



DATE: June 4, 2010

TO: All SMWIA Local Unions
All SMACNA Chapters & Contractors

SUBJECT: Use of SFUA Article X, Section 10 to Expand Work Opportunities

Our nation is in the midst of the greatest economic crisis since The Great Depression. The impact has been particularly severe in the construction industry, and unfortunately, the sheet metal industry has not been spared. Double digit unemployment rates are common in locals, our fringe benefit funds have been severely impacted by falling contribution hours, and many signatory contractors are struggling to survive. It is critically important that labor and management work together during these challenging times, and that we use all available tools to increase employment levels, stabilize our fringe benefit funds by increasing hours, and actively work to recapture lost market share.

While the vast majority of our bargaining areas have been jointly pursuing methods to strengthen their market share, there remain areas unfortunately where we are not aggressively using all tools at our disposal. That situation simply must change for the good of our industry. Therefore, local unions and contractors are strongly encouraged to look at their existing market share in a joint effort to expand work opportunities for sheet metal workers, recapture lost market share, and to use creative approaches to help both members and contractors survive during these very challenging times.

Within this exploration of tools available may be the use of specialty addenda negotiated by the local parties. If the local parties are negotiating such addenda and are unable to reach agreement upon all terms following good faith negotiations, the issue may be submitted to the NJAB if that local area has incorporated Article X in its entirety.

Since 2003, Article X, Section 10 of the Standard Form of Union Agreement has allowed the local parties to utilize the services of the National Joint Adjustment Board (NJAB) to establish initial terms for "specialty addenda," such as for example a contract addendum that is focused upon market recovery in a particular segment of the industry. The procedures of Article X, Section 10 are available even during the term of an existing building trades collective bargaining agreement, so long as that agreement incorporates Article X in its entirety.

Article X, Section 10, can be an important tool to help improve the work opportunities for sheet metal workers, as well as signatory contractors. However, like any other tool, it will not deliver a result unless it is used effectively. Local associations should contact SMACNA for assistance in getting the matter before the NJAB. Local unions should contact the SMWIA for assistance.

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