

NATIONAL MAINTENANCE AGREEMENTS POLICY COMMITTEE, INC.

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Impartial Secretary/CEO
Stephen R. Lindauer

The following constitutes an official action of the National Maintenance Agreements Policy Committee, Inc.:

Bulletin IX – 5 * National Maintenance Agreement

Subject: Article IX – Benefits and Other Monetary Funds

Application of Bonding Requirements Contained in the Local Collective Bargaining Agreement

The Committee was requested to provide clarification of Article IX – Benefits and Other Monetary Funds and the application of local bonding requirements for work performed under the terms of the National Maintenance Agreements.

Conclusion

The Committee determined that Article IX, Section 1 of the National Maintenance Agreements does reference provisions contained in the local collective bargaining, for the payment of “*Welfare Funds, Pension Funds, Apprentice Training Funds and other monetary funds called for in the Local Union or District Council Labor Agreement ...*” However, because Employers signatory to the National Maintenance Agreements are not required to become signatory to any local collective bargaining agreements, Employers working under the National Maintenance Agreements are not subject to the bonding requirements when contained in the applicable local collective bargaining agreement.

Concerning the application of bonding requirements when contained in the applicable trust agreement, the Committee determined that while Employers signatory to the National Maintenance Agreements are not required to sign local collective bargaining agreements, Article IX, Section 2 of the National Maintenance Agreements states “*The Employer agrees to be bound by and will sign all legally constituted trusts which have been established between the local unions of the (applicable craft) and recognized bargaining agencies of the contractors in the area.*” Therefore, in situations where such bonding requirements are stipulated in the applicable trust agreements signatory Employers would be subject to such requirements when working under the terms of the National Maintenance Agreements.

Further, when participation in said trust agreements is required under an applicable local collective bargaining agreement and the local union has not developed a separate trust fund participation agreement or a letter of assent, the NMAPC has developed a generic Trust Fund Participation document to be executed by Employers consistent with Article IX of the National Maintenance Agreements and applicable federal statutes, which will allow Employers to make, and funds to accept contributions on behalf of the Employer’s employees (see NMAPC Bulletin No. IX – 1).

Stephen R. Lindauer
Impartial Secretary/CEO

A handwritten signature in black ink, appearing to read "Stephen R. Lindauer". The signature is fluid and cursive, with a large initial "S" and "L".

June 17, 2011

APPROVED

Re: NMAPC Meeting of 6-17-11