

Progressive Non-Referral

Category 1 offenses include late show, loafing, and failure to follow procedure. The penalties for a category 1 offense are:

First offense – warning

Second offense – one day off

Third offense – one week off

Fourth offense – thirty days off

Fifth offense – up to permanent suspension

Category 2 offenses include incompetence, carelessness, no show-unexcused, leaving the job without a replacement- unapproved, failure to work, safety violation (other), insubordination, and stoppage of work. The penalties for a category 2 offense are:

First offense – one week off

Second offense – two weeks off

Third offense – thirty days off

Fourth offense – up to permanent suspension

Category 3 offense is damage due to intentional misconduct. The penalties for a category 3 offense are:

First offense – thirty days off

Second offense – sixty days off

Third offense – up to permanent suspension

Category 4 offense is damage while operating equipment. The penalties for a category 4 offense are:

First offense – must complete PIT/Refresher Training before operating equipment

Second offense – must complete PIT/Refresher Training before operating equipment, then 14 days off as an operator with the specific employer

Third offense – must complete PIT/Refresher Training before operating equipment, then 30 day Non-Referral with the specific employer

Fourth offense – no longer permitted to operate any equipment

Category 5 offenses include errors of clerical or checking nature to include such offenses as mis-delivery of cargo, mis-stowage of cargo, or loss of time. The penalties for a category 5 offense are:

First offense – must complete clerk and checker refresher course before being assigned to the position that individual was working at time of incident

Second offense – must complete clerk and checker refresher course before being assigned to the position that individual was working at time of incident, then 14 days off as to the position working at the time of incident with specific employer

Third offense – must complete clerk and checker refresher course before being assigned to the position that individual was working at time of incident, then 30 days Non-Referral with specific employer

Fourth offense – any incidents after the third offence may result in the individual being permanently non-referred from the company. In addition, if an individual is found guilty of their fourth offense in a 12-month period, they may be barred from the industry.

Category 6 offenses are handled specifically in the collective bargaining agreement and include pilferage, fraud, display of weapon, physical assault with a dangerous weapon, battery, possession or use of narcotics on the job, and intoxication or possession of alcohol on the job. The penalties for the category 6 offenses are as follows:

Pilferage

First offense – 30-day industry suspension

Second offense – 60-day industry suspension

Third offense – Permanent industry suspension

Fraud.

First offense – 30-day industry suspension

Second offense – 60-day industry suspension

Third offense – Permanent industry suspension

Display or possession of weapon on the job

First offense – 30-day industry suspension

Second offense – 60-day industry suspension

Third offense – Permanent industry suspension

Physical assault with a dangerous weapon

Immediate and permanent suspension from the industry

Battery

First offense – 30-day industry suspension

Second offense – 60-day industry suspension

Third offense – Permanent industry suspension

Possession, use, or being under the influence of narcotics on the job

First offense – 60 days and rehabilitation

Second offense – 6 months and rehabilitation

Third offense – Permanent industry suspension

Intoxication or possession of alcohol on the job; and

First offense – 30-day industry suspension

Second offense – 60-day industry suspension

Third offense – Permanent industry suspension

Category 7 is for the specific safety violations of not wearing a seatbelt, not wearing the necessary and prescribed PPE, and for using an electronic device on the job, including, but not limited to, a cell phone, Bluetooth device, and ear buds. The penalties for a category 7 offense are:

First offense – one week on industry suspension

Second offense – two weeks on industry suspension

Third offense – thirty days on industry suspension

Fourth offense – permanent suspension

Category 8 contains one offense, which is operating any PIT equipment without the required certification. The penalty for this violation is a 30-day suspension from all work through any ILA Hiring Hall

Category 9 is for working without the required hazmat, lashing, or RORO certification when employed on the corresponding job. The penalty for this violation is a one-week suspension from all work through any ILA Hiring Hall.

Other is a catch all for any offenses that were not previously addressed. The direct employer will recommend a penalty for the offense listed. If no penalty is requested, a warning will apply.

For categories 1, 2, 3, 4, and 5, the penalty applies only to the specific employer for the first, second, and third offense. The fourth and fifth offense is served industry wide. For categories 6, 7, 8, and 9, the penalty is served industry wide. The number of offenses is calculated industry-wide and is calculated by each type of offense within each category.

For offenses listed in categories 1- 5 and 7-9 above, the penalties will not imposed until such time as the individual has been found guilty of the offense by the Joint Productivity Review Committee, although a worker may not operate equipment until cleared by the JPRC of all fault or until completion of the Refresher Course. An exception to this rule shall be those cases in which an

individual is charged with any of the offenses listed in category 6. In those cases, the penalty will be imposed immediately.

If a worker fails to appear at the JPRC as directed, the penalty requested by the direct employer will be imposed. The worker and direct employer both have the option to appeal any decision to a Step 1 grievance.

The number of offenses is calculated based on a rolling three-year period, except for violations of the prohibition against possession or use of narcotics on the job, which has separate rules (see the Drug Policy for more information). Note that these are suggested penalties. Circumstances may exist that result in a more severe or lighter penalty. For any offense listed, the local should be notified immediately so the misconduct can be documented

This agreement on Progressive Non-Referral shall be for the life of the current collective bargaining agreement.