

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 – 4 * National Maintenance Agreement

Subject: Article IX – Benefits and Other Monetary Funds

Payments Made to Other Funds in Lieu of Payment to an Industry Advancement Fund

The Committee was requested to provide clarification regarding local union agreements that require Employers to make payments to approved funds (i.e.: welfare funds, pension funds, apprenticeship training funds, and the like) in lieu of making contributions to local industry advancement funds.

Conclusion

The Committee reaffirmed its long standing policy that to require payment of an equal amount into an apprenticeship or other approved fund, in lieu of payment into a discretionary fund (i.e., industry advancement, contract administration, and the like), constitutes a "dual rate" and is, therefore, not mandatory under the terms of the National Maintenance Agreements. Provisions in local union agreements that require contributions to discretionary funds shall not be enforceable. The intent of the prohibition on "dual rates" is not to deny contributions called for in local agreements which are required for funding purposes, but, is to prevent local collective bargaining from being used to circumvent the rights of signatory Employers under the National Maintenance Agreements, which are national agreements.

Stephen R. Lindauer
Impartial Secretary/CEO



June 17, 2011

APPROVED

Re: NMAPC Meeting of 6-17-11
NMAPC Meeting of 8-24-05
NMAPC Meeting of 8-22-02