STATE OF CALIFORNIA GRAY DAVIS, *GOVERNOR*
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR STATISTICS & RESEARCH
455 Golden Gate Avenue, 8th Floor
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ADDRESS REPLY TO:
P.O. Box 420603
San Francisco CA 94142-0603

SCOPE OF WORK PROVISION

FOR

LANDFILL WORKER (OPERATING ENGINEER)

IN

IMPERIAL, INYO, KERN, LOS ANGELES, MONO, ORANGE, RIVERSIDE, SAN BERNARDINO, SAN DIEGO, SAN LUIS OBISPO, SANTA BARBARA AND VENTURA COUNTIES

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Div. of Labor Statistics & Research
Chief's Office

LABOR AGREEMENT

between

NORCAL/SAN BERNARDINO, INC.

and

INTERNATIONAL UNION OF OPERATING ENGINEERS
LOCAL UNION NO. 12

THIS AGREEMENT, made and entered into the 25th day of July, 1999, by and between Norcal/San Bernardino, Inc. hereinafter referred to as the EMPLOYER or NORCAL, and the International Union of Operating Engineers, Local Union No. 12, affiliated with the AFL-CIO, hereinafter referred to as the UNION.

ARTICLE I

It is the intent of the parties and the purpose of this Agreement to preserve and continue the harmonious relations existing between the parties to insure peaceful adjustment and settlement of grievances, claims, disputes and differences which may arise between the Employer and its employees represented by the Union, to prevent stoppages or interruptions of work, strikes and lockouts and, to establish wages, hours and working conditions which shall prevail during the term hereof for the employees covered by this Agreement.

ARTICLE II
Coverage

A. It is understood by the Employer and the Union that this Agreement pertains only to the work performed at the landfills and transfer stations operated by the Employer in San Bernardino County, including facilities maintenance work and the maintenance and repair of equipment used in such operations.

B. The Employer agrees that the Union has jurisdiction on work related to landfills and transfer stations, including earthmoving equipment operations and maintenance and repair of equipment used in such operations, except as modified hereinafter.

C. This Agreement shall not apply to the drilling and gas collection work performed by Brian A. Stirrat (BAS), its subcontractors, successors, assigns and any other entity selected

by the County of San Bernardino in the future to perform similar resource recovery work at County-owned landfills.

D. The Employer agrees that the Union has jurisdiction on work related to landfills, transfer stations, etc., including earthmoving equipment operations, drilling operations and maintenance and repair of equipment used in such operations. The Employer agrees to use Companies signatory with Operating Engineers for the above work. Subcontracted or contracted on or after July 25, 1999, for the term of this agreement.

E. Notwithstanding the foregoing, it shall not be a violation of this Agreement for the Employer to employ temporary employees obtained through a temporary agency, provided that no such employee is employed continuously for more than thirty (30) days. This right will be exercised reasonably by the Employer and will not be abused by constantly employing a revolving group of temporary employees to evade the requirements of this Agreement.

ARTICLE III
Union Recognition

A. The Employer agrees to recognize the Union as the sole collective bargaining representative for all employees of the Employer working in those classifications specified in Article V of this Agreement.

B. The Union agrees that the following classifications of employees are not covered by this Agreement: (1) site superintendents whose primary duty is not the operation of equipment; and (2) all other supervisory employees and all administrative employees.

C. Employees excluded from this Agreement as site superintendents shall not perform work customarily performed by regular employees covered by this Agreement, except in emergency situations or as needed when regular employees are not available. No regular employee shall be laid off or lose work as a result of a site superintendent performing bargaining unit work. By way of example and for purposes of illustration only, if a regular employee assigned to a distant location is ill or is otherwise unavailable, the site superintendent may operate equipment until another regular employee can be assigned to that location.