

COLLECTION OF DELINQUENT ACCOUNTS RESUME

See LABOR CONTRACT for complete text, which governs all decisions by Trustees.

1. Payments to the funds are due on pay day. They must be paid one (1) week from the due date unless extended by Trustees.
2. Employers' failure to make payments to the funds renders him guilty of violating the Contract and Union has the right to terminate the Contract until Employer makes such payment, including the payment of penalties as provided herein.
3. When the Union terminates the Contract, the Employer shall pay for all laborers on the job terminating two (2) days wages as waiting time.
4. The Union and/or Trustees of the Fund or any authorized agent shall have the right at reasonable times to examine all payroll records, etc.
5. The Employer's failure to make the required contributions to the above Funds shall make the delinquent Employer liable for:
 - (a) the delinquent account; plus
 - (b) liquidated damages in the amount of 10% of the wages due; plus
 - (c) 15% interest from the date the contributions were due; plus
 - (d) Attorney's fees, Court costs, C.P.A. Costs and other costs incurred by the above named Funds, for the collection of the delinquent accounts.
6. The Union and/or Trustees shall have the right to use all lawful methods of collecting payments to the Welfare and Pensions Funds owing by an Employer.

ATTENTION - NEW YORK STATE LAW

Labor Law Sec. 198-c. Benefits or Wage Supplements

1. In addition to any other penalty or punishment otherwise prescribed by law, any employee who is party to an agreement to pay or provide benefits or wage supplements to an employee and who fails, neglects or refuses to pay the amount or amounts necessary to provide such benefits or furnish such supplements within thirty days after such payments are required to be made, shall be guilty of a misdemeanor, and upon conviction shall be punished for a first offense by a fine of five hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment. Where such employer is a corporation, the president, secretary, treasurer or officers exercising corresponding functions shall each be guilty of a misdemeanor.
2. As used in this section, the term "benefits or wage supplements" includes, but is not limited to, reimbursement for expenses; health, welfare and retirement benefits; and vacation, separation or holiday pay.
3. The provisions of sections one hundred ninety-six and one hundred ninety-eight of this article shall apply to this section.
4. Section twelve hundred seventy-two of the penal law is hereby repealed.
5. This act shall take effect on September first, nineteen hundred sixty-seven.