. Should the brother remain working, the Business Manager may end up filing charges.
25. I would ask the Business Manager to interpret the make whole remedy. Did that include the overtime? If so, I would then meet with Current Electric and talk about the decision of the LMC. I would 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. I would push for their reinstatement on the project they were working on at the same hours they were working. But, the fact remains, it is a valid grievance to discriminate against Frank and Bob for their grievance being upheld.
26. I would ask the Foreman to assign the new hand to work with me. I would welcome him and talk about the values we hold and why the union is glad he has decided to join us. I would 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 I was filing charges against them for violation of the IBEW Constitution. I would also 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. I would 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.

27. I would ask the crew who gave them permission to burn the wire. I would ask who gave them permission to take the wire. If the answer to both questions was nobody, then I would back up the superintendent if he fired them. I would also contact the Business Manager. I would 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 or customers depend upon the resale of scrap copper for extra income to defray job costs.
28. I would object to his reason and demand a legitimate reason. It is important to prove that these workers are good workers and do not need to be laid off. If he fails to provide one, then I would immediately call the Business Manager. I would also suggest to the Superintendent that laying off workers and then calling for more manpower from the hall may be a violation of state unemployment laws. I would also 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. I would 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. Last, I would talk to the crew if I was not able to resolve this issue. I would encourage them to maintain their high productivity standards and allow the local union to get involved to help solve this issue.
29. As General Foreman, I would take the offenders aside and remind them that the customer has the right to make that rule. I would inform them that if they continue, I will consider it to be disobeying company rules and they could be disciplined up to and including termination. I would inform them that the customer is the reason we have the job and we should do everything required to perform the work. I would remind these workers that there are other contractors the customer can hire. I would go over the list of offending workers with the Steward. I would ask the Steward to support me on this issue and remind the crews about the customer's rule denying them use of the cafeteria.
30. There is a fine line between pride and arrogance. We must always remember that we are the experts and we are hired to solve problems for the customer. Wouldn't it make more sense to help the inspector perform his job? This particular scenario made it personal for the customer. How inclined do you think that person will be to recommend IBEW workers in the future. How many area people think these workers might be biting the hand that feeds them. It is easy to stand back and point the finger at others problems but our future work depends upon solving those problems in a manner that creates a loyal customer. The crews certainly should have invited the inspectors to their party and taken the opportunity to create real relationships with those inspectors. The Business Manager has control over what message is printed on clothing, emblems, etc. when the IBEW is mentioned. These workers should have

discussed the shirts with the BM prior to printing. What message could have been printed to create a real sense of job accomplishment?

31. The Company is solely responsible for making that determination unless the collective bargaining specifies differently. The employees' actions could be cited as a work stoppage and if the Steward was involved or participated, the local union could be sued for all costs associated with the loss of production. Any shutdown is a concern for the customer and may affect the existing contract and any future projects
32. There is no excuse for this kind of behavior from IBEW members. These actions are a violation of the very Objects of the IBEW Constitution that all IBEW Members took an oath to uphold. The damage will probably never be undone and those non-union workers will repeat their stories for years to come about how they were treated. What if the utility demanded to be reimbursed for the food that was thrown away? Who would cover that cost? These members should be required to attend Code of Excellence training as a minimum in an effort to educate them about the consequences of their actions. If you were the Business Manager would you file charges against these members?