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INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES, AFL-CIO, CLU

MEMORANDUM

To: Business Manager/Secretary-Treasurers of District Councils
and Business Managers of Non-affiliated Local Unions

From: James A. Williams
General President

Date: November 30, 2005

Subject: Top Workplace Performance Plan

As the IUPAT continues its efforts to organize and gain market share in our industries, we recognize some hard realities that exist in our industries. They are as follows:

1. We do not control a majority of market shares in most of our construction markets.
2. Construction users and contractors have a choice in deciding to use IUPAT members or not on these projects. Far too many of them are choosing not to use IUPAT members.
3. 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.
4. A small percentage of IUPAT members are unqualified, unwilling, or unable to adequately perform their job duties. That small percentage reflects on all of us and hinders our ability to gain market share and work opportunities for the vast majority of our members whose work performance makes them deserving of more work opportunities and the highest wage and benefit package in the industry.

We cannot let a small group of members stop us from gaining work for that great majority of members who work hard everyday. Other building trades unions have instituted a plan which we have modified and are recommending be implemented in our District Councils and/or unaffiliated Local Unions in order to ensure that the people we refer to our employers are there to provide a fair day's work for a fair day's pay.

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We have devised a system that will allow us to eliminate from our referral lists members who choose not to be skilled, productive, and dependable.

When you implement this system, it will require amending your District Council and/or unaffiliated Local Union bylaws with the attached "Model Bylaw Provision" and amending your Collective Bargaining Agreement and/or your hiring hall rules with the "Recommended Hiring Hall Clause" which is also attached. Another attachment you will find is a "Notification of Termination Form" which employers will need to fill out, sign and send to the District Council or Local Union office when someone is terminated for cause. Partnership with the employers is essential if this system is to work. I suggest an industry meeting with the employers prior to implementation to get their buy-in.

Putting organizers or industry liaisons out in the industry to sell employers on the benefits of signing a union contract is only part of the job. They have to be selling a top notch product. This top performance plan, coupled with our continued efforts to enhance apprentice and journeyperson training, will put value behind the words of our representatives as they promote the IUPAT in the marketplace.

I have also attached an overview of our Top Workplace Performance Plan which outlines the goals of the plan along with the responsibilities of our District Councils, Local Unions, Employers, Stewards and Members. Implementation of this plan will require industry meetings to ensure that all parties are living up to their responsibilities and are well informed. You should share the overview with your employers in advance of an industry meeting. I have asked the LMCI to develop training for stewards to assist with the implementation of the plan and to ensure our members have every opportunity to avoid being terminated and losing referral privileges and union membership.

Sometime in March 2006 each IUPAT member will receive a video from me describing the importance of this plan and what is at stake for our industry and our union.

Attachments

cc: GEB Members, Washington Staff, GPRs, IOs

vc/iupat 1937

f/Top Workplace Performance Plan/Organizing

MODEL BYLAW PROVISION

In recognition of the fact that the 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 a workmanlike 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 as 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.

**RECOMMENDED HIRING HALL CLAUSE TO BE ADDED TO COLLECTIVE
BARGAINING AGREEMENTS**

Should any person referred for employment be terminated for cause, his or her referral privileges 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 referral 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.

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.

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.

Notification of Termination Form
(Please type or print clearly)

Name, Address, Phone of Employer Completing this Form:

Authorized Signature: _____

Name of Authorized Person: _____

Name, Social Security Number of Employee Being Terminated:

Date of Termination: _____

Reason for Termination: (Check one or more)

Excessive Absenteeism: _____

Excessive Tardiness: _____

Lack of Required Skills: _____
(This area cannot be checked for apprentices)

Insubordination: _____

Theft: _____

Other (Please Describe):

Instructions: Please mail this completed form to District Council or Local Union _____ at _____
Immediately upon termination of an employee for any cause other than lack of work.

Overview

The IUPAT Top Workplace Performance (TWP) is a program for IUPAT district councils and local unions in the construction industry to promote and bring out the best from our construction members on the jobs for our signatory contractors.

Top Workplace Performance Means:

- < **Highest Quality and Quantity of work**
- < **Using best skills**
- < **Using best work practices**
- < **Eliminating members from our referral list who cannot hold a job in our industries**

The goal of the TWP is a job built on time, under budget, and built right the first time.

The TWP will instill a sense of pride in our members' craftsmanship. Upon completion of the job, the lasting impression of quality workmanship will remain with the customer, prompting him to utilize the IUPAT again.

The TWP can be accomplished through teamwork on the job, and projecting a good attitude about the work we do on and off the job.

The TWP must have the total support of all affiliates on all levels, and the officers of the district councils or local unions must pay particular attention to this task by setting an example for others to follow. This includes the promotion of the TWP to all members and employers.

Because the role of a "Steward" is critical to the program's success, the business manager, with the full support of the officers of the district council or local union, will carefully appoint, extensively train and activate stewards on the job. The steward shall have responsibility for communicating the TWP to all members, and ensuring all members fully meet their responsibilities as outlined in the TWP.

IUPAT District Council and Local Union Responsibilities

The business manager/secretary-treasurer and the stewards shall ensure that the following responsibilities of the district councils and local unions in the Top Workplace Performance plan are being met – every day and by every member:

- < All members are adhering to the contractual starting and quitting times
- < Break times are limited to the time allowed by the contract, or agreement(s)
- < Members are adhering to the lunch periods established in the collective bargaining agreement (CBA)
- < Members shall meet their responsibility to have all personal tools they are required to have by CBA
- < Members meet their responsibility in taking care of the tools provided by the employer
- < Members meet their responsibility to be fit for duty, and our zero tolerance policy for substance abuse is strictly adhered to
- < Members are productive and idle time is kept to a minimum
- < Members will meet their contractual responsibility to eliminate disruptions on the job
- < Members will respect the property of the customer, and graffiti and other forms of destruction and waste will not be tolerated
- < Member will respect the Customer, Client(s), Contractor, and the IUPAT by not wearing clothing or buttons that have offensive wording or symbols
- < The steward and leaders on the job will work with other members who have bad work habits, setting a standard of quality and productivity second to none, to which each member on the job, will comply effectively working as a team

- < Slowdowns, and other methods utilized to extend jobs or provide for overtime will not be tolerated
- < Outside activities that cast the International, district council or local union in a bad light, and are not approved by the business manager or steward, will not be tolerated
- < Any inappropriate behavior toward another member or group of members will not be tolerated
- < Members will meet their contractual responsibility to utilize proper safety equipment and methods
- < Members must meet their responsibility to not leave the jobsite without proper approval
- < No use of personal cell phone(s) will be allowed on the project, except for lunch or break periods
- < The steward, at the direction of the business manager, will work with members to correct and solve problems related to job performance
- < The district council or local union must provide training for stewards
- < The steward will communicate on a regular basis with the management team to communicate job progress, work schedules, and work process problems to the members
- < Monthly meetings will be established between the business manager, or his representative, to discuss and resolve issues related to the compliance of the Top Workplace Performance Plan. If applicable, management will be invited to attend and participate in the process
- < In the event an individual member is not meeting membership responsibilities, the district council or local union executive board shall have the responsibility to address problem member(s) who are not meeting their obligation to the IUPAT, up to and including charges being filed. The role of the district council or local union is to correct the problem, by whatever means are at its disposal

- < The steward and management will endeavor to correct problems with individual members on the jobsite. If the member is unwilling or unable to make the necessary changes, management must make the decision whether that employee/member is detrimental to the goals of the Top Workplace Performance and should remain employed

Employer Responsibilities

The Finishing Contractors Association (FCA), our other employer associations and all our signatory employers have a responsibility to manage their jobs effectively, and as such have the following responsibilities under the Top Workplace Performance:

- < To address ineffective superintendents, general foremen and foremen
- < To ensure proper job layout, to minimize down time
- < To ensure that there are proper types of necessary tools
- < To ensure proper storage for contractor and employee tools
- < To ensure that there are adequate numbers of employees to perform the work efficiently, and conversely, to limit the number of employees to the work at hand, which demonstrates to the customer the efficiency of our partnership
- < To provide the necessary leadership and training skills for jobsite leaders to eliminate problems. To ensure that all supervisory personnel attend the Supervisor Training Program (STP) classes offered by our LMCI
- < To ensure that proper types and quantities of materials are available for job progress
- < To ensure that jobsite leaders take the necessary responsibility for mistakes created by management decisions
- < To eliminate unsafe work conditions, and ensure that proper safety training, equipment, and methods are utilized

- < Management will address concerns brought forth by the steward. If the lowest level of management does not resolve the problem, the steward may choose to address the issue with higher levels of management
- < If an employee is terminated for cause, the employer will fill out the “notification of termination form” and remit it to the union.

Other Methods for Consideration with Contractor and Union Support

- < Weekly job progress “toolbox” meetings
- < Labor Management sessions on an as needed basis to share problems between the union and employers, and solutions to job problems
- < Foremen and general foremen should be certified as Top Workplace Performance job leaders through attendance of the LMCI’s STP classes
- < If the issue is not resolved, the district council, local union or contractor may call for a Labor-Management meeting to resolve concerns or issues
- < Job stewards should be certified as TWP stewards through attendance of steward training provided by the District Council or Local Union.