

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 – 7 * National Maintenance Agreement

Subject: Article IX – Benefits and Other Monetary Funds

Construction Industry Exemption Under the Employee Retirement Security Act of 1974

The Committee was requested to provide clarification under Article IX – Benefits and Other Monetary Funds regarding the need for Pension Trust Funds receiving contributions under the Agreement to adopt the construction industry withdrawal rules under the Employee Retirement Security Act of 1974, as amended (ERISA).

Conclusion

The Committee determined that the National Maintenance Agreements (NMAs) are 8(f) agreements under the National Labor Relations Act, covering employees primarily engaged in the building and construction industry, and as such, pension funds covered by the NMAs may adopt the construction industry rules of withdrawal authorized by section 4203(b)(1) of ERISA. Therefore, if any pension fund to which contributions are required to be made under the terms of an NMA does not qualify for the construction industry rules of withdrawal or does not take the necessary steps to adopt the construction industry rules of withdrawal, then employers signatory to the Agreement will not be obligated to hire employees covered by such fund.

Stephen R. Lindauer
Impartial Secretary/CEO



April 21, 2016

APPROVED

Re: NMAPC Meeting of 4-21-16