

Oregon Laborers Joint Apprenticeship Training Committee
MA-1058

Policies and Procedures



Oregon and Southern Idaho Laborers-Employers Training Trust
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1. **Committee Composition**

1.1 **Members.**

The Committee shall consist of a minimum of four (4) but no more than eight (8) principal members with the number of employer representatives equal to the number of employee representatives. For example, in a committee of eight principles, there will be four employer representatives and four employee representatives.

1.2 **Alternate Members.**

There may be as many alternate members as there are principal members. The number of alternates appointed need not be equal to employer and employee representation. An alternate may fill any vacant principal position for one meeting until the appointment of a new principal member.

1.3 **Member Qualifications.**

All members must be active participants in apprenticeship programs. Members representing employees must be a member of a Laborers or affiliated collective bargaining unit and either be or have been a skilled Laborers practitioner who does not serve in a supervisory capacity as defined in the NLRA, or a bargaining unit representative for the employees of an employer recognized as an approved training agent by the committee. Employer representatives must be affiliated with an employer who is a signatory to a Laborers' collective bargaining agreement.

1.4 **Removal of Committee Members.**

Committee members will be removed only for inactivity, inadequate activity, failure to abide by ORS Chapter 660 or the rules and policies of the Oregon State Apprenticeship and Training Council (hereinafter "the Council"), or at their own request. Only employee committee members may recommend and vote for the removal of an employee member and only employer committee members may recommend and vote for the removal of an employer member. Such action will be noted in the committee meeting minutes.

1.5 **Inactive.**

A principal member who fails to attend three (3) consecutive committee meetings will be deemed inactive.

1.5.1 **Inadequate Activity.**

A principal member who fails to actively engage and participate in committee meetings and/ or other duties deemed necessary of principal members.

1.6 **Replacement of Committee Members.**

When a member vacancy occurs on a committee, employee representatives shall identify an employee representative and employer representatives shall identify an employer representative. The representative party identifying said replacement shall submit one name in nomination to the Committee for their approval or

denial. The Director will submit newly approved committee member names and contact information to the Oregon State Director of Apprenticeship and Training. The nominee must meet the requirements of paragraph 1.3.

1.7 Quorum.

A quorum for the transaction of business shall consist of at least two employee and two employer representatives.

2. Elected Positions

2.1 Chairperson/Co-Chair-Secretary.

The committee shall have two elected positions: a chairperson elected by the constitution of the Labor co-chair and a secretary elected by the committee. One shall be an employer representative and one shall be an employee representative. The term of office for both positions shall be a minimum of one year. Each elected position shall be reaffirmed during the first meeting of each calendar year.

2.2 Secretary Duties.

The committee secretary is responsible for either preparing or ensuring the maintenance and submission of committee meeting minutes, including actions pertaining to apprentices and all supporting documentation, to the Apprenticeship and Training Division. All committee meeting minutes must be submitted in a format approved by the Division within ten (10) working days of the meeting.

2.2.1 The administrative duties of the secretary may be delegated to an employee of the Oregon-S. Idaho Training Trust given that the selected secretary may be serving in a voluntary capacity.

2.3 Vacancy of Chairperson/Co-Chair-Secretary Position.

When a vacancy occurs in one of the elected positions, the respective employee or employer members shall elect from their representation a replacement to serve the unfulfilled term of office.

3. Meeting Schedule

3.1 Meeting Schedule.

Meetings will be held monthly on an agreed schedule. The meeting schedule will be available at the Oregon and Southern Idaho Laborers-Employers Training Center in Portland, Oregon. In-person meetings will be held at the Laborers Training Center located at 17242 NE Sacramento St., Portland, OR 97230, or at other agreed-upon locations. At the discretion of the committee, meetings may be held in person, virtually, or hybrid. Additional meetings may be called by the chairperson or at the request of the majority of the members of the committee.

3.2 Agenda Requests.

Requests to be placed on the agenda must be received at the Oregon & Southern Idaho Laborers Training School no later than ten (10) days before the meeting.

4. Committee Responsibilities

The Oregon Laborers Joint Apprenticeship Training Committee shall:

- 4.1** Propose to the Oregon State Apprenticeship and Training Council (OSATC) standards for the local program that are in substantial conformity with ORS 660.126 and recommend to the council modifications of the standards.
- 4.2** Administer its program in conformity with its approved standards, with the provisions of ORS 660.002 to 660.210, and with the rules and policies of the council. Particularly, the joint committee shall:
 - 4.2.1** Ensure new apprentices are promptly registered with the Oregon State Bureau of Labor and Industries Apprenticeship & Training Division (BOLI ATD).
 - 4.2.2** Maintain the following apprentice records, including but not limited to; work experience, on-the-job training, related training, employment records, disciplinary actions, and other documentation which may be appropriate to properly document, and report on apprentice progression.
 - 4.2.3** Be responsible for monitoring apprentices receipt of necessary on-the-job instruction from training agents and related instruction in accordance with the standards.
 - 4.2.4** Maintain, document, and report apprentice and program records as required per the Standards.
- 4.3** Be responsible for the recruitment, qualification, selection, approval, and registration of apprentices entering the program, including the evaluation of previous creditable work experience, education, and training for which advanced credit must be given, provided that advanced credit may be given for such creditable experience, education, and training.
- 4.4** Be responsible for adhering to the standards of USERRA when an apprentice is called to military service.
- 4.5** Review and evaluate, at least semi-annually, the progress of each apprentice in accordance with the Standards.
 - 4.5.1** The Apprenticeship and Training Division of the Bureau of Labor and Industries must be notified of the action taken. The council and the appropriate training agent will also be notified of each re-rating and of the

apprentice's new level on the wage schedule. Recognition for successful completion of apprenticeship will be evidenced by an appropriate certificate issued by the State Bureau of Labor and Industries, Apprenticeship & Training Division.

4.6 The Oregon Laborers Joint Apprenticeship Training Committee shall monitor all program training agents according to the Standards.

4.6.1 Determine at least annually the average journey worker's hourly rate of wage for the purposes of ORS 660.142 and submit the rate to the State Director of Apprenticeship and Training, along with a statement explaining how the determination was made.

5. **Training Agents and Training Agent Responsibilities**

5.1 **Application:**

Employers who are interested in training through an apprenticeship program must apply with the Oregon Laborers JATC. After approval, they will be registered with the State of Oregon as training agents.

5.2 **Training Agent Qualifications:**

All employers applying for training agent status must have an active, appropriate license applicable to their occupation including the Oregon Construction Contractors Board (if required), and must maintain continuous workers compensation insurance coverage.

5.3 **Traveling Training Agents:**

A visiting contractor that maintains its principal place of business outside of the geographical area covered by the Standards. Upon approval in its home jurisdiction, and as long as they are in good standing, a training agent may apply for traveling training agent status with this committee.

5.4 Training Agents shall ensure that all workers that come into contact with apprentices in the course of their training complete anti-harassment training offered by the apprenticeship program committee, or another BOLI ATD approved anti-harassment and discrimination training. Training agents should contact their apprenticeship programs to ensure that their apprentices, journey workers, supervisory staff, and others associated with training apprentices have completed anti-harassment training.

5.5 **Related Training.**

The training agent must guarantee that apprentices will be able to attend required related training as scheduled.

5.6 Monthly Progress Reports (MPRs).

The training agent supervisors are responsible for properly completing the supervisor's sections of the apprentice's monthly progress reports. The employer supervisor is verifying the hours worked by the apprentice through their signature.

5.7 Maintain the qualifications, minimum facilities, and training conditions required of an employer to serve as an approved training agent.

5.8 Ensure that there are adequate supervision and qualified training personnel assigned to apprentices, and that work sites employ safe work practices and that apprentices are receiving proper training to be able to efficiently and safely perform assigned tasks.

5.9 Training Agents must pay the apprentice according to the Standards and apply wage re-rates to the next pay period following receipt of notification.

5.10 Supervision.

Apprentices must be supervised by a qualified personnel in accordance with the Standards. The supervising personnel must be employed by the same employer as the apprentice.

5.11 The training agent must train covered Work Process identified in the Standards.

5.12 Disciplinary Procedures.

Training Agents who willfully violate the Standards, the policy and procedures, or who fail to adequately train, supervise, and or safeguard apprentices may face disciplinary action from the Committee.

5.12.1 Notice to Appear.

Is a citation document issued by the committee requiring a training agent to appear at a disciplinary meeting. Training Agents must answer a citation in person, by telephone conference call, or video conference as notified and at the discretion of the JATC.

5.12.2 Proposed Cancellation.

Is a citation document issued by the committee requiring a training agent to appear at a disciplinary meeting. Training Agents must answer a citation in person, by telephone conference call, or video conference as notified and at the discretion of the JATC.

5.13 Training Agents will be cited to appear and proposed for cancellation for any violation of the terms of an apprenticeship agreement, standards, and provisions of ORS 660.002 to 660.210 or the rules and policies of the council or any of the following reasons, but not limited to:

- Treatment of the apprentice which the Committee deems to be improper
- Failure to allow apprentices to attend related training

- Discovery of fraud or misrepresentation on the original application
- Failure to appear
- Failure to communicate
- Failure to respond to the Committee
- Failure to complete MPR employer-required sections (S3-5)
- Policy and Procedure violations
- Failure to properly supervise and train apprentices
- Theft/Vandalism of apprentice property
- Failure to protect apprentices from disrespectful, harassing, discriminatory or other harmful behavior that contributes to or creates a hostile work environment
- Failure to participate in the committee's investigation of an apprentice's complaint

In some cases, depending on the severity of the offense, the Committee reserves the right to cancel a training agent without citing an appearance.

5.14 Disability Accommodation(s):

Training agents may not discriminate against apprentices who are able to perform their essential functions, with or without accommodation. Programs and training agents are required to make reasonable accommodations for applicants and apprentices with disabilities to allow them to perform their jobs unless providing the accommodation would pose an undue hardship.

5.14.1 Training agents have the obligation to re-engage in the interactive process if there is a change in disability condition, the accommodation is not working, or if the apprentice requests a change in the accommodation.

5.15 Training Agent Drug-Free Workplace Responsibilities:

Training agents shall submit to Oregon Laborers JATC a copy of their drug and alcohol testing program or notification of compliance with the Construction Industry Drug-Free Workplace Program.

5.15.1 Apprentice Drug Test Failures or Program Non-Compliance:

Training Agents shall notify the Oregon Laborers Apprenticeship Program in the event an apprentice fails a drug and alcohol test and fails to remain in compliance with the applicable drug and alcohol testing program.

5.15.2 The Construction Industry Drug-Free Workplace Program:

Training agents who participate with the CIDFWP employing apprentices tested under a third-party test must coordinate notice of drug and alcohol test results to the Apprentice and to the Construction Industry-Drug Free Workplace Program.

6. Applicants

6.1 Applicants.

Qualified applicants will be registered for the hands-on skills assessment (Construction Craft Laborer Orientation) course upon successfully passing their drug and alcohol test. Prior to their first dispatch, newly registered applicants must complete the Construction Craft Laborer Orientation course, including, OSHA 10, and Flagging.

6.1.1 Applicants accepted under an exception must be registered for the Construction Craft Laborer Orientation course prior to their first dispatch.

6.1.1.1 Person must be brought back within 60 days of their registration date.

6.1.2 Failure to attend or successfully complete the Construction Craft Laborer Orientation and pass the drug and alcohol test, will result in termination of the application process and the applicant will not be registered as an apprentice.

6.1.3 Exceptions may be made for extenuating market-driven needs.

7. Apprentice Responsibilities

7.1 Apprentice Responsibilities.

The committee is responsible under state law for the apprenticeship program. Apprentices share in this responsibility by cooperating with the committee during the development of their careers. Apprentices cooperate with the committee by fulfilling their responsibilities in submitting timely and complete monthly progress reports, attending required related training classes as scheduled, maintaining updated contact information, maintaining employment, responding to any communications and or citations, and adhering to all JATC policies & procedures, and program standards.

7.2 Registration.

Apprentices are responsible for accurately and truthfully completing their apprenticeship agreement.

7.3 Initial Probationary Period.

In accordance with the Standards, the first one thousand (1,000) hours of OJT or the apprentice's first year following the apprentice's registration date, whichever is shorter, shall constitute the initial probationary period. During this period, the apprentice may be terminated by either party without the formality of a hearing. An apprentice may be canceled for any reason, including, but not limited to, the following:

- Absenteeism from and/or tardiness to work or class.
- Inability to perform work to the standard normally required for time and

- experience in the trade.
- Unreliability or irresponsible acts
- Lack of interest in work or related instruction
- Violations of the JATC Policies and Procedures and/or Program Standards
- Missing, delinquent, or improperly completed MPR's (monthly progress reports)
- Fraudulently completing MPRs
- Behavior that is disrespectful, harassing, discriminatory or otherwise harmful that contributes to or creates a hostile work environment on the job or in the classroom.

7.4 Monthly Work Progress Reports (MPR)

7.4.1 Apprentices are responsible for Monthly Progress Report timely submission following their first dispatch. MPRs must be submitted on a monthly basis each and every month until the completion of the apprenticeship program, whether or not the apprentice is working. MPRs are due by the 5th day of each month. Incomplete or illegible MPRs are not acceptable and may result in disciplinary action.

7.4.2 All changes of address and contact information must be noted on the MPR Form (Section 1).

7.4.3 The MPR must be submitted by the following means: emailed to apprenticeship@osilett.org, mailed to, or delivered in-person to:

Oregon Laborers JATC
17242 NE Sacramento Street,
Portland, OR 97230
or FAX 541-745-7827.

7.4.4 It is the apprentice's responsibility to ensure that their completed, legible MPR is received by the Program staff by the due date. Disciplinary action may be issued to an apprentice that fails to timely submit monthly progress reports.

7.5 Military service.

An apprentice is responsible for giving advance written or oral notice to the Training School when they are called to military service and must make a timely application for re-employment when they return.

7.6 Additional Apprentice Responsibilities.

Additional apprentice responsibilities include, but are not limited to the following:

7.6.1 Perform diligently and faithfully the work of the occupation and other pertinent duties assigned by the Committee and the employer in

accordance with the provisions of these Standards.

- 7.6.2 Respect the property of the employer and abide by the working rules and regulations of the employer, union, and the Committee.
- 7.6.3 Attend and satisfactorily complete the required OJT and RT hours in subjects related to the occupation as provided under the MA 1058 Oregon Laborers Standards of Apprenticeship.
- 7.6.4 Develop and practice safe working habits, fully implementing safety training and knowledge for self and others.
- 7.6.5 Apprentices are not allowed to quit or transfer jobs without the approval of the Committee or the coordination of their Apprenticeship Coordinator.
 - 7.6.5.1 In the event that the apprentice's safety or health, including their mental well-being, is at risk or the training agent is not ensuring that the apprentice is being properly developed in the program work processes, said apprentice is encouraged to coordinate resolution with their Apprenticeship Coordinator and Employer.
- 7.6.6 Apprentices must work for an approved training agent. Working for an employer not approved by the Committee may result in the cancellation of the apprentice's agreement.
- 7.6.7 Apprentices must be in training, working, on the out-of-work list/ transfer list on administrative suspension, or on an approved leave of absence during the program.
- 7.6.8 Apprentices who are injured on the job and cannot return to their full and normal duties must communicate with the Apprentice Coordinator. A leave of absence may be warranted to allow the injured apprentice time to heal.

7.7 Tools.

Apprentices must have the following tools on their first day of work:

- Claw Hammer (steel shank)
- 25' Tape Measure (steel)
- Tool Belt, with hammer loop and pouch
- Appropriate footwear and work attire per the employer's requirements.

7.8 Fees.

Apprentices shall be required to pay the following replacement card fees over the course of their apprenticeship if applicable.

A \$25.00 fee will be assessed for any returned check.

Replacement cards fees (subject to change):

OSHA 10	\$25
OSHA 30	\$25
FLAGGER	\$20
OR ASBESTOS WORKER/REFRESHER	\$57
OR ASBESTOS SUPERVISOR INITIAL/REFRESHER	\$82

8. Disciplinary Action and Appeal Procedures

8.1 It is vitally important that MPRs be completed and submitted timely. Failure to submit MPRs can result in disciplinary action, up to and including termination from the program. The following rubric outlines the warning and disciplinary process for late or missing Monthly Progress Reports (MPR) during the entirety of the apprenticeship program.

Offense #	Action
First late MPR	Written warning/notice sent; apprentice must submit MPR immediately. Corrective Action Plan if not received within 3 business days.
Second late MPR	A Corrective Action Plan is required. If signed and returned within 3 business days, the apprentice will not be proposed for cancellation (cited to appear).
Third late MPR (within 12 months)	Apprentice will be placed on a Last Chance Agreement. Any future infractions (MPR or otherwise) will result in Proposed Cancellation (cite to appear).

8.2 Notice to Appear.

Is a citation document issued by the Committee requiring a Training Agent or apprentice to appear at a disciplinary meeting. Apprentices or Training Agents must answer a citation in person, by telephone conference call, or via video conference as notified and at the discretion of the JATC.

8.3 Proposed Cancellation.

Is a citation document issued by the Committee requiring a Training Agent or apprentice to appear at a disciplinary meeting. Apprentices must answer a citation in person, by telephone conference call, or via video conference as notified and at the discretion of the JATC.

8.4 Post Probationary Status.

Apprentices, in post probationary status, and/or Training Agents will be cited to appear and proposed for cancellation for any of the following reasons and/or any violation of the policies and procedures, and program standards but not limited to:

- Apprentice request
- Conduct which the Committee deems to be improper
- Discovery of fraud or misrepresentation on the original application or MPR's
- Employer Recommendation
- Failure to appear
- Failure to communicate
- Failure to maintain employment.
- Failure to progress.
- Failure to respond to any Program or Committee communication.
- Failure to submit progress reports
- Late progress reports
- Related training attendance
- Insufficient related training hours
- Insufficient OJT hours
- Repeated absenteeism from and/or tardiness during Related Training
- Unreliability
- Unsatisfactory performance
- Theft/Vandalism while on the job or during training
- Verbal/physical altercation and/or threats with JATC staff, apprentices, training agents, or others
- Behavior that is disrespectful, harassing, discriminatory, or otherwise harmful that contributes to or creates a hostile work environment on the job or in the classroom
- Workplace or school threats of violence/harassment/discrimination

Termination and cancellation from the apprenticeship program means the individual will no longer be eligible to work as an apprentice or take related training classes, and their apprenticeship agreement will be terminated. Depending on the severity of the offense, the Committee reserves the right to cancel an apprentice without citing an appearance.

8.5 Canceled for Cause.

An apprentice canceled for cause will not be permitted to apply for reinstatement for a period of 180 days from the effective date of the cancellation unless the apprentice demonstrates to the Committee's satisfaction that just grounds exist for reinstatement.

8.5.1 Apprentices terminated during the probationary period do not have appeal rights with the Committee. The Committee may consider a probationary apprentice's appeal when the apprentice can demonstrate extreme or serious circumstances beyond the apprentice's control that were previously unknown to the Committee. Examples of such may

include a previously undisclosed disability, serious accident, or family emergency.

8.5.2 An apprentice canceled twice for cause by the JATC will not be allowed re-entry into the program.

9. Related Training (RT)

9.1 Related training is supplemental training received through classroom and practical instruction provided by the Oregon Laborers Apprenticeship program. Reference the Standards for annual related training requirements while in the apprenticeship program. A total of 360 classroom hours are required to complete the program. Only classes approved by the Oregon Laborers JATC are accepted for credit. Apprentices are expected to maintain an average test score of 80% or greater.

9.2 The apprentice must attend and satisfactorily complete related instruction and/or self-study education as directed by the program. Attendance at related training classes is mandatory. An apprentice who is late to class may be considered to have missed the class and will be issued a Corrective Action Plan and rescheduled. An unexcused absence will result in disciplinary action.

9.3 Absences.

The Committee will require a make-up of any absences and may hold an apprentice in term until the apprentice has made up the class or taken disciplinary action to the sole discretion and approval of the Committee.

10. Advancement/Re-Rate Policy

10.1 Re-rates.

Re-rates will be issued as they are earned in compliance with the Standards and will be confirmed and/or approved during committee meetings. Apprentices are reviewed at least every six months for progress in the program.

10.2 Eligibility.

Apprentices may be eligible for re-rates, at the committee's discretion, after every 1000 hours of on-the-job training **and** 90 hours of related training if satisfactorily completed prior to the apprentice's next scheduled semi-annual re-rate.

11. Credit for prior work experience or related training hours

11.1 Credit Request.

An apprentice entering under an exception may request credit for previous work experience following registration of their apprenticeship agreement.

11.2 Allowance of credit.

Credit will be allowed as follows:

11.2.1 A new transfer, or re-entering apprentice can gain credit for prior experience if that experience is considered applicable to the work processes in the Standards of Apprenticeship and has been legally obtained.

A request for credit for previous experience must be in writing and include sufficient documentation including any of the following documents:

(a) Credit for Previous Experience (OJT): Pay stubs, time cards, or other documents providing proof of previous hours worked;
(i) A detailed description of the work performed for a previous employer(s) on their letterhead(s);

(b) Credit for Related Training (RT): Transcripts, official documents, valid and current certifications from a JATC-approved source,

11.2.2 Approved prior credit will be granted to apprentices after the initial probationary period has been completed.

11.3 Accelerated Advancement or Advanced Placement.

Accelerated advancement will be evaluated during the committee meeting following registration of the apprentice agreement.

11.3.1 Individuals that are granted advanced placement will receive credit for OJT hours for documented experience creditable to the apprenticeship in the skilled occupation or in some other related capacity. RT credit will only be granted for documented related training from a recognized apprenticeship program or accredited training that is recognized by the Oregon Laborers JATC (transfer from a Laborers program, college, trade school, registered PATP, etc.). All individuals receiving advanced placement will be required to attain all program RT requirements per MA 1058 Standards to complete the program.

12. Complaint and Resolution Procedure

The Committee has adopted the following procedure if a training agent or apprentice has a complaint against the program:

12.1 File complaint.

File the complaint in writing and submit it to the Committee of Oregon Southern Idaho Laborers Training School, 17242 NE Sacramento St. Portland, OR 97230 no less than ten (10) days before the next committee meeting date for placement on the agenda. A complaint form is provided with these Policies and Procedures.

12.2 Hearing.

At the Committee's discretion, attend a complaint resolution meeting or appear before the Committee to resolve the complaint.

12.3 Resolution.

The Committee's resolution of the complaint will be communicated to the grievant by certified letter and noted in the committee minutes.

13. Military Service—Rights and Obligations of Apprentices

13.1 Rights.

13.1.1 Discrimination.

An employer cannot deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment to an apprentice because of their membership in or past or present performance in a uniformed service.

13.1.2 Acts of Reprisal.

Employers are prohibited from reprisal against an apprentice who is or was a member of a uniformed service and who takes action to enforce their rights under USERRA.

13.1.3 Re-employment.

Any apprentice whose absence from employment is necessitated because of uniformed service is entitled to prompt reemployment in the same position or in a comparable position as close to the original as possible.

13.1.4 Interrupted Apprentice Training.

An apprentice must complete all required training before they can advance to the next level. However, when they complete training, the date of achieving journey-level status should be backdated to reflect the date the apprentice would have graduated but for military service.

13.1.5 Protection from Discharge.

13.1.5.1 Service from 31 to 180 days—no discharge without cause for 6 months after reemployment.

13.1.5.2 Service 181 or more days—no discharge without cause for one year.

13.2 Obligations.

13.2.1 Apprentice must be in training, working, on the out-of-work list/ transfer list, or administrative suspension or LOA during the program.

13.2.2 Apprentice must give advance written or oral notice to the training school and their employer, if employed, that they will be leaving their job for military training or service;

13.2.3 The cumulative length of absence from employment because of military service cannot exceed five years;

13.2.4 Apprentice must be released from military service under honorable conditions; and

13.2.5 Apprentice must report back to their employer and the training school in a timely manner or make a timely application for reemployment.

13.2.5.1 1-30 days absence—must report back to work at the beginning of the first full regularly scheduled work period on the first full calendar day plus eight hours after the apprentice’s return home from duty.

13.2.5.2 31-180 days absence—must reapply no later than 14 days after completion of service.

13.2.5.3 181 or more days absence—must reapply no later than 90 days after completion of service.

13.2.6 Documentation.

The employer and the training school may request that a returning apprentice provide documentation establishing that their application for reemployment is timely, that the apprentice has not exceeded the cumulative five-year service limitation, and that the apprentice was not released under other than honorable conditions.

13.3 USERRA Application.

The JATC, the training school, and apprentice employers are all bound by USERRA, 38 U.S.C. secs. 4301-4335 and 20 C.F.R. part 1002.

13.4 All other rules, responsibilities, and policies as designated in the Oregon Laborers JATC Standards of Apprenticeship apply.

Addendum A - Drug and Alcohol Testing Requirements

The construction industry requires that all personnel arrive at work alert, unimpaired, and able to give work tasks their full attention. Therefore, The Oregon Laborers Apprenticeship Program recognizes the importance of its apprentices being drug and alcohol-free and has adopted this Drug and Alcohol Testing Policy.

Apprentice Applicants Initial Screening. Apprentice applicants will be required to pass an approved urine and/or oral drug and alcohol test. Persons who fail this initial drug and alcohol screening test will be removed from the application process. Persons who fail the initial drug and alcohol screening test will not be allowed to reapply to the program for a period of 90 days from the date of the non-qualifying test.

The Oregon Laborers Apprenticeship Program abides by the Construction Industry Workplace Program (CIDFWP) collection and testing protocols, and drug and alcohol testing panels. For a panel of substances included in the testing program, contact the program.

Drug Program Compliance. Apprentices must comply with The Construction Industry Drug-Free Workplace Program and their respective employer's drug and alcohol programs.

Drug Testing Compliance. Apprentices who fail a drug and alcohol test may not be dispatched until such time as they have fulfilled the requirements of The Construction Industry Drug-Free Workplace Program or their employer's drug and alcohol program requirements.

Non-CIDFWP Third-party Testing. If an apprentice violates a separate substance abuse policy required by another contractor or owner while the employee is working for a CIDFWP participating employer, then the employee must submit themselves for evaluation if they are required by the participating employer to do so, subject to the following: (1) the positive test result will be submitted by the employee to the CIDFWP, (2) the positive test result will be treated as a positive test result under the CIDFWP if the result violates the testing standards of the CIDFWP, and (3) treatment and compliance with treatment will be in accordance with the CIDFWP.

Failure to Progress. Apprentices who fail to progress due to failing multiple drug and alcohol tests or failing to remain in compliance with the CIDFWP or their employer's drug and alcohol testing program during their apprenticeship period will be terminated for cause and not eligible to reapply for 180 days from the effective date of cancellation.

Addendum B – Social Media and Training School Electronic Use Policy

Guidance. All principles described in this section apply to the personal use of social media by apprentices of the JATC. This policy provides guidance for use of social media, which should be broadly understood for purposes of this policy to include blogs, wikis, microblogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites, and other sites and services that permit users to share information with others in a contemporaneous manner.

JATC Social Media Pages. Apprentices should be aware that the JATC may observe content and information made available by apprentices through social media. Apprentices should use their best judgment and avoid posting material that is inappropriate or harmful to the JATC, its employees, the union, employers or employers' customers, in addition to the reputation of the apprentice. It is highly recommended that apprentices keep the JATC's social media accounts separate from personal accounts, if practical.

Confidential Information. Apprentices may not publish, post, or release any information that is considered confidential or not public. For instance, taking photos while working on a job site and posting to social media may be in violation of an employer's policies. Apprentices should get appropriate permission before referring to or posting images of current or former apprentices or employees, employers, members, vendors, or suppliers. Additionally, apprentices should get appropriate permission to use a third party's copyrights, copyrighted material, trademarks, service marks, or other intellectual property. Contributing employers may have their own social media policies for employees, and/or job site-specific rules regarding videos and photography. To the extent that such policies and rules are consistent with local and federal law, and/or the terms of this policy, the apprenticeship program will expect apprentices to abide by such rules and policies.

Image. Apprentices should be aware of the effect their actions may have on their image, as well as the image and reputation of the JATC. The information that Employees and Apprentices post or publish may be viewable by the public indefinitely. Subject to applicable law, online activity that violates this policy may subject an apprentice to disciplinary action or termination.

Press. Social media networks, blogs, and other types of online content sometimes generate press and media attention. To the extent possible, apprentices should refer any press or media questions to the Training Director. To the extent that an apprentice speaks to the media without receiving prior authorization, they should make it clear that any statements they may make are made in their individual capacities, and not as spokespersons representing the views of the apprenticeship program.

Use of JATC computers. When using the JATC's computers and Wi-Fi network, personal use of social media networks or personal blogging of online content is discouraged and may result in disciplinary action.

Harassment and Discrimination. At no time may apprentices use social media to harass or discriminate against other apprentices, JATC employees or other persons. An apprentice will be subject to discipline, which may include termination for any harassing or discriminating use of

social media. Any instances of harassment or discrimination shall be reported to the Training Director immediately.

Protection Action. Nothing in this policy shall be construed to prohibit apprentices from making online posts or engaging in discussion regarding the terms of their employment, Jobsite conditions, or any other activity protected under Section 7 of the National Labor Relations Act.

Addendum C – Oregon Laborers JATC Anti-Harassment and Anti-Discrimination Policy

General. The JATC does not tolerate harassment or discrimination of any type. Harassment and discrimination are unlawful, and such prohibited conduct exposes the individuals involved in such conduct to significant liability under the law. The Committee expects Committee employees, employers who hire apprentices, and apprentices to treat each other with respect and dignity. Harassment and discrimination not only hurt the immediate victim but can result in a general atmosphere in which the purpose of the apprenticeship and training program is undermined. The Committee, therefore, is committed to vigorously enforcing this policy against harassment and discrimination. Committee employees or apprentices who engage in such conduct will be disciplined. Employers who engage in such conduct will be disciplined. Employers who engage in such conduct against apprentices will be denied access to apprentices.

Sexual Harassment. Sexual harassment according to the Federal Equal Employment Opportunity Commission (EEOC) consists of unwelcome sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made explicitly or implicitly a term or condition of individual's training or employment;
- Submission to, or rejection of, such conduct by an individual is used as the basis for a training-related or employment-related decision affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or training performance or creating an intimidating, hostile, abusive, or offensive working or training environment.

Sexual harassment may include, but is not limited to, intentional physical conduct that is sexual in nature, such as touching, pinching, patting, sexually-oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, the repeated of unwanted requests for dates and personal contact information, physically blocking someone's pathway to engage in harassing behavior, and displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials or other materials that are sexually suggestive, sexually demeaning or pornographic.

Discrimination. It is unlawful for this JATC to discriminate against an apprentice or applicant for

apprenticeship on the basis of race, color, religion, national origin, sex, sexual orientation, age (18 or older), genetic information, or disability with regard to:

- Recruitment, outreach, and selection procedures;
- Hiring and/or placement, upgrading, periodic advancement, promotion, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
- Rotation among work processes;
- Imposition of penalties or other disciplinary action;
- Rates of pay or any other form of compensation and changes in compensation;
- Conditions of work;
- Hours of work and hours of training provided;
- Job assignments;
- Leaves of absence, sick leave, or any other leave; and
- Any other benefit, term condition, or privilege associated with apprenticeship.

Discrimination occurs when someone is treated unfavorably because of one of their personal characteristics, including, but not limited to, one of the following:

- Race
- Color
- Religion
- National Origin
- Gender Identity
- Sex
- Pregnancy
- Sexual Orientation
- Genetic Information
- Age
- Veteran Status
- Disability

Discrimination and Harassment may involve, but is not limited to, one of the following:

- Jokes or comments about other workers' racial, ethnic, sex, sexual preference, age, disability, or physical appearance.
- Displaying pictures or posters which are offensive or derogatory, expressing negative stereotypes of particular groups.
- Judging someone on their beliefs, origins, appearance, or sex, rather than their performance.
- Undermining a person's authority or work performance because you dislike one or some of their personal characteristics.

Disability Accommodation(s): The program may not discriminate against apprentices who are able to perform its essential functions, with or without accommodation. Programs and Training Agents are required to make reasonable accommodations for applicants and apprentices with disabilities to allow them to perform their jobs unless providing the accommodation would pose an undue hardship. The program has the obligation to re-engage in the interactive process if there

is a change in disability condition, the accommodation is not working, or if the apprentice requests a change in the accommodation.

Filing and Investigating Complaints. Any complaints regarding harassment occurring at JATC facilities, or involving employees of the JATC, should be submitted to the JATC Training Director or an individual designated by the Training Director. Complaints may be made in writing or orally, and anonymous complaints will be accepted. A complaint of harassment may be made by someone who is not the target of harassment, and, indeed, anyone who observes harassment is encouraged to report it. Complaints of harassment will be fully investigated, and a determination of the facts will be made on a case-by-case basis. Complaints and information obtained in the course of investigations of complaints shall be treated confidentially except to the extent necessary to investigate and resolve such complaints or as may be necessary to respond to such complaints in a legal proceeding before a court or administrative agency.

Committee instructors are responsible for reprimanding an apprentice for engaging in an act of harassment against another apprentice which the instructor observes or of which the instructor becomes aware. If the conduct continues or recurs, the instructor should file an official complaint with the JATC Training Director.

The Training Director is responsible for administering this policy and all questions, concerns, and complaints regarding discrimination/harassment should be addressed to this individual.

Training Director

Brian Davidson
Oregon Laborers Training Center
17242 NE Sacramento St.
Portland, OR 97230
541-745-5513

If you believe the Training Director to be involved in the discrimination/harassment or intimidation, address your complaint regarding discrimination/harassment to the attorney for the JATC:

Attorney for the JATC

Charles D. Colett
Colett Law Group, LLP
1 Lincoln Center, Suite 310
9600 SW Oak St. Suite 570
Tigard, Oregon 97223503-598-3411
Email:chuck@colettlaw.com

If an employee wishes to pursue a sexual harassment complaint through a government agency or to seek outside help from a third party, they have a legal right to do so. Under no circumstance should Committee employees interfere with that right.

Discipline. After a thorough investigation, any Committee employee or apprentice found to have committed an act of sexual harassment shall be immediately disciplined. **The nature of the**

discipline imposed will depend on the nature and severity of the misconduct found upon investigation and may include discharge for a first offense. Reconsideration by the Committee may be requested within thirty days of receiving the Training Director's decision. The Committee may review the appeal and any and all results of the investigation including any further information or witnesses the apprentice wishes to present to make a final written decision on the appeal within 60 days. The Committee may extend this deadline for an additional 60 days upon providing notice to the individual appealing.

If the affected individual is dissatisfied with the decision by the Committee, the individual may further appeal any findings pursuant to the procedures set forth in the Standards to the Registration Agency within 300 days from the date of the alleged discrimination or specified failure to follow the equal opportunity standards.

Any complaint investigation or appeal will be conducted with a view toward obtaining a fair resolution while protecting the confidentiality and privacy rights of all individuals involved.

Retaliation Prohibited. The Committee will not tolerate any form of retaliation against an apprentice or a Committee employee who has made a complaint or cooperated in an investigation of alleged sexual harassment. Bad faith allegations or the use of this policy for purposes unrelated to its clear intent are expressly prohibited.

All persons contacted in the course of an investigation will be advised that they, and other individuals involved in a complaint, are entitled to be treated in a professional and respectful manner and that any retaliation or reprisal against an individual who is an alleged target of harassment or who has made a complaint, or has provided evidence in conjunction with a complaint, is prohibited and could result in discipline up to, and including termination. Committee employees or apprentices who are found to have engaged in retaliation or who fail to cooperate with an investigation of sexual harassment will be subject to substantial discipline up to, and including, discharge or termination from the program.

Training. The JATC will provide appropriate training to sensitize employees and apprentices to conduct which may be construed as discrimination/harassment. The training will be provided to all employees and apprentices, with supervisory journey workers and employers regularly overseeing apprentices also being encouraged to attend.

Employer Responsibilities. Employers who hire apprentices from this program are expected to establish their own policies against discrimination and harassment, including procedures for filing, investigating, and resolving complaints as they elect. Employers should understand that under EEOC's discrimination regulations, an employer is responsible for the acts of its agents, and of its supervisory employees when acting in an agency capacity, without regard to the employer's specific authorization or knowledge of such acts by them. (Supervisors will be treated as acting in an agency capacity if the employer fails to establish an explicit policy against harassment or discrimination or fails to establish a reasonably accessible procedure by which victims of harassment can make their complaints known to appropriate officials and have them rectified). With respect to harassing or discriminatory conduct between non-supervisory employees, the employer is responsible where the employer (or its agent) knows or should have known of the conduct unless the employer takes immediate and appropriate corrective action.

The JATC may take disciplinary action against any employer for failure to comply with this policy. Before invoking disciplinary action, the JATC will notify the employer of the infraction and provide a reasonable opportunity for corrective action. When disciplinary action is to be imposed, the JATC will notify the employer by certified mail or another verifiable method to appear before the JATC for a hearing. If the employer fails to appear before the JATC after due notice, disciplinary action may be invoked without a hearing.

The failure of employers to take appropriate action regarding an apprentice's complaint of harassment or discrimination on the job may result in the employers being denied access to apprentices in the program. It is expected that employers will work cooperatively with the JATC on matters concerning the JATC's policy against harassment and discrimination.

Addendum D – School Policies

NOTE: *Failure to follow any of these rules is grounds for dismissal.*

1. Tardiness to class in the morning, after lunch, and after breaks will not be tolerated.
2. No illegal drugs, alcohol, or weapons are allowed on the Training Center property.
3. Loud music, obnoxious behavior, and pornographic or sexually oriented materials are not allowed or tolerated at the Training Center.
4. Theft or destruction of school property will be grounds for termination and law enforcement will be utilized.
5. Sexual and, racial harassment of any form towards any student(s) and/or staff will not be permitted. Violators will be removed from the facility and will face disciplinary actions from Local 737 and the JATC.
6. Harassment of training site staff will not be allowed. If you have an issue with any of the staff, please report it to the Training Director.
7. Report all injuries or incidents immediately to your instructor. In the event of an emergency, notify the instructor and contact the front office.
8. Visitors and pets are not allowed at the Training Center.
9. Cell phone usage is not permitted during class unless directed by the instructor for class purposes. Phone calls can be received and made during breaks or at lunch.
10. No smoking is allowed at the Training Center Campus. This includes all forms of cigarettes, e-cigarettes, vaping pens, and other smoking devices.
11. Shirts and shoes are required in the dining hall and in the classrooms.
12. Please clean mud and dirt off as much as possible before entering the building.
13. Park in designated areas only.
14. The 5 mph speed limit on the training site grounds must be adhered to.
15. The Training Center is not responsible for lost, damaged, or stolen items
16. Lodging: Each student is individually responsible for any incidental motel room charges (internet, movies, damages, etc.). Damage to hotel facilities or inappropriate/disruptive behavior may result in revocation of lodging privileges.

Addendum E- Definitions

Apprentice - a worker who is at least 16 years of age who is employed to learn an apprentice able occupation under Standards of Apprenticeship approved by the Oregon State Apprenticeship and Training Council and under an apprenticeship agreement recognized by the Council.

Apprenticeship Agreement - a written agreement between an apprentice and either the apprentice's program sponsor or the Committee acting as the agent for the program sponsor that contains the minimum terms and conditions of the employment and training of the apprentice.

BOLI-ATD Staff - an employee within BOLI who can assist with all elements of the apprenticeship registration and maintenance process.

BOLI - Bureau of Labor and Industries, the agency that oversees Registered Apprenticeship in Oregon.

Division - the Apprenticeship and Training Division of Oregon's Bureau of Labor and Industries.

Employee - any person employed or active in an applicable trade.

Employer - any person employing the services of an apprentice, regardless of whether the person is a party to an apprenticeship agreement with the apprentice.

JATC - Joint Apprenticeship and Training Committee

Journey worker - a worker who has attained a level of skill, abilities, and competencies recognized within an industry as mastery, as required for the occupation.

Training Agent - an employer that is registered with a Local Committee and the Apprenticeship and Training Division of the Bureau of Labor and Industries.



OREGON & SOUTHERN IDAHO LABORERS-EMPLOYERS TRAINING TRUST FUND

Oregon Office: 17242 NE Sacramento St Portland OR 97230, Phone: 541-745-5513, Fax: 541-745-7827

Idaho Office: 580 W. 19th Street, Idaho Falls, ID 83402, Phone: 208-542-6240, Fax: 208-542-4515

apprenticeship@osilett.org

ACKNOWLEDGMENT OF RECEIPT

In accordance with OAR 839-011-0310, I acknowledge receipt of the following documents:

- (1) The Oregon Laborers Joint Apprenticeship Training Committee MA-1058 Policies & Procedures; and,
- (2) Addendum A – The Oregon Laborers Joint Apprenticeship Training Committee Drug and Alcohol Policy Requirements & The Summary Plan Description of the Construction Industry Drug-Free Workplace Program.
- (3) Addendum B - The Oregon Laborers Joint Apprenticeship Training Committee Social Media and Electronic Policy; and,
- (4) Addendum C - The Oregon Laborers Joint Apprenticeship Training Committee Anti-Harassment and Discrimination Policy; and
- (5) Addendum D - The Oregon Laborers Training School Rules and Guidelines.
- (6) Addendum E- Definitions

These policies and regulations apply to me, and I agree to be legally bound by them. I further agree to be bound by any amendments which may be legally adopted by the Committee and communicated to me.

APPRENTICE SIGNATURE: _____

PRINT NAME: _____

DATE: _____

**Oregon Laborers Joint Apprenticeship Training Committee
COMPLAINT FORM**

Your Name: _____ Today's Date: _____

Your Address: _____

Your Telephone: _____

Date(s) of Incident: _____ Time(s) of Incident: _____

Is it continuing? Yes No

Where Did the Incident Occur?

- At Training Facility At Job Site At Training Facility and Job Site Online

Job-Site Location _____

Type Of Incident:

- | | | |
|--|---|---|
| <input type="checkbox"/> Verbal harassment/assault | <input type="checkbox"/> Threat of physical assault | <input type="checkbox"/> Discrimination |
| <input type="checkbox"/> Physical assault | <input type="checkbox"/> Internet/email message | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Damage to property | <input type="checkbox"/> Threat of outing | <input type="checkbox"/> ADA |
| <input type="checkbox"/> Written slur or graffiti | <input type="checkbox"/> Phone harassment | |
| <input type="checkbox"/> Text message harassment | <input type="checkbox"/> Stalking | |
| <input type="checkbox"/> Sexual assault | <input type="checkbox"/> Other: _____ | |

Name Of Alleged Victim(S) _____

Name Of Alleged Offender(S) _____

What happened? _____

Who was involved in the incident? _____

Who was notified of the incident and when? Was the incident reported to the police? _____

Are there any specific witnesses or individuals the JATC should contact regarding this incident? _____

How would you like to see the situation resolved? _____
