



THE ACADEMY OF ELECTRICAL CONTRACTING

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**FROM TERMINATIONS TO STRONGER TEAMS: COE
COMMITTEES AS A ROUTE FOR ADDRESSING WORKER
CHALLENGES AND BUILDING PROFESSIONAL EXCELLENCE**

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It was in October of 2004 that the Arizona Chapter NECA and IBEW LU640 heard of the Code of Excellence (COE) created by the IVP of the 8th District IBEW. It caught our collective attention because we were experiencing expensive problems such as stealing, absenteeism, and worker turnover (with the associated onboarding expenses). We were also noticing a meaningful difference between individuals who were organized into the workforce rather than those coming up through apprenticeship.

What the 8th District IBEW was doing with their COE, then, looked like an opportunity to turn things around. In the 21 years since then, we've gone from the adopted COE to an ever-evolving process that is able to respond to our local industry challenges and needs as they change. Along the way, we've made progress including employers terminating for cause and no longer pushing a problem to a new employer.

It hasn't been easy work. What started as a one-page document with very little structure required that we all agree to take a chance on what we could build together. Over the years, we made changes grounded in the understanding that the COE committee was a labor management committee with binding decisions, and that the MOU was a working document that had to evolve along with our understanding of the needs and challenges of our industry and workforce from year to year.

This paper is intended to be a look at our processes and a pitch for why your NECA and IBEW could benefit from engaging in similar work.

A Lightbulb Illuminated

First, there was the idea: the COE created by the IVP of the 8th District IBEW. We had the lightbulb.

How, though, did we turn it into a light for our local electrical community?

In the beginning, the COE was a document created to solve a problem. The IBEW created this program, IBEW and NECA make the program successful by establishing, monitoring and maintaining a system that can work within the partnership.

From its inception, the COE committee was formed in and by our local labor management community. What was an idea was given life in a series of conversations that culminated in our first leap of faith: In September 2005, the IBEW LU640 and Arizona Chapter NECA adopted a MOU creating the COE committee. When the IVP of the IBEW 7th District saw what we were doing in Phoenix, he took the program we created and turned it into the IBEW 7th District version of the COE, which we adopted.

It is inherently an act of courage to reach both across tables and toward the future. In this case, we knew what we had would need to become more, and we were all committed to staying in the processes that would shape this experiment into something that would benefit our local industry. We felt certain we could create a virtuous feedback loop that wove through worker to employer to client and around again.

The first challenge that we faced was that Category 1 of the referral language requires a neutral member of the appeals committee to determine if an applicant for discharge who has been terminated for cause two times in a 12-month period is eligible for referral.

In a creative twist, we ultimately made the COE committee itself the neutral member of the appeals committee. Since we needed these critical decisions to be made by people who have a deep understanding of our industry, NECA embraced the opportunity to put our expertise to work.

As we formalized the program, we started shaping a chart determining which offenses required mandatory appearance before the committee, including:

- Theft
- Harassment
- Job Site Violence

This list, too, has been dynamic, responding to growing concerns. For example, absenteeism terminations were not on our original chart but became a critical addition once the issue grew.

We also agreed early on to leave open the option that any individual could be required to appear before the committee for any reason. For example, sometimes issues happen outside the workplace that still cause concern of our customers. In one notable instance, an individual was drunk in the parking lot of an important jobsite before work; he was escorted home for the day. Because the individual was not technically at work, he could not be brought before the committee for those actions at that time.

With subsequent amendments to our agreement, this kind of behavior is now within scope for the committee to address. This allowed us to ensure that any behaviors that could harm the reputation of member companies or our industry as a whole could be addressed within this framework.

Finally, we needed to ensure that a debate couldn't end in deadlock. Through negotiation, we amended the document such that deadlock would be settled at the district/regional level. For us, that is the VP of the 7th District and the Southern Regional Executive Director, again putting NECA expertise in place.

Critical Foundation

To have an active COE committee, you need:

- Trust between the parties: IBEW, NECA, employers and workers
- 100 percent commitment by IBEW and NECA
- Employers committed to terminating for cause rather than passing around problems

- An MOU for the program. I would suggest that if you are not following the language in your agreement concerning terminations, you start by creating the COE to review those terminations.
- A record keeper. This should be the person at the IBEW who can access the referral system and member records.

In an industry environment built on distrust between the parties, we see fudged termination slips to avoid grievances being filed by the IBEW. Building that trust, as in building trust anywhere, is a process that takes time because it must be earned. In our community, it took us a full 15 years to get to the place where employers would reliably write the actual reason for a termination. This trust was built through the IBEW showing employers that with proper records and documentation, there was no threat of an appropriate termination being challenged.

On the flip side, trust was built by employers consistently submitting copies of the termination slips to not only the IBEW but also to the NECA office. This way, we could accurately track referrals to the COE committee, ensuring that everyone who has been terminated two times in a 12-month period are included in the process.

The IBEW record keeper is also a part of building this trust as they're the one who is responsible for sending all communications from the committee to workers. This helps reinforce to our workers that this process is fully a part of the system meant to support them, rather than being based in penalization.

Also key to our program are the COE educational classes run by the IBEW. These teach and reinforce the standards by which our industry functions best.

How the Committee Works

Several years ago, we had a week for the records. It was all on a particularly important jobsite, one with high security and cameras everywhere. This was the week we met the Toker, the Poker, the Smoker, and the Joker.

The Toker, of course, was caught on camera smoking marijuana. This naturally caused the entire jobsite to be shut down during overtime work so that every employee could be drug tested on Monday morning before shift.

The Poker was angry because he wanted another worker to slow down his productive pace. In his anger, The Poker found the other worker's car and poked all four of his tires.

The Smoker was caught vaping in a stairwell.

The Joker got himself in a bind by pretending to smoke with a Sharpie. The customer did not appreciate this person's action and wanted the individual removed from the jobsite.

We'll walk through these four cases to demonstrate how the committee works.

First, the individuals were terminated for cause and the employer demanded that each person be seen by the COE committee.

In each of these cases, the workers were notified by the IBEW record keeper that they were required to appear before the committee during our monthly meeting.

When the Toker, Poker, Smoker and Joker came in, they each addressed the committee. In our COE committee, we have three members appointed by the IBEW and three members appointed by NECA, all of whom are from large employers. This gives us access to more information than is typically provided by the individuals who appear before the committee.

A chairman selected by the committee leads the meetings. We begin by asking the person if they know why they are here and to tell us what happened. As the committee, we are limited to the information we have. This is where having large employers on the management side becomes essential: almost everyone who comes before the committee has worked for one or both of the management committee members, providing the COE with additional insight.

Requiring employers to provide written documentation on terminations to the NECA office has also proved to be an invaluable source of information, balancing out what the worker reports.

Once we've gathered all the available information, the Toker, Poker, Smoker and Joker were, in turn, dismissed from the meeting without a decision so that the committee can discuss the cases. Our committee has established a guideline on discipline. The workers received their decisions from the CW/CE coordinator the next day.

In these cases, the decisions were:

- The Toker was banned from dispatch for 12 months and required to make restitution to the employer in the amount of the drug tests. As it happened, this person was a traveler and chose to not make restitution. Therefore, he is not eligible to work in our jurisdiction until restitution is made.
- The Poker admitted in committee that he had poked the tires and why. The committee banned him for 12 months and required him to pay for the replacement tires as well as eight hours of wages to cover the other worker's time spent having the tires replaced. This person failed to make restitution, so he is not eligible to take a call.
- The Smoker and Joker were required to attend the Code of Excellence class before taking another call.

As you can see, our goal is always that a worker has the opportunity to be rehabilitated from their offense and return to our ranks as an even stronger, more responsible member of our local workforce.

These four are far more unique cases than our most common cause for appearances: absenteeism. Where once we brought these workers in individually, we've come to bring them in as a group that often includes 14 to 20 people at a time. During those conversations:

- We ask them why they cannot make it to work. We do find that we sometimes have resources that will better enable them to avoid missed work such as help with time management or even support around child or elder care. We have even caught and provided resources related to drug addiction through these processes.
- We reinforce their importance to the overall functioning of the worksite, emphasizing the ramifications of their absence to not only their employers but also their coworkers and, for Journeymen, their apprentices.
- An IBEW member will often tie their absenteeism to their ability to negotiate advantageous wage and benefit packages.

Because of the persistence and commonality of this problem of absenteeism, we have also created a policy in which:

- A third appearance before the committee automatically results in a 90-day ban from referral
- A fourth appearance results in a six-month ban from referral
- A fifth appearance is a 12-month ban from referral

There are also cases in which the process actually illuminates a misunderstanding. One worker, for example, was accused of work stoppage when he was overheard telling his team to slow down their work. During our session, we discovered that he did, indeed, tell his team to slow down but not to force overtime. Instead, he was catching them in mistakes and was encouraging them to work at a pace where quality work would be the result.

In order for these processes to be effective – whether to address problematic behavior or discover a misunderstanding - the committee needs to be absolutely committed to following procedures. This process is only as good as our willingness to enforce it loyally and consistently.

Capping the Wires

After 21 years in this process, I can tell you that to create and sustain a functional CEO committee takes ongoing effort, perpetual trust-building, and the willingness to collaboratively evolve the process so that it stays relevant as workforce challenges change.

After 21 years, I'm also confident that this kind of committee can be a crucial part of the development of a healthy future for our workforce and our industry.

Getting Started in Your Local

As with all big projects, a functioning COE committee is built one step at a time. Start with trust-building and process-creation. Pick a date for the monthly meeting. Ours are the day after the JATC committee meeting in case we have individuals who need to appear because of separation from the JATC but want to continue as electricians.

Then hold the meetings without fail. In our earliest days, our meetings were five minutes long because we weren't yet getting referrals. Showing up, even if it is just to adjourn, lays the foundation for trust, a place for the process to grow.

Finally, commit to a feedback loop of noticing where your local industry is challenged and experimenting with how your COE committee can respond.

For example, our COE committee recently noticed two new challenges:

1. Workers were coming to think of the COE committee as a NECA tool for punishing them rather than a community collaboration to support them
2. Our committee meetings were lasting three to four hours

To address both, we have collectively decided that the IBEW will independently handle a first termination for cause. A second termination the workers go to the Executive Board. Only at the third termination will they be referred to the committee.

Our hope is that, with these changes, we'll demonstrate to the workers that these processes are fully within the scope of IBEW support for them, not just NECA standards, and return our committee meetings to a timeframe that is easier for members to fit into their schedules.

We are all looking toward a future in which continued growth of our industry requires a skilled, reliable, ethical workforce. COE committees are an additional support to creating a future where we all thrive.



About Debra Margraf

Debra Margraf started her career with the Arizona Chapter NECA in 2001 as the executive director. By that time, she had a robust background in association management, communications, and lobbying, allowing her to bring a deep understanding of how education, persistence, and relationships could transform an industry. Her strong desire and conviction to protect her members, along with her ability to respond and adapt to both the current and future economic environment have earned her a high level of respect and trust by her membership. She has achieved many accolades throughout her career including two appointments to the Workforce Arizona Council, Leader of the Year in Public Policy by the Arizona Capitol Times, Association Executive of the Year by the Arizona Society of Association Executives and an appointment to NECA's Talent Management and Development taskforce, formally DEI&B. Debra also enjoys time with her husband of 34 years, Michael, and their two miniature schnauzers, and following Diamondbacks and Cardinals baseball.