

New York City District Council of Carpenters

Business Representatives Duties and Responsibilities

A Business Representative ("BR") advances the mission of Trade Unionism and protects the benefits we have fought to obtain for our members by ensuring compliance with the collective bargaining agreement on jobs in your assigned areas. This memo will outline many of the duties and responsibilities the District Council expects of a BR in the performance of their jobs in the pursuit of these goals. These goals are accomplished, by:

1. Regularly visiting jobs and/or communicating with the shop stewards and members

- a. BR's must make a good faith effort to regularly visit all jobs assigned to them.
- b. If it is not possible to visit all assigned jobs due to short durations or other commitments of your position, job visit priorities should be guided by
  1. Largest jobs in your area;
  2. Responding to reports of problems at a job from a member, shop steward or the District Council;
  3. Contractors with histories of problems; or
  4. Special instructions from the District Council or your Business Manager ("BM").
- c. A BR should have contact by phone or in person with every shop steward dispatched in their area promptly after they are dispatched.
- d. A BR should be available to be contacted during normal business hours by the District Council, their BM and the Local Union office.

- e. A BR should regularly return phone calls to members. Local Unions must institute procedures for receiving, recording and relaying phone messages for BR's and the BM.
- f. A BR should regularly communicate with the BM and attend BR meetings at the District Council.

## 2. A BR Must Review Shop Steward Reports

- a. A BR must check and confirm that shop steward reports are received from every job assigned to them every week that the job is active.
- b. A BR must print and sign his name and signature in the spaces provided on the shop steward report. The BR must print the date next to his signature.
- c. Shop steward reports must be legible and reviewed for completeness. All information must be provided (i.e. names, UBC No.'s, 50/50 information, hours worked, foreman or supervisors name and signature (dated), shop steward's dated signature, etc.)
- d. Every job will have a BR assigned to it. A BR should not sign a shop steward report for a job not assigned to them, unless acting in place of the BM if the responsible BR and the BM is absent. If a BR is not available to sign their shop steward reports, the BM should sign in their place and indicate the reason why the BR is not signing (i.e. "John Jones, B.M. for Joe Smith, BR, on vacation")
- e. Shop steward reports should be reviewed for 50-50 compliance on a weekly basis.
- f. Shop steward reports should be reviewed for proper apprentice-journeyman ratios (i.e. Wall-Ceiling Agreement 2-5) on a weekly basis.

- g. Shop steward reports must indicate if it is the last report of a job, due to suspension or completion of the job, etc.
- h. By signing the shop steward report the BR is verifying that the shop steward is the dispatched shop steward on the job and that the BR is the assigned agent. While signing the shop steward report is not itself a confirmation of the proper 50-50 ratio or other contract compliance issues, the BR should remember that they are responsible for monitoring the accuracy of the information contained on them on a weekly basis, by checking them against the information provided by the District Council Job Referral Office.

### 3. Maintaining Job Folders and Daily Activity ReQorts

- a. A BR must create and maintain a job folder for every job assigned to them.
- b. The job folder must be started upon receipt of the 1st dispatch of any worker to a job. A BR should promptly determine whether a shop steward has been or must be dispatched to the job and take appropriate action.
- c. A BR shall maintain neat and well organized job folders. The job folder shall contain copies of all dispatches, shop steward reports, grievances, Union charges filed, shop steward change forms, and other correspondence relating to the job. On the inside cover of the folder, the BR should maintain a Job Folder Activity Sheet on which shall be recorded the dates of 50-50 checks, apprentice mechanic ratio checks, job visits, grievances and any other information the BR deems pertinent to the job. This information will provide an easy and ready reference to the BR' s daily activity reports.

### 4. Maintaining Daily Activity Reports

a. A **BR** shall complete daily activity reports ("DAR' s"). DAR' s must be submitted to the BM each week. The BM shall insure that all **BR' s** complete and submit to their DAR' s on a weekly basis and the BM shall confirm to the E.S.T. each month, on a form to be provided by the Council, that each BR under his supervision has completed this task. The BM shall review and maintain the DAR's in secure files and make them available for review upon request by the District Council.

b. The DAR shall contain notes of the **BR' s** daily activities including:

1. All job visits and any significant issues encountered;
2. Initial contacts with shop stewards required;
3. Shop Steward reports reviewed for contract compliance;
4. Attendance at grievance meetings or other official Union functions; and
5. Any other significant work related activity.

5. Reporting Incidents to the District Council and Independent Investigator.

**a** A **BR** must become and remain familiar with his obligations and duties under paragraph 6(d) of Judge Haight's December 17, 2002 Order appointing the Independent Investigator, to promptly report to the Independent Investigator:

- i) any actual or suspected violations of the job referral rules;
- ii) any actual or suspected violations of local, state or federal law in connection with the job referral rules;
- iii) any actual or improper circumvention of the job referral rules; and
- iv) any actual or suspected acts of wrongdoing or corruption in connection with the job referral system.

"Wrongdoing" as used in the foregoing sentence shall include, without limitation:

- i) manipulation of the job referral rules for political or personal gain;
  - ii) falsified reports, including, without limitation, Shop Steward reports;
  - iii) kickbacks and bribes; and
  - iv) permitting contractors to pay workers in cash or violate the "50/50 rule".
- b. Business Representatives must inform Maurice Leary, D.O.O., of all

events reportable to the I.I. under the previous section.

#### 6. Processing Grievances or Disputes with Employers

- a. BR' s are encouraged to resolve disputes on the job site whenever possible, in a fair and equitable manner.
- b. Grievances not resolvable on the job site should be filed on grievance forms provided by the District Council. Grievance forms should be completed with the member's assistance. Additional assistance and direction can be provided by the BM or the District Council Grievance Chairman.
- c. All documentation relating to the grievance should be collected and safeguarded by the BR for use in the grievance and arbitration process.
- d. A BR should remain in contact with the member(s) affected by grievance and attend and participate in the presentation of the grievance at the grievance hearing and arbitration stage, if necessary. A BR should, at all times, cooperate with and assist the Grievance Chairman and District Council attorneys in the preparation and presentation of the grievance.