

PROCEDURAL RULES
JOINT GRIEVANCE COMMITTEE

1. FILING, SCHEDULING OF GRIEVANCES

Filing Procedure

To be heard at a session of the Joint Grievance Committee, a grievance must be filed with its secretary not less than ten (10) days prior to the start of a scheduled session. At the same time, the party bringing the grievance before the Committee shall also file with the Committee a notice which has been mailed and sent via electronic mail to the opposing party informing such opposing party that the grievance will be heard at the Committee's next session if not sooner resolved.

Interim Sessions

The Joint Grievance Committee may hold interim sessions to hear and dispose of a grievance upon agreement of the Committee's Co-Chairmen that such grievance warrants a special hearing date. The above ten (10) day notice rule shall also apply to interim sessions of the Committee unless waived by mutual consent of the parties. As stated in the collective bargaining agreement, this ten (10) day notice rule does not apply to expedited grievances which may occur prior to the typical ten (10) day notice.

Discharges

A grievance involving a discharge of an employee may be heard in less than ten (10) days by mutual consent of the parties.

Pre-hearing Investigation, Resolution

Grievances are not properly before the Joint Grievance Committee unless the parties have actually engaged in an attempt to resolve the grievance, which determination shall be made in the sole discretion of the Joint Grievance Committee. Wage claims before the Committee must have been presented to the Employer in sufficient detail to permit the investigation of them by the Employer before the Hearing Date.

Withdrawal or Postponement

After a grievance is filed for hearing by the Joint Grievance Committee, it may be withdrawn by the grieving party. Postponement of a scheduled hearing of a grievance after filing requires the consent of the Union Co-Chairmen and applicable Employer Co-Chairman¹. Requests for postponement will be considered if submitted in writing up to 48 hours before the actual hearing, and may be granted on good cause shown.

¹ The "applicable Employer Co-Chairmen" are the Chairmen appointed by the Employer's association (e.g., the Employer Co-Chairman for a grievance filed against a contractor bound to the MARBA CBA would be the MARBA representative to the JGC).

Absence at Hearing

After due notice, in case of the failure of either grieving or responding party to appear at the hearing of a grievance properly filed for hearing by the Joint 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 equal numbers of Committee members representing the Union and the Employers shall constitute a quorum for transacting the business of the Joint Grievance Committee. Each Association (Contractors Association of Will & Grundy Counties; Excavators, Inc.; and Mid-America Regional Bargaining Association) is entitled to appoint an Employer representative on each Committee; however, there may not be more than one Employer member from any Association on the Committee. The Union or Associations may appoint alternate members, but the limitation of a single appointed member from each Association shall apply. By majority vote of the Joint Grievance Committee, a lesser number of equal representatives may be used, but in no event shall a quorum of less than two representatives for the Union and two representatives for the Employers transact the business of the Joint Grievance Committee.

Chairmanship

The chairmanship of the sessions of the Joint Grievance Committee shall alternate between the Union and Employer (i.e. one of the Chairman of the Committee's Employer panel and the Chairman of the Committee's 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 which he handles in Step One of the bargaining contract's grievance procedures.

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 Union Co-Chairmen and applicable Employer Co-Chairmen.

Court Reporters

The grieving or responding party, at their own expense, may secure the services of a court reporter. If either the grieving or responding party intends to secure the services of a court reporter they

must first notify the Committee of this fact, in writing, at least 48 hours prior to the start of the scheduled hearing date. The court reporter must be licensed in the state of Illinois. The party securing the services of the court reporter shall bear all costs associated with said services including the transcript of such hearing. A copy of the transcript shall be made available to the Committee at no cost. The Committee may secure the services of a court reporter on their own accord without notice to the grieving or responding party provided the Union Co-Chairman and applicable employer Co-Chairman are notified of such fact.

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 advisors or counsel may not address or question the Committee, the parties or witnesses before the Committee. Should a parties counsel or advisor fail to adhere to this requirement they may be excluded from the hearing.

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 voting Committee members, the grievant, and regular officials or employees of the parties to the grievance, excluding advisors or counsel.

Interrogation

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

Executive Sessions

After hearing a grievance, the Joint Grievance Committee shall exclude anyone involved in the presentation of or related to that grievance while the Committee retires into Executive Session to dispose of the grievance. This includes grieving party and responding parties, witnesses, advisors, legal counsel, court reporters, company representatives, and anyone else designated by the Committee as excluded. The Committee's Secretary, Committee advisors and support staff, non-voting members, and anyone not involved in the presentation of or related to that grievance may remain unless excluded by the Committee.

Decisions

Grievances shall be decided by secret ballot vote of the Committee members and shall be final and binding on the parties. 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 as well as the Committee members.

5. AMENDMENTS

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