

Fund Letterhead

[DATE]

[Name of Employer]
[Address]
[City], [State], [Zip Code]

In re: Updated Employer Participation Agreements

Dear Employer:

Please be advised the Board of Trustees of the NECA-IBEW Pension Trust Fund (“Fund”) has recently adopted new Employer participation agreements and administrative rules that apply to non-bargaining unit employees, bargaining unit alumni employees and working owners.

Federal law requires the Fund to have a written agreement covering all employees who participate in the Fund. The collective bargaining agreement that your company has with the applicable IBEW Local Union (or Unions) fulfills this written agreement requirement for all employees who are covered by the collective bargaining agreement. A separate written agreement (*i.e., a participation agreement*) is, however, needed for your company to remit contributions on behalf of any employee who is not covered by the collective bargaining agreement.

Non-bargaining unit employees and bargaining unit alumni employees are not covered by the collective bargaining agreement between your company and the applicable IBEW Local Union. Generally, non-bargaining unit employees and bargaining unit alumni employees include your company’s clerical employees, estimators, certain supervisor positions, and any other classification not covered by the applicable collective bargaining agreement. If your company seeks to have its non-bargaining unit employees or bargaining unit alumni employees participate in the Fund, then your company must complete and execute the Fund’s Non-Bargaining Unit Employee Participation Agreement or Former Bargaining Unit Alumni Participation Agreement.

The Fund recognizes that local parties to the collective bargaining agreement may consider “working owners” to, in fact, be covered by the agreement. The Fund’s new rules and participation agreements recognize this practice and will give effect to such provisions as long as the applicable collective bargaining agreement has an *explicit provision* requiring contributions on behalf of such working owners. If the collective bargaining agreement does not have an explicit provision, then the Fund’s rules require the employer to enter into a separate written agreement (*i.e., a participation agreement*) with the Fund. Importantly, please be mindful that it is your company’s duty and responsibility to verify whether the local area agreement permits your company to remit contributions on behalf of working owners.

Should your company seek to participate or continue to participate in the Fund for its non-bargaining unit employees, bargaining unit alumni employees, or working owners, then *at least* one of the participation agreements enclosed herewith must be signed and returned to the Fund Office on or before August 16, 2017. As stated above, your company does not need to enter into a separate working owner participation agreement if your local collective bargaining agreement contains the required language discussed above.

To determine which participation agreement is right for your company, please read and review the description of the participation agreements, the administrative rules and the participation agreements that are posted on the Fund's website (neca-ibew.org, employer tab and click on link for Pension Participation Agreement). Please be advised that participation agreements are not effective until and unless said agreement(s) are approved by the Board of Trustees of the Fund.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

R. Todd Thacker