



## Temporary Employment Agencies

Signatory contractors across the country continue to bid work for new and existing customers of all sizes and scope. Unfortunately, the opportunity for workforce shortages exists and workforce calls to the site IBEW Local Union may exceed 48-hours. This has led signatory contractors to seek utilization of Temporary Employment Agencies to fill workforce needs.

### Can a Temporary Employment Agency be utilized?

After 48 hours, if a call for workers is unfilled, the Employer has a right to hire from any source. This includes Temporary Employment Agencies.

***Section 4.06. If the registration list is exhausted and the Local Union is unable to refer applicants for employment to the Employer within 48 hours from the time of receiving the Employer's request, Saturdays, Sundays and holidays excepted, the Employer shall be free to secure applicants without using the Referral Procedure but such applicants, if hired, shall have the status of "temporary employees".***

***Section 4.07. The Employer shall notify the Business Manager promptly of the names and Social Security numbers of such "temporary employees" and shall replace such "temporary employees" as soon as registered applicants for employment are available under the Referral Procedure.***

### 48 hours have passed. Now what?

Employers are obligated to request workers from the Local Union as stated in Category I language—***The Union shall be the sole and exclusive source of referral of applicants for employment.***

Employers should ensure the call for workers is accurate. If an employer needs 10 workers, the call should be for 10. Placing a call for 12 but only needing six to expedite the use of Temporary Employment Agencies will cause issues. Specific classifications should also be requested.

After 48 hours from the time of receiving the Employer's request (Saturday, Sunday and holidays excepted), the Employer is free to secure applicants without using the referral procedure but such applicants, if hired, shall have the status of "temporary employees." Names and Social Security numbers are to be provided to the local union.

### Temporary Employees have been hired. How do we pay them?

Temporary Employees are to be paid in accordance with the terms and conditions of the CBA as a Journeyman Wireman.

Any arrangement with the Temporary Employment Agency for payment of wages or benefits does not supersede the obligations under the CBA.

The Temporary Employment Agency is likely responsible to a contractual arrangement to the individuals. Review the contract with the Temporary Employment Agency and understand the Agency / Employer / Employee relationship to avoid subcontracting issues under the Collective Bargaining Agreement.

## **What other items should a contractor be aware of?**

The above-mentioned guidance can be modified if the Local Union and NECA Chapter agree to a Memorandum of Understanding that would expand the use of Temporary Employment Agencies. This should clearly document:

- Classifications and how a temporary employee would be “slotted.”
- What local benefits (if any) are paid. National benefits can’t be modified.
- Resolve replacement when workers become available for referral.

*This document and its contents are not to be used for bidding purposes. All inquiries about Shift Work or the Collective Bargaining Agreement should be directed to the respective NECA Chapter for the applicable area.*