



Construction and General Laborers
District Council of Chicago
and Vicinity
and
Mid-America Regional
Bargaining Association

1. FILING AND SCHEDULING OF GRIEVANCES

Session Dates

Sessions of the Joint Grievance Committee shall be held on the last Tuesday of each month at a time and place to be set by the Committee. The Committee shall not convene in any month that no grievances have been filed in accordance with these procedures.

Filing Procedures

To be heard at a session of the Joint Grievance Committee, a grievance must be served upon the other party by hand or certified mail, and it must be filed with the Committee's secretary not less than ten (10) days prior to the start of a scheduled session. A grievance involving a discharge of an employee may be heard in less than ten (10) days by mutual consent of the parties. The grievance shall indicate under which MARBA agreement the grievance arises.

Pre-hearing Investigation, Resolution

Grievances are not properly before the Joint Grievance Committee unless the parties have actually been engaged in an attempt to resolve the grievance and the party against whom the grievance is filed is reasonably on notice as to the facts and circumstances of the alleged violation.

Withdrawal or Postponement

After a grievance is filed for hearing by the Joint Grievance Committee, it may be withdrawn by agreement of the parties. Postponement of a scheduled hearing of a grievance after filing requires the consent of the Co-Chairmen. Requests for postponement must be in writing and will be considered up to 48 hours before the hearing.

Absence at Hearing

After due notice, in case of the failure of either party to appear at the hearing of a grievance properly filed for hearing by the Committee, the party in attendance shall offer evidence in support of its position and the Committee shall dispose of the case on the basis of such evidence.

2. COMMITTEE PARTICIPANTS

Quorum

The presence of two Committee members representing the Union and two Committee members representing the Employers shall constitute a quorum for transacting the business of the Joint Grievance Committee. By agreement of both parties, under extenuating circumstance, a lesser number of equal representatives may be used.

Chairmanship

The chairmanship of the sessions of the Joint Grievance Committee shall alternate between the Chairman of the Committee's Employer panel and the Chairman of the Committees' Union panel.

Conflict of Interest

An Employer shall not participate as a Committee member in decisions of the Joint Grievance Committee on grievances involving his own Company or a Company in which he has managerial interest. A Union Business Representative shall not participate as a Committee member in decisions of the Committee on a grievance that he or she filed and/or presented to the Committee.

3. OTHER PARTICIPANTS

Observers

Only duly authorized Joint Committee members or alternate members shall be permitted in Committee sessions as observers unless otherwise agreed to by the Committee's Co-Chairmen.

Court Reporters

When a court reporter is requested by the Employer or Union in a grievance before the Committee, such request must be made in writing to both the Employer and Union Chairmen of the Committee at least 10 days prior to the scheduled hearing date. The Committee shall reserve the right to engage the court reporter service to be used at such hearing, and the party requesting the court reporting service shall bear the total cost of the court reporter service engaged by the Committee including the transcript of such hearing. A copy of the transcript shall be provided to the Committee at the requesting party's cost.

Legal Counsel, Advisors

Parties to a grievance being heard before the Joint Grievance Committee may have present such advisors or counsel as they require, but such outside advisors or counsel may not address or question the Committee, the parties or witnesses before the Committee.

4. HEARING PROTOCOL

Opening

The Joint Grievance Committee shall open its session on call of the Co-Chairmen to hear and dispose of grievances before it.

Order of Presentation

At sessions of the Joint Grievance Committee, except discharge cases, the grieving party shall present its case first and the responding party second. In discharge cases, the Employer shall go first. Adequate allowance shall be made for rebuttal.

Oral Participation

Oral participation in Committee session shall be limited to the Committee members, the grievant, and regular officials or employees of the parties to the grievance.

Interrogation

Interrogation of parties to a grievance being heard by the Joint Grievance Committee shall be limited to members of the Committee.

Executive Sessions

After hearing a grievance, the Joint Grievance Committee shall exclude parties thereto and retire into Executive Session to dispose of the grievance.

Decisions

Grievances shall be decided by secret ballot vote of the Committee members. In the event an equal number of Union and Employer Committee members are not present, the respective panels representing the Employers and the Union may cast votes in an amount equal to the number of members present on behalf of the panel having the fewer numbers present.

Upon reaching a decision on such grievance, it shall be announced to the parties. The Committee's Secretary shall confirm such decision by letter to the parties.

5. POWERS OF THE COMMITTEE

If decided by majority vote, the grievance determination and any relief deemed appropriate shall be final and binding upon all parties.

6. AMENDMENTS

The Joint Grievance Committee may amend, alter, delete, or add to these rules of Committee Procedure upon their own agreement to do so.