

# LABOR-MANAGEMENT COOPERATION TRUST

**Local 4** International Union of  
**OPERATING ENGINEERS**

LABOR RELATIONS DIVISION OF CONSTRUCTION INDUSTRIES OF MASSACHUSETTS  
ASSOCIATED GENERAL CONTRACTORS OF MASSACHUSETTS • BUILDING TRADES  
EMPLOYERS ASSOCIATION OF BOSTON AND EASTERN MASSACHUSETTS, INC.  
FOUNDATION & MARINE CONTRACTORS ASSOCIATION OF NEW ENGLAND, INC.

**Project Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Project Identifier:** \_\_\_\_\_

(Dodge Report number, FAP/SAP number, New England Construction News CDC Number, etc.)

### **LIST COMPETITORS:**

#### **Local 4 Bidders**

#### **Non Local 4 Bidders**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. Direct to Owner \_\_\_\_\_ Bidding to General: \_\_\_\_\_
2. List Total Hours of Work For Operators \_\_\_\_\_
3. Estimate Operators Needed and Project Duration \_\_\_\_\_
4. Estimate Value of Project \$ \_\_\_\_\_ Approximate Value of Your Bid \$ \_\_\_\_\_
5. Bid Date \_\_\_\_\_ Approximate Starting Date \_\_\_\_\_

#### **Economic Considerations:**

#### **Employer Request:**

#### **Dollar Amount Approved:**

Health & Welfare  
Pension  
Apprenticeship  
Annuity  
LMCT  
MISC

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

\_\_\_\_\_ **Hours X \$** \_\_\_\_\_ **LMCT per Hour = Total Award \$** \_\_\_\_\_

*In applying for the Labor-Management Cooperation Trust the undersigned agrees that the decision of this application is within the full and complete discretion of the LMCT Executive Committee. The undersigned agrees to waive and release the Executive Committee and the Trustees of the Fund from any claim the undersigned may have now or in the future as a result of this application.*

A recipient's failure to pay its monthly contributions to the Funds in a timely manner will result in revocation of all awards for that month. Recipient will also forfeit receipt of all previously authorized awards in any subsequent months and this forfeiture will continue for the period of the delinquency. Please refer to # 9 of the Cooperation Trust Guidelines for further details.

\_\_\_\_\_  
**Name of Bonding Company**

\_\_\_\_\_  
**Address**

\_\_\_\_\_  
**Zip**

\_\_\_\_\_  
**Employer's Name**

\_\_\_\_\_  
**Address**

\_\_\_\_\_  
**Zip**

\_\_\_\_\_  
**By: Name (Print)**

\_\_\_\_\_  
**Authorized Signature**

\_\_\_\_\_  
**Date**

#### **Approved By:**

\_\_\_\_\_  
**Executive Trustee - Union**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Executive Trustee - Management**

\_\_\_\_\_  
**Date**

## LABOR-MANAGEMENT COOPERATION TRUST GUIDELINES

1. Please fill out the Labor-Management Cooperation Trust application form paying particular attention to the list of competitors and the total hours of work for operators. **Please indicate if this is a second request** due to a delayed bid, or a rebid and attach the original request.
- 2a. The Cooperation Trust will be applied only to members of Local 4. Operating Engineers from other Local Unions, cleared to work within our jurisdiction, cannot participate in this program.
- 2b. All Joint Venturers participating in a Joint Venture applying for Cooperation Trust benefits and who have or will perform any work covered by the Local 4 Collective Bargaining Agreement must be signatory to the Local 4 Agreement as required by the Trust Agreement.
3. If the Employer requests use of the Trust for additional hours of work due to altered conditions, increased scope of work or because of change orders, detailed documentation of unit costs, showing that the value of the Trust was passed through to the owner, must accompany the request.
4. To give proper consideration to your request for use of the Cooperation Trust, and to provide the Trustees sufficient time to research the job, review your application and notify other potential signatory contractors, all applications for use of the Cooperation Trust must be received by the Cooperation Trust office, either by facsimile at **508.533.1430**, mail or email at **cooperationtrust@iuoelocal4.org**, at least three days prior to bid date. Only signatory contractors that have filed an application are eligible for relief under this fund.
5. It is the Employer's responsibility to notify the Trust Office in writing, **within 15 days of bid date**, that a project has been won by use of the Cooperation Trust. **Failure to notify the office in a timely manner**, may cause the funds to be reallocated to other projects and **may result in the loss of your Trust award**.
6. Successful bidders are required to return a signed hard copy of their original request by mail or email **with a copy of the bid results attached listing the three low bidders on public projects**. Completed hard copy originals must be returned to the Trust office prior to the start of the project. **Contractors receiving Cooperation Trust must provide our office with a copy of their payment and performance bond for that project. This applies to both general and subcontractors. If you are not required to post a bond on this project, please provide this office with a written explanation of the specific circumstances regarding bonding requirements on this project.**
7. The Cooperation Trust shall be applied to operators employed only on the project for which it was requested and cannot be assigned to any of the Employer's other projects or to their other work locations.
  - The names of the operators for which the Trust is claimed must appear on the projects payroll records.
  - The company must have available contemporaneous time-slip documentation, detailing the work accomplished and the project to which the work is related.
  - If operators are assigned to an off-site location for more than incidental work, the company must notify the Business Representative with responsibility for the primary Cooperation Trust project.
  - An Employer may be permitted to transfer Trust award hours for use by another eligible Employer on the same project for which the award was granted, upon application to – and approval by – the Trustees.
8. Recipients of an award from the Labor-Management Cooperation Trust recognize the Trustees' responsibility to meet certain fiduciary obligations and agree to submit to a periodic audit of their projects operating under this jointly trusted program.
9. Under the Collective Bargaining Agreement, contributions are due on the 19<sup>th</sup> day of the month following the month in which work is performed. Recipients of a Cooperation Trust award who remain delinquent in their payment of contributions as of the 30<sup>th</sup> day of the month following the month for which contributions have come due will forfeit **all** of their trust awards for that delinquent month and will become immediately liable for the difference between the trust award rate and the contractual rate. Recipients will also forfeit receipt of all previously authorized awards in any subsequent months and this forfeiture will continue for the period of the delinquency. For example, a recipient that has not paid its March contributions as of April 30<sup>th</sup> will forfeit all of its trust awards for March and will become liable for the full contractual rate for all contributions due for work performed on all awarded jobs in March. No new or previously-authorized awards will be considered for any subsequent months until such time as the recipient has resolved its outstanding delinquency, plus interest.
10. Use of non-signatory subcontractors within the craft discipline of the Operating Engineers, on any construction site by any contractor receiving assistance from the Labor-Management Cooperation Trust, is inconsistent with the purposes of the Trust. Any contractor who subcontracts with a non-signatory subcontractor on a site being assisted by the Trust will be in violation of these guidelines and Trust assistance on that job site shall cease immediately upon confirmation of any such violation.
11. To maximize your total potential award, please make certain that you are using a current Cooperation Trust form. New Cooperation Trust forms can be obtained by calling the Labor-Management Cooperation Trust office at **508.533.9181** or on the website at **iuoelocal4.org**.
12. Although projects are tracked and measured by hours worked, **each individual Trust award is established on bid date as a fixed dollar amount**. The dollar amount of the initial award can only be altered or amended by the Trustees, consistent with the provisions of guideline number three.