

1. Core Gang and Regular Employee Rules to be put into effect by end of November 1998.
2. Finalized Core Gang and Regular Employee Rules to then remain in effect unless modified through mutual agreement of the parties throughout the term of the Port of Houston-Attraction and Retention of Work- Memorandum of Understanding.
3. Members of Core Gangs including the Core Gang Gang Foreman must be available for Core Gang work assignments whenever their Core Gangs come up to the top of the Core Gang referral list based upon earnings and the direct employer shall have the right to give priority to Core Gangs when ordering back for any time, including the following morning, until the completion of the job.
4.
 - a. **A Core Gang member must be available for all 7:00 a.m. and 8:00 a.m. starts. For 10:00 a.m. or later starts, a Core Gang member cannot be penalized if at that point, he or she has accepted other work.**
 - b. Members of the Core Gang, including the Core Gang Foreman must be available for Core Gang work at all times. Any Core Gang member or Core Gang Gang Foreman may make up to four separate requests in advance during a payroll year for a minimum of three consecutive days off without penalty not to exceed a total of 28 days. In addition, any individual may request in advance up to five individual days off without penalty. During any time off, members of a Core Gang, including Core Gang Gang Foremen, will not be allowed to take any other jobs within the industry. **If a Core Gang member intends to take vacation, a personal day, or otherwise will not be in attendance on any given day, that member must notify the Gang Foreman of his or her absence as soon as possible. Vacation and personal days must be requested at least one day in advance.**
 - c.
 1. Foremen are responsible for their four Core Gang men.
 2. Foremen are required to write at the bottom of the gang sheet the men's names that are missing, reason why the core member is not present (sick, doctor's appointment, etc). **The Gang Foreman must bring information on their member's attendance to the timekeeper each day. Any absences must be noted as well as the reason for the absence. The timekeeper will then write this information on the bottom of the timesheet and this information will be sent to the WGMA from the direct employer.**
 3. Core Gang members must report all absences to their Gang Foreman as described in 4(b) above. The Gang Foreman must report his or her absences to the Walking Foreman or the superintendent. For definition of what constitutes a "strike" see number 6 below
 4. Strike rule and vacation rule applies to all core men, including Foremen.
5. Any Core Gang member, including the Foreman, shall be removed from Core Gangs if they are not regularly available for all of their Core Gang work assignments. Any Core Gang member, including the Foreman, shall be prohibited from being referred for any

work or from continuing to work immediately following their non-availability for Core Gang work assignment until 6:00 a.m. the next day.

If a Core Gang member accepts employment immediately following their non-availability for Core Gang work before 6:00 a.m. the next day, they will be issued a non-excused absence in accordance with number 6 below.

The Union is not to send an individual to a job following their non-availability for Core Gang work.

6. Any Core Gang member, including the Foreman, will be barred from Core Gang membership for a minimum of one year if they receive a third strike. Those who re-enter a Core Gang after their one year suspension who receive three or more strikes will be barred from Core Gang membership for at least two years and may be permanently barred from any future Core Gang membership.

Penalties will be determined as follows:

- a. **First unexcused absence – written warning submitted through the WGMA**
- b. **Second unexcused absence – written warning submitted through the WGMA**
- c. **Third unexcused absence – Strike 1. Individual given one month Non-Referral for Core Gang work, submitted in writing through the WGMA**
- d. **Fourth unexcused absence - Strike 2. Individual will receive a written warning and must appear before the Core Gang Committee before returning to work in a Core Gang.**
- e. **Fifth unexcused absence - Strike 3. One year suspension in accordance with the Core Gang Rules.**

Each incident counts as a separate offense. The strikes are counted in a rolling twelve-month period.

7. All Core Gang members, including the Foreman, along with any individuals added to the Core Gang may be ordered back by the direct employer for night work and may be ordered back by the direct employer from day to day to complete operations. The direct employer will determine if a Core Gang will be brought back for night work prior to the night work ordering deadline. The direct employer must let Core Gang Gang Foremen know by 3:30 p.m. if they want the gang to return at 7:00 p.m. If the Core Gang Gang Foreman accepts the order, they will return at 7:00 pm. The Core Gang guarantee of three hours will apply. The Gang Foreman will receive a guarantee of four hours. The direct employer can cancel up to 5:00 p.m. If the Core Gang members and the Core Gang Gang Foreman refuse to accept the call back order, they will not be allowed to accept any other job until 6:00 a.m. the following day.
8. It is agreed that Core Gangs may be ordered by the direct employer for all cargo work other than at Barbours Cut Terminal excluding "fully automated" container operations, straight container operations, automobile operations and all bulk operations.
9. The Core Gang consists of five men to include a Core Gang Gang Foreman and four holdmen. **At the discretion of the employer, a dedicated worker may be appointed as the fifth member of the Core Gang. If the employer chooses to use a dedicated worker, the Core Gang will consist of the Gang Foreman, 3 Core Gang members and the dedicated worker.** Winch operators, except break out winch operators, who are

referred with the Core Gang must come from a jointly approved list. It is agreed that Core Gang members and all others employed on Core Gang operations may be utilized anywhere on the operation as required by the direct employer and that Core Gang Gang Foremen must meet all the requirements of Rule 27 of Deepsea Agreement. Core Gang members must be able to efficiently drive forklifts to be included as a permanent member of the Core Gang. Minimum gang sizes as required by the Collective Bargaining Agreement and Memoranda of Understanding will apply.

10. All winch operators, except break out winch operators, will be referred from a list of **individuals taken from the individual employer's dedicated list and approved by the ILA. The Core Gang Committee approves of this list and agrees that these operators will be referred by the company from that dedicated list.**
11.
 - a. It is agreed that a Core Gang and replacement computerized phone system will be put into operation based upon mutual agreement as soon as possible.
 - b. When Core Gangs are assigned daily and evenings, a fax listing of those gangs assigned will be sent by the Hiring Hall to WGMA. An additional fax would be sent documenting which gang and members actually were referred at each hiring time. **This provision is designed to prevent the Core Gang Foreman from altering the list after he leaves the union hall and must be enforced.**
12. Orders for Core Gangs for 3:00 p.m. will be placed by the direct employers by 12:00 noon and cannot be cancelled after 12:00 noon.
13. Any Core Gang member or Core Gang Gang Foreman who quits his job must continue working until the replacement arrives. **A Core Gang member must notify the Gang Foreman and the Foreman must then notify the Walking Foreman or superintendent that the Core Gang member (or the Foreman) needs a replacement before calling the Hiring Hall for a replacement. The individual must also provide notification when the replacement arrives before leaving the job.**
14. Individuals who have complaints filed with WGMA or are fired three times will be brought before the **Core Gang Committee**. Core Gang members who break any of the Core Gang Rules are subject to being taken out of the Core Gang until they meet the **Core Gang Committee**. (Note- This refers to disciplinary action taken for issues other than absences).
15. Persons wanting to remove themselves from one Core Gang and be eligible to transfer once a year to another Core Gang must first get permission from the **Core Gang Committee** with the understanding he will take all strikes and vacation days with him.

Any movement from one gang to another within the same company will be determined by the direct employer. This provision only addresses transfers to other company's Core Gangs. In addition, the Union may choose to allow an individual to transfer to a new Core Gang prior to being approved by the Core Gang Committee if the Union first reviews the individual's record. The Union will then present the names of those who have requested a transfer or have already been transferred at

the next regularly scheduled Core Gang Committee meeting for final approval by the Core Gang Committee.

16. A minimum of 20 Core Gang Gang Foremen and Core Gangs will be selected. Additionally there will be ten alternate Core Gang Gang Foremen who will be jointly selected and will not go out in rotation. If additional Core Gangs are needed to meet the direct employer's Core Gang needs, they will be jointly selected by the **Core Gang Committee. This applies to adding, subtracting or transferring gangs.**
17. Core Gang Gang Foreman will be jointly selected by the **Core Gang Committee.**
18. Core Gangs are checked (monitored) for compliance Monday through Sunday by the **Local, direct employer and WGMA.**
19. Core Gang Gang Foremen are required to ID all Core Gang men. If someone other than the Core Gang Gang Forman picks up the Core Gang, it will be his responsibility to do so. A list of all Core Gangs will be posted on the Hiring Hall bulletin boards. **An outside Gang Foreman must follow all the same rules.**
20. Men who elect to be part of a Core Gang must commit for a period of one year. Individuals who drop out of a Core Gang will not be allowed to reapply for a period of one year.
21. The **Core Gang Committee** referred to herein shall be comprised of eight individuals; four of whom shall be appointed by WGMA, and four of whom shall be appointed by Local 24. All questions of interpretation of these Core Gang Rules shall be referred to this Committee for a final and binding decision. Each side will have equal votes. In the event of a deadlock on any question presented to the Committee, the question shall be referred to one of the WGMA/ILA Mediators (who are selected at random) whose decision shall be conclusive on the issues presented. In addition, the Committee shall have the authority to make determinations on the following matters:
 - a. The selection and replacement of the individual Core Gang Gang Foremen and the Core Gang members comprising each gang. In making the selections, the Committee shall give consideration to the following factors:
 1. seniority;
 2. fitness and ability as determined by the Committee on the basis of the individual's qualifications or past record of performance; and
 3. any certification issued by WGMA that may be required.**To make this practical, the Union representatives on the Core Gang Committee will bring the list of those who have requested to be a Core Gang member. The Core Gang Committee will approve names on the list and those individuals will be referred when there is an opening in a Core Gang or as a Core Gang Foreman.**
 - b. All questions of discipline and/or disqualification of any Core Gang member (including Foremen) based on the implementation or interpretation of the Core Gang Rules.