

TENTH DISTRICT RECOVERY AGREEMENT VARIANCE REQUEST PROCEDURES

These Procedures shall pertain to requests for Variances in scope, wages, benefits and other terms and conditions of the Tenth District Recovery Agreement.

1. All contractors' signatory to the Tenth District Recovery Agreement must initiate requests for a **Variance** to the Tenth District Recovery Agreement through the appropriate Chapter of N.E.C.A. using the attached Standard Form with a copy to the Site Local Union.
2. **Variance Requests** must be made by the contractor on the Variance Request Form (attached) at least **five (5) working days prior** to the bid date and time of a project.
3. When a **Variance Request** is received, N.E.C.A. will process and submit the written request to the appropriate Site Local Union requesting that a **Variance** be granted on a particular job.
4. The Site Local Union will provide a decision on the **Variance Request** to the appropriate N.E.C.A. Chapter within two (2) working days after receiving the **Variance Request**.
5. N.E.C.A. will be responsible for informing all contractors bidding on a particular job as to what (if any) **Variance** has been granted. The local union is not responsible for contractor notification and will not be in violation of the Better Terms and Conditions clause.

B. SPECIAL NOTES:

1. Contractors are *not* to initiate requests for **Variance** directly to the Local Union. Contractors *must* route **Variance Requests** through the N.E.C.A Chapter.
2. The local union will *not* contact any contractors directly with **Variance** decisions. The local union will contact only N.E.C.A. with the **Variance** decision. N.E.C.A. is responsible for notifying the contractor(s).
3. Contractors are entitled to use a **Variance** for a particular project, only if they have received notification of the **Variance** from N.E.C.A. prior to the bid time.
4. All **Variance Requests** must be reduced to writing and signed by the local union business manager or his/her representative and the N.E.C.A chapter manager or his/her representative. A written **Variance** will be the only **Variance** recognized by the local union and N.E.C.A. A contractor using a **Variance** without prior local union approval will be in violation of the Recovery Agreement.
5. All contractors are requested to take whatever precautions are necessary to safeguard the integrity of a **Variance**. Once a **Variance** "gets on the street", it may lose its impact.

6. Contractors should request a **Variance** AT LEAST **five (5) working days prior to the bid**. This will allow N.E.C.A. time to process the request and the local union time to properly consider each request.
7. Contractors are requested to check contract specifications on “wage rate” jobs well in advance of the bid date and inform the local union if the wage rates differ from the negotiated rate. Advance notice often permits incorrect rates to be adjusted.
8. A **Variance** is only applicable to a *specific job*.
9. **Variance Request** approval is not automatic or guaranteed nor intended to change the terms and conditions of the collective bargaining agreement.