

**AMENDMENT #2 TO THE
NATIONAL STABILIZATION AGREEMENT OF THE
SHEET METAL INDUSTRY TRUST FUND
AMENDED AND RESTATED ACTIVE RULES AND REGULATIONS
AS OF JANUARY 1, 2020**

Whereas, SASMI provides un/under employment benefits in the event of an inability to work due to illness or injury; and

Whereas, pregnancy and childbirth are not an illness or injury but is a medical event that can make a Participant unable to work; and

Whereas, the Trustees recognize that the Family Medical Leave Act, which does not apply to many of the contributing employers, provides for twelve (12) weeks of leave; and

Whereas, it is in the best interest of the Participants and the Sheet Metal Industry to encourage the participation of women in the industry and that minimizing the financial impact of pregnancy and childbirth will enable more participation;

The undersigned Trustees of the National Stabilization Agreement of the Sheet Metal Industry Trust Fund (“SASMI”) resolve to amend the amended and restated Rules and Regulations as of January 1, 2020 as set forth below, to be effective for maternity leave on or after January 1, 2021 as provided in the amended section.

Inserts a new Article X, **MATERNITY BENEFITS**, (and renumber current Articles X thru XIV as XI through XV) to read as follows and amend Articles III, Supplemental Unemployment Benefits, and IV Underemployment Benefits, to provide that an absence from work during a period when Maternity Benefits are being received does not render an otherwise eligible Employee ineligible for unemployment/underemployment benefits:

Article X - MATERNITY BENEFITS

SECTION 1. QUALIFICATION REQUIREMENTS. An Employee qualifies for Benefits under the Section provided.

- (a) The Employee is involuntarily unemployed in connection with a pregnancy and/or the birth of a child.
- (b) The Employee was available for and sought suitable work in the Sheet Metal Industry in her Home Local Union at all times, other than when out of work in connection with the pregnancy and/or birth, during the current and prior Stabilization Period.
- (c) The Employee did not refuse an offer or opportunity of suitable work or work in the Sheet Metal Industry on referral from her Home Local Union during the

current and prior Stabilization Period, other than when out of work in connection with the pregnancy and/or birth.

- (d) For paragraphs (b) and (c) of this section, the period the Employee was out of work in connection with the pregnancy and/or birth includes the period for which this Maternity Benefit is sought as well as additional periods during which the Employee is unable to work due to her own medical condition. The Employee may, but is not required to, apply for un/underemployment benefits due to illness for said additional periods. Additional periods during which the Employee is unable to work must be certified by the Employee's medical professional by documentation acceptable to the Trustees.
- (e) The Employee, when required to be available for work, demonstrated a willingness to travel reasonable distances on referral from her Home Local Union to secure suitable work in the Sheet Metal Industry.
- (f) The Employee submits an application in accordance with procedures established by the Trustees including but not limited to:
 - i. Application must include Banking Information to facilitate weekly payments.
 - ii. Application must be signed by a Medical Professional whose license and certification includes obstetrics verifying the expected or actual date of birth.
- (g) The Employee is eligible for Benefits under Article II and has not lost eligibility under Article II, Sections 6 or 7, and does not terminate participation nor lose qualification for Benefits under Article X [renumbered as XII] at any time before approval and receipt of payments.

SECTION 2. **AMOUNT OF BENEFIT.**

- (a) The basic benefit equals sixty percent (60%) of the Average Hourly Wage on which Contributions are being remitted in the Employee's Home Local multiplied by the regular work week hours found in the Collective Bargaining Agreement (CBA).
- (b) The benefit shall be paid weekly via ACH for a period not to exceed twelve (12) weeks per pregnancy. The benefit may be paid in one or two stabilization periods.
- (c) Payments will commence no sooner than four (4) weeks prior to the expected delivery date; unless the inability to work is certified by a medical professional whose license and certification includes obstetrics.

- (d) Solely for the purposes of determining eligibility for Article III, Supplemental Unemployment Benefits, and Article IV, Underemployment Benefits, for each week, or portion thereof, in a Stabilization Period that an Employee receives Maternity Benefits they will be deemed to have worked 60% of the regular work week hours, or portion thereof, as found in the Employee's Home Local CBA.

SECTION 3. LIMITATIONS ON MATERNITY BENEFITS. An Employee shall cease to be eligible for this Maternity benefit and forfeit any Benefits which would otherwise have been payable upon a loss of eligibility, termination of participation or loss of qualification as and to the extent provided in Articles II and X [renumbered as XII].

Article III Supplemental Unemployment Benefits

Amend Section 1, Qualification, by adding paragraph (i) as follows

Section 1 Qualification

- (i) For any period that an Employee is receiving Maternity Benefits under Article X that Employee does not need to meet the work requirements in paragraphs (b), (c), (d) and (f), above.

Article IV Underemployment Benefits

Amend Section 1, Qualification Requirements, by adding paragraph (c) as follows:

Section 1 Qualification

- (c) For any period that an Employee is receiving Maternity Benefits under Article X that Employee does not have to meet the qualifications in Section(1)(a) subparagraphs (1), (2) and (3) regarding availability for work but must satisfy the other qualification requirements.

Amend ARTICLE III, **SUPPLEMENTAL UNEMPLOYMENT BENEFITS**, SECTION 2, **AMOUNT OF BENEFIT**, to read:

- (d) Solely for the purposes of determining eligibility for this Article III, Supplemental Unemployment Benefit, for each week, or portion thereof, in a Stabilization Period that an Employee receives Maternity Benefits they will be deemed to have worked 60% of the regular work week hours, or portion thereof, as found in the Employee's Home Local CBA.

Amend ARTICLE IV, **UNDEREMPLOYMENT BENEFITS**, SECTION 2, **AMOUNT OF BENEFIT**, to add paragraph (d) as follows:

- (e) Solely for the purposes of determining eligibility for this Article III, Supplemental Unemployment Benefit, for each week, or portion thereof, in a Stabilization Period that an Employee receives Maternity Benefits they will be deemed to have worked 60% of the regular work week hours, or portion thereof, as found in the Employee's Home Local CBA.

Amend Article I. **DEFINITIONS** to insert a new Section 27. **MATERNITY BENEFITS** and renumber current Sections 27 thru 52 to now be Sections 18 thru 58.

Section 27. **MATERNITY BENEFITS**

The term "Maternity Benefit: means payments under Article X.

Amend Article XI (renumbered as Article XIII). **APPLICATIONS AND APPEALS PROCEDURES FOR BENEFIT PAYMENTS** to insert a new Section 9. **MATERNITY BENEFITS** and renumber current Sections 9 thru 16 to now be Sections 10 thru 17.

Section 8. **APPLICATION FOR MATERNITY BENEFITS**

- (a) Applications for Maternity Benefits shall be made in writing in the form established from time to time by the Administrator, as approved and authorized by the Trustees.
- (b) Applications must be filed no later than twelve (12) weeks after the birth or end of the pregnancy.

Amendment approved and signed on the ____ day of _____, 2020, effective January 1, 2021.

MANAGEMENT TRUSTEES

UNION TRUSTEES
