

## Sample Pension Contract Language

- Sample language in **Black**
- Notes in **Red**

The Employer shall contribute to the Central States, Southeast and Southwest Areas Pension Fund for each individual who has performed work covered under this agreement for 30 calendar days. Effective (  Date  ), the Employer shall contribute the sum of (  Contribution Amount  ) per (  Week/Day/Hour\*  ) for each individual. Effective (  2<sup>nd</sup> Year Date  ), the Employer shall contribute the sum of (  Contribution Amount  ) per (  Week/Day/Hour\*  ) for each individual. Effective (  3<sup>rd</sup> Year Date  ), the Employer shall contribute the sum of (  Contribution Amount  ) per (  Week/Day/Hour\*  ) for each individual.

**\*Hourly Pension is currently only available to Construction Industry Employers.**

Contributions shall be paid for each contribution period an individual is entitled to receive compensation, including but not limited to show-up pay, overtime pay, holiday pay, lay-off pay, vacation pay, or back pay. In addition, if an individual is receiving no wages due to an absence caused by an illness or off-the-job injury, the Employer shall continue to pay contributions for a period of \_\_\_\_\_ weeks/days/hours. If an individual is receiving no compensation due to an absence caused by an on-the-job injury, the Employer shall continue to pay contributions until such time as the individual returns to work; however, such contributions shall not be paid for a period of more than \_\_\_\_\_ weeks/days/hours.

**If the parties select daily pension contributions, the Fund will bill for each day compensated, which could be 6 or 7 days if the individual earns more than five (5) days of compensation. However, the Fund will allow daily reporting groups to cap their pension contributions to five (5) days. If the parties wish to do that, they need to specifically call for this limit of five (5) days in their agreement.**

**If the individual is responsible for a portion of the contribution amount, the individual may reimburse the Employer for their portion of the contribution amount through payroll deductions or other means; however, the agreement must state:**

The Employer agrees to bear the responsibility for the full pension contribution regardless of whether the Employer can collect co-pays from individuals.

Options:

- A. Pension contributions shall be made on each individual performing work covered by this agreement including part-time, temporary, extra, casual, and seasonal individuals.

OR

- B. (available **if and only if** the collective bargaining agreement historically excluded non-regular or part-time individuals from participation in the Pension Fund) Pension contributions shall be paid on each full-time individual who has performed work covered under this agreement for 30 calendar days. In the event that an individual employed on a part-time, casual, seasonal, extra, or temporary basis (select the appropriate designation[s]) works 1,000 hours or more in a (calendar year/12-month)

period, he will be considered a covered employee for purposes of participation in the Central States Pension Fund and all hours worked by him thereafter (for the remainder of that year and all subsequent years), will require contributions to the Central States Pension Fund in the same manner and amount as required for full-time employees.

Staff will not allow any worsening of the contract language. For instance, if the previous agreements did not mention casuals, part-time, etc., then the renewal will not be accepted if the new agreement adds these employee types and attempts to start excluding them or extending the waiting period for them beyond the 30 calendar day waiting period.

Temp Agency. Because the actual Employer likely is telling the temp agency employees when to show up, and what to work on, and checking the quality of their work, and deciding whether to call the temp agency employee back to work the following day, the Fund sees these temp agency employees as employees of the participating company. Therefore, regardless of whether they are being paid by the temp agency, the Fund requires that pension contributions be remitted on their behalf no later than after they have performed work for the participating employer for 30 calendar days.