

C4A Program
SOUTHWEST CARPENTERS TRUSTS
AMENDED RESOLUTION

Effective September 18, 2009, the Resolution adopted by this Board on August 30, 1978 and as amended relating to contributions and benefit coverage for superintendents and other non-bargaining unit individuals is amended to read as follows:

WHEREAS, the Board has adopted a Resolution establishing the C4A program and desires to amend it;

WHEREAS, MASTER LABOR AGREEMENTS BETWEEN THE ASSOCIATED GENERAL CONTRACTORS, BUILDING INDUSTRY ASSOCIATIONS, ENGINEERING CONTRACTORS ASSOCIATIONS, SOUTHERN CALIFORNIA CONTRACTORS ASSOCIATION, UNITED GENERAL CONTRACTORS, WESTERN WALL AND CEILING CONTRACTORS ASSOCIATION, MILLWRIGHT EMPLOYERS ASSOCIATION AND ASSOCIATION OF CONSTRUCTION EMPLOYERS and UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA, were entered into July I, 2006; and

WHEREAS, the MASTER LABOR AGREEMENTS, effective July 1, 2006, provide, in Article XVI, Paragraph 1616, as follows:

1616. A corporate officer, partner (except that up to two (2) partners or corporate officers of a Contractor firm may be exempted from the provisions of this paragraph upon fulfillment of the Contractor of requirements and procedures established for that purpose by the Trustees of the Trusts named below in this paragraph), RME or RMO (if not otherwise exempt as a partner) performing work under the terms of this Agreement shall be considered an employee. Any exempted person working with the tools of the trade shall be covered by the provisions of the Union Security Clause. Contributions on non-exempt employees shall be reported at a uniform rate of 173 hours per month to the Carpenters Health & Welfare Trust for Southern California and the Carpenters Pension Trust Fund for Southern California the sums designated in Attachment 1 to this Agreement. All non-exempted person receiving benefits under this provision shall be covered by the provisions of the Union Security Clause. The Trustees of the above mentioned Trusts will be instructed to accept such contributions.

WHEREAS, the parties to the MASTER LABOR AGREEMENTS have expressly specified that unless exempted, individuals in the categories of corporate officer, partner, RME or RMO who are performing work under the terms of this agreement shall be considered employees and that the Trustees are instructed to accept contributions with respect to them; and

WHEREAS, under Article XX, Paragraph 2001.1 and under Article XXI, Paragraph 2101.1 of the MASTER LABOR AGREEMENTS, the parties have reaffirmed that for the purpose of the

Health & Welfare Trust and of the Pension Trust only, craft or assistant craft superintendents may be eligible employees for participation in such Trusts. Since the parties to the MASTER LABOR AGREEMENTS have expressly defined such included individuals as employees for purposes of those Articles only of the MASTER LABOR AGREEMENTS, they are included as employees under each of the applicable Trusts and no amendments are necessary to such Trusts.

WHEREAS, With respect to Paragraphs 2001.1 and 2101.1 of the Master Labor Agreements between the various employer associations and United Brotherhood of Carpenters and Joiners of America, and effective with the date of the Master Labor Agreement entered into between Southern California General Contractors and United Brotherhood of Carpenters and Joiners of America on July 1, 1977, the terms "craft superintendents" and "assistant craft superintendents" as used in those two paragraphs mean and refer to any person who has become, or becomes, employed by a Contractor in a capacity involving supervision, in a classification above the rank of Foreman, of workmen covered by any of the collective bargaining agreements.

WHEREAS, in addition to superintendent positions, many former craft workers are retained by signatory contractors in the positions of project managers or estimators who may again perform bargaining unit work.

WHEREAS, If a Contractor elects to make voluntary contributions to the Trusts with respect to its craft superintendents, assistant craft superintendents, project managers, estimators or corporate officers and it hires a person in a supervisory capacity who does not come within the interpretation stated above, the Contractor should not be afforded the right or option, nor have the obligation to participate in the said Trusts with respect to such supervisory persons;

WHEREAS, A Contractor who elects, after July 1, 2009 to make contributions with respect to its craft superintendents and assistant craft superintendents, project managers or estimators or corporate officers may make contributions to the Trusts on them without having to elect to cover all such persons, but should not be allowed to make contributions on any persons who do not come within the interpretation stated above.

NOW, THEREFORE BE IT RESOLVED THAT:

A. Pursuant to the direction of the parties to the Master Labor Agreements and specifically in accordance with the express provisions of Paragraphs 1616, 2001.1 and 2101.1, the Board of Trustees of the Southwest Carpenters Health & Welfare Trust and the Southwest Carpenters Pension Trust, adopt the following Rules and Regulations. To ensure equal treatment of all individuals in such classifications and to protect each Trust against adverse selection or consequences; additional Rules and Regulations are necessary and they are set forth below:

RULES AND REGULATIONS

The Southwest Carpenters Pension and Health and Welfare Funds will accept voluntary contributions on individuals employed by signatory contractors employed within the geographical jurisdiction of the Southwest Regional Council of Carpenters in the following classification (subject to the rules and regulations set forth below): corporate officers, partners, RME, RMO, craft superintendents or assistant craft superintendents, project managers or estimators.

1. Commencing July 1, 2009, all contributions made with respect to (a) individuals referred to in Paragraph 1616 working with the tools of the trade; and (b) eligible craft or assistant craft superintendents, (see above for special eligibility requirements), and (c) eligible Project managers and/or estimators shall be transmitted on a separate report form to be provided by the administrator.

2. CORPORATE OFFICERS, PARTNERS, RME, RMO: Each participating employer (other than a sole proprietor), and each new or reinstated participating employer (other than a sole proprietor) within sixty (60) days after becoming a participating employer or after reinstatement, must do the following:

(a) File a written statement with the administrator listing the name, social security number and title of each corporate officer, partner, RME or RMO thereof working with the tools of the trade, and in the case of a partnership, designating specifically not more than two (2) partners or corporate officers (effective July 1, 1998) for whom it claims the exemption permitted under Paragraph 1616, of the Master Labor Agreements. In addition, it will file a written statement designating those individuals it wishes to identify as either working with the tools of the trade (or eligible to do so) and on whom it wishes to make voluntary contributions under this program.

(b) Effective July 1, 1978, with respect to individuals employed in the categories referred to in paragraph (a) above, report and pay contributions to each and all of the Trusts referred to in Paragraph 1616 at a uniform rate of 173 hours per month for every month (including the first month from and after such individual first works with the tools of the trade), including any subsequent months in which the individual does not work with the tools of the trade. If a Contractor becomes obligated to contribute to the Trusts after the 15th of the month, participation in this program will begin with the following month, unless the Contractor elects to participate immediately. Contributions for individuals designated in Section 2(a) shall continue for the duration of their employment unless they cease to be an officer, partner, RME or RMO working with the tools of the trade.

(c) A contractor may add individuals to its list of those employees on whom it wishes to make voluntary contributions subject to approval by the Board of Trustees.

(d) Contributions will only be accepted on corporate officers, partners, RMEs or RMOs if the contributing employer employs at least two bargaining unit employees and is not delinquent in its contributions to the Trusts as to its bargaining unit employees on whom it is making contributions to the Southwest Carpenters Trust Funds. This requirement may be waived if the contributing employer subcontracts all its bargaining unit work to signatory subcontractors who employ and contribute on craft workers.

Notwithstanding the provisions of the first clause (through the colon above) of this Paragraph 2, each participating employer (other than sole proprietor) shall comply with the provision of subparagraphs (a) and (b) of this paragraph 2 from and after the month (with the exceptions noted in subparagraph (b) in which any corporate officer, partner, RME or RMO first works with the tools of the trade.

3. CRAFT OR ASSISTANT CRAFT SUPERINTENDENTS:

Any craft or assistant craft superintendent hired by a signatory employer may become a participant of the Trusts, provided the signatory employer files a written application with the Administrative Office advising of the election to make contributions as permitted under the Master Labor Agreements. If such written application is not filed within the specified time (sixty days), participation may not be permitted. The provisions of this paragraph shall extend to a new participating employer effective with the date it becomes obligated to contribute to the Trusts. Contributions on craft or assistant craft superintendents shall continue as long as that individual remains employed as a craft superintendent or assistant craft superintendent with such signatory employer. A craft superintendent or assistant craft superintendent who is on disability is considered to be employed for purposes of this requirement. If a craft or assistant craft superintendent is added to this program after his initial date of employment, inclusion in the program will be subject to approval by the Board of Trustees.

The application for participation will be granted only under the following conditions:

(a) Contributions shall be reported and paid at a uniform rate of 173 hours per month;

(b) Once contributions have been commenced by a participating employer with respect to a craft or assistant craft superintendent, except as noted in (c), the contributions must be continued during the employment of such individuals in such type of employment by that participating employer;

(c) Contributions will not be accepted from any employer who is delinquent in its contributions to the Trusts as to its bargaining unit employees; and

(d) The Administrator may cease C4A billings on an employer if the employer has not submitted reports and/or payments longer than three months. However, this does not preclude the Trustees from seeking collection of any delinquent amounts.

(e) Contributions will only be accepted on craft or assistant craft superintendents if the contributing employer employs at least two bargaining unit employees on whom it is making contributions to the Southwest Carpenters Trust Funds. This requirement may be waived if the contributing employer subcontracts all its bargaining unit work to signatory subcontractors who employ and contribute on craft workers.

4. The terms "craft superintendents" and "assistant craft superintendents" as used in Paragraphs 2001.1 and 2101.1 of the Master Labor Agreement and in the foregoing Resolution, shall mean and refer to any person who has become, or becomes, employed by a contractor in a capacity involving supervision, in a classification above the rank of Foreman, of workmen covered by any of the collective bargaining agreements.

A Contractor who elects, after July 1, 1990 to make contributions with respect to craft or assistant craft superintendent shall be required to make contributions to the Health & Welfare and Pension Trusts on such persons. The Contractor will not be required to make contributions on all such persons hired.

Commencing December 14, 2001, craft or assistant craft superintendents are not required to have prior contributions made to the Southern California Trusts. This provision is not retroactive.

An employer may elect to report a craft or assistant craft superintendent under this Resolution on the regular carpenter reporting form and, if it elects to do so, will report such individual for a minimum of 173 hours per month and will contribute to all funds listed on the journeyman report.

5. **PROJECT MANAGERS / ESTIMATORS:** Effective July 1, 2009, a project manager or estimator hired by a signatory employer may become a participant of the Trusts, provided the signatory employer files a written application with the Administrative Office advising of the election to make contributions and subject to approval by the Board of Trustees. Each participating employer who is employing Project Managers and/or Estimators, based on the voluntary election by the employer to make such contributions, shall continue to make such contributions as long as such individual remains employed. If a Project Managers and/or Estimators is added to this program after their initial date of employment must be based on a written request and may not be permitted. Inclusion in the program will be subject to approval by the Board of Trustees The provisions of this paragraph shall extend to a new participating employer effective with the date it becomes obligated to contribute to the Trusts. and will be subject to approval by the Trust.

The application for participation will be granted only under the following conditions:

(a) Contributions shall be reported and paid at a uniform rate of 173 hours per month;

(b) Once contributions have been commenced by a participating employer with respect to a Project Manager and/or Estimator, except as noted in (c), the contributions must be continued during the employment of such individuals in such type of employment by that participating employer;

(c) Contributions will not be accepted from any employer who is delinquent in its contributions to the Trusts as to its bargaining unit employees; and

(d) The Administrator may cease C4A billings on an employer if the employer has not submitted reports and/or payments longer than three months. However, this does not preclude the Trustees from seeking collection of any delinquent amounts.

(e) A Contractor who elects, after July 1, 2009 to make contributions with respect to Project Managers and/or Estimators shall be required to make contributions to the Health & Welfare and Pension Trusts on such persons. The Contractor will not be required to make contributions on all such persons hired .

(f) Contributions will only be accepted on project managers or estimators if the contributing employer employs at least two bargaining unit employees on whom it is making contributions to the Southwest Carpenters Trust Funds. This requirement may be waived if the contributing employer subcontracts all its bargaining unit work to signatory subcontractors who employ and contribute on craft workers.

6. No contractor may participate in the C4A program unless its agreement is supported by a legitimate bargaining unit, either through direct employment of union carpenters or through subcontracting to other contractors who employ union carpenters.

7. No contributions will be permitted which would, in the opinion of the Board of Trustees, violate any tax-related discrimination provision, or other provision of law, applicable to a trust.

This Resolution shall not have the effect of excusing any obligation to the Trusts undertaken by any Contractor prior to July 1, 1990, nor to prejudice the credits which may have been accorded to any craft superintendent or assistant craft superintendent with respect to employment occurring before July 1, 1990.

Adopted this 11th day of December 2009