

**COLLECTIVE BARGAINING CONFERENCE CALL
FEBRUARY 20, 2009, 2 P.M. EST**

FCA Members

- Minnesota
 - Bill Grimm
- Wisconsin
 - Pete Braun
 - Larry Statz
 - Brad Statz
 - Judy Noyce
 - Rob Noyce
 - F.X. Dickert
- Portland
 - Jerry Van Scoy
 - Pat & John Duty

- Philadelphia
 - Wayne Gregory
 - Dave Tiedeken
- Los Angeles
 - Terry Osburn

FCA Legal Counsel

Steve Burton

FCA Staff

Stuart Binstock

Jay Weaver

Tony Darkangelo

Kristin Bromberg

Impact of New Pension Law

Steve Burton provided information on Congress amending the Pension Protection Act:

1. Plans can extend certification for a period of one year. For example, if you had a green zone last year, this year slipped below, you would be able to extend certification for this year if you are confident you can increase contributions to fund and to bring you back to the green zone.
2. It could take 10-15 years to attain goals to move up depending on, classification, the appeal allows for a three-year extension. Contractors asked if you certify, does the three-year extension still apply? FCA is looking into this question and will provide additional information during the next CBA conference call.

Professional Trustees

- Due to the increased concerns trustees have, FCA is looking to provide an educational workshop at the 2009 Annual Council in San Diego: “The Role of a Professional Trustee”.
- Contractor organizations may have to amend their by-laws to make this growing trend happen.
- Steve indicated that a professional trustee is an attractive alternative because:
 - Contractors are concerned with individual liability.
 - They may help avoid deadlocking between Labor and Management.

Pension Protection Act: Enhance Transparency of Trust Fund Actions

- A contributing employee must make a request to the fund itself for unfunded liability. There are different ways that this can be calculated and it would be in the contractor’s best interest to know what method your particular fund is and what his or her unfunded liability is.
- If counsel is representing a fund, then the association may use the fund to pay for counsel. If the counsel is representing the association, fund money cannot pay the counsel’s fees.
- If management trustees would like to appoint legal counsel as one of their trustees then management would have to absorb the cost of counsel.

Work Rule Issues

Stewards

- Contractors in Philadelphia have an issue with their current CBA language concerning the appointment of job stewards and the responsibility of job stewards. With the current language the steward is the first one on the job and the last one to leave. In the other areas represented, on this conference call, the language in the CBA allowed the foremen to be the first one on and the last one off with the steward to follow.
- The language in Philadelphia also states that you must keep the steward if the job will continue in stages. If you keep the foreman you also have to keep the job steward.

Premium Rates

- Contractors discussed the language in the model CBA which indicates shift differential will be paid. Discussion continued on whether this language was still relevant in today's markets.
- Steve Burton indicated that Federal law does not mandate shift premium.

Misc. Issues/Concerns

- IUPAT plans to introduce a resolution recommending local DCs go to .10 cents. This would provide 7 cents to the LMCI and 3 cents to the FCA through the collective bargaining agreement which would provide funding from all contractors signatory to the IUPAT
- Owners and developers are telling contractors in New York to cut rates by 25 percent