MICHIGAN CARPENTERS' FRINGE BENEFIT FUNDS

EMPLOYER HANDBOOK

WWW.MICHIGANCARPENTERS.ORG

Revised May 2002

IMPORTANT NOTICE TO ALL EMPLOYERS CONTRIBUTING TO:

MICHIGAN CARPENTERS' HEALTH CARE FUND

MICHIGAN CARPENTERS' PENSION FUND

MICHIGAN CARPENTERS' APPRENTICESHIP & TRAINING FUND

INTRODUCTION

The Trustees of the Michigan Carpenters' Fringe Benefit Funds are pleased to provide you with this Employer Handbook. This book is intended to provide a summary of the rules and regulations of the various Funds. Every effort has been made to guarantee the accuracy of the information contained in this Handbook. However, if statements in this book differ from the rules and policies found in the applicable Fund documents, the terms and conditions of the Fund documents will control.

DISCLAIMER

THIS BOOK IS NOT A CONTRACT. IT IS NOT INTENDED TO GIVE LEGAL ADVICE REGARDING YOUR OBLIGATIONS UNDER YOUR COLLECTIVE BARGAINING AGREEMENT, THE TRUST AGREEMENTS, OTHER PLAN DOCUMENTS, OR ANY OTHER MATTER. YOU SHOULD CONSULT WITH AN ATTORNEY IF YOU WISH TO RECEIVE LEGAL ADVICE.

The Funds are managed for the Trustees by:

TIC INTERNATIONAL CORPORATION
6525 CENTURION DRIVE
LANSING, MI 48917

Telephone (517) 321-7502 Toll Free (800) 273-5739 Fax (517) 321-7508

Visit us on the web at WWW.TICI.COM

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AGREEMENTS

Federal law requires that all fringe benefit contributions must be made based upon a written agreement. **Oral agreements regarding the payment of Fringe Benefit Contributions are not legal.** For this reason, the Funds monitor incoming contributions to make sure that every contributing employer has a written agreement detailing the basis on which contributions are made.

It is the responsibility of each contributing employer to review the fringe benefit contribution provisions of its collective bargaining agreement, to maintain a copy of the agreement and to provide it to the Funds upon request. If you are not signatory to an agreement, which requires contributions to the Funds, your contributions will be held in escrow and cannot be credited to your employees. This can create serious problems for your employees, including the loss of health care coverage.

Employers should contact the local union if they work in an area not covered by their collective bargaining agreement.

HOW TO CONTRIBUTE TO THE FUNDS

Enclosed with this Handbook is a blank Employer Contribution Reporting Form. The form is used for several types of work and/or geographical areas that are designated by sections. If you are not sure which section you should select, please obtain the correct information from the local union in whose jurisdiction the work is performed, your employer association, or the Fund Office. For your convenience, addresses and telephone numbers of local unions and employer associations are attached.

You are required to file a contribution reporting form for each work month during which you are a signatory to a collective bargaining agreement with the Carpenters' Union, regardless of whether you employ persons during that work month who perform covered work. **THERE ARE NO EXCEPTIONS TO THIS RULE.** After your first contribution is received, as a convenience to you, the Funds will mail this form to you monthly with most of the information filled in. Prior to that time, you are responsible to obtain and file the correct monthly report.

As a convenience to employers, the Funds have established procedures that will allow you to file your reports by fax or e-mail and pay contributions by wire transfer. Employers who are interested in using these procedures should contact the Fund Office for details. Any form that is filed electronically shall have the same effect as a traditional form bearing an original signature.

If you fail to file an Employer Contribution Reporting Form or fail to pay contributions that are due, you will be included in a list of employers who have failed to file reports or have failed to remit contributions. This list will also include the names of employers who have not

contested payroll audit results that show that the employer is delinquent in remitting contributions and/or assessment amounts, as well as employers against whom the Funds have obtained a Judgment. This list will be prepared on a monthly basis and will be provided to other signatory contractors and representatives of the Union in order to encourage compliance with the fringe benefit provisions of the collective bargaining agreement.

In becoming a signatory to a collective bargaining agreement, you have acknowledged the publication of this list and you have further agreed to indemnify and hold harmless the Fringe Benefit Funds, the Union and the Employer Association for any damage caused by the publication of this list.

If your employees perform no carpentry work during the month, please check the appropriate box on the contribution report so the Fund Office will be aware that your company is inactive and so that you will not be listed as a delinquent employer. If your company becomes inactive in a specific area, please check the appropriate box. In that case, you will no longer receive pre-printed forms.

Please report only one month's contributions on each form. Eligibility for health care benefits is based on the number of hours worked on a month-by-month basis.

Follow the directions for completing the contribution report on page 4 of that form. If you have any questions, please contact the Fund Office.

In order to comply with Internal Revenue Service regulations and maintain the tax-exempt status of the Fund, the Pension Fund is required to keep a record of gross wages earned by each participant in the Fund. You must provide that information.

The contribution form, the deposit slip on page 4 of the form, and your check should be mailed to:

Michigan Carpenters' Fringe Benefit Funds
Department 77878
P. O. Box 77000
Detroit, Michigan 48277-0878

These items must be **RECEIVED** by the 15th day of the month following the month in which the work was performed. Retain the pink copy for your records and send the yellow copy to the local union in the area in which the work was performed. Please refer to the address roster to determine the proper mailing location for the union copy.

REQUIRED CONTRIBUTIONS

Contributions must be paid for every hour of carpentry work performed by anyone who works for you. This includes journeymen, apprentices, temporary employees, part-time employees, probationary employees, students and employees who also perform work at other

trades. It does not matter that the person who performs the work is an owner, relative of the owner, corporate officer or a shareholder. It does not matter if the person is not a member of the union. If he or she works for you as a carpenter in any of the branches of the trade, contributions must be made for all hours worked. **There are no exceptions.**

Contributions are to be paid from the first hour the employee performs carpentry work. **There is no probationary period.**

HOURLY OR SALARIED EMPLOYEES WORKING AT THE CARPENTRY TRADE

Contributions on behalf of employees who perform bargaining unit work must be paid to all Funds based on the number of hours actually worked.

It is the employer's obligation to maintain accurate, verifiable records of the number of hours worked at the trade by all employees. If you fail to do so, it shall be conclusively presumed that the employees worked 40 hours per week during their employment.

MEMBERS OF A LIMITED LIABILITY COMPANY (LLC) WORKING AT THE CARPENTRY TRADE

Individuals who are members and employees of an LLC and who (will) receive an IRS Form W-2, must have contributions paid to all Funds based on the number of hours actually worked.

Federal Law prohibits owners of an unincorporated business (ex: sole proprietors and partners) from receiving pension or annuity benefits from the Funds. The Funds consider LLC members who choose pass through tax treatment (or no taxation at the LLC level) to fall within the category of owners of an unincorporated business. This situation occurs when a member receives an IRS Form K-1 from the LLC. Therefore, the Trustees do not require, nor do they give credit for contributions to the Pension or Annuity Fund on behalf of LLC members who are not employees. Contributions are required for all other Funds based upon the number of hours actually worked.

It is the employer's obligation to maintain accurate, verifiable records of the number of hours worked at the trade by all employees. If you fail to do so, it shall be conclusively presumed that the employees worked 40 hours per week during their employment.

OWNERS OF AN UNINCORPORATED BUSINESS WORKING AT THE CARPENTRY TRADE

Contributions to the Health Care, Apprenticeship, Dues and Industry Advancement Funds on behalf of these individuals are required based on the number of hours actually worked.

Federal Law prohibits owners of an unincorporated business (ex: sole proprietors and partners) from receiving pension or annuity benefits from the Funds. Therefore, the Trustees

do not require, nor do they give credit for contributions to the Pension or Annuity Funds on behalf of these people.

It is the employer's obligation to maintain accurate verifiable records of the number of hours worked at the trade by all employees. If you fail to do so it shall be conclusively presumed that the employees worked 40 hours per week during their employment.

HOURLY OR SALARIED EMPLOYEES NOT WORKING AT THE CARPENTRY TRADE

<u>HEALTH CARE FUND</u> - Employees who do not perform bargaining unit work may participate in the Health Care Fund if their employer elects to contribute on their behalf. If contributions are remitted, they must be at the rate of 160 hours a month.

<u>PENSION & ANNUITY FUNDS</u> – Employees who do not perform covered work cannot participate in the Michigan Carpenters' Pension Fund unless they are qualified as "Bargaining Unit Alumni." That means they must have previously earned a Year of Service under the Pension Plan while performing carpentry work. If an employer chooses to contribute to the Pension Fund for such employees, a Participation Agreement must be signed and contributions must be made for all non-bargaining unit employees who qualify as Bargaining Unit Alumni at the rate of 160 hours a month.

<u>APPRENTICESHIP FUND</u> - Contributions to the Apprenticeship Fund are made on the same basis as contributions to the Health Care Fund.

<u>DUES AND INDUSTRY ADVANCEMENT FUNDS</u> - Contributions to the Dues and Industry Advancement Funds are not required for individuals who do not work at the carpentry trade.

MEMBERS OF A LIMITED LIABILITY COMPANY (LLC) NOT WORKING AT THE CARPENTRY TRADE

<u>HEALTH CARE FUND</u> - Employees who do not perform bargaining unit work may participate in the Health Care Fund if their employer elects to contribute on their behalf. If contributions are remitted, they must be at the rate of 160 hours a month.

<u>PENSION & ANNUITY FUNDS</u> – Individuals who are members and employees of an LLC and who (will) receive an IRS Form W-2 and who do not perform covered work cannot participate in the Michigan Carpenters' Pension Fund unless they are qualified as "Bargaining Unit Alumni." That means they must have previously earned a Year of Service under the Pension Plan while performing carpentry work. If an employer chooses to contribute to the Pension Fund for such employees, a Participation Agreement must be signed and contributions must be made for all non-bargaining unit employees who qualify as Bargaining Unit Alumni at the rate of 160 hours a month.

Members who (will) receive an IRS Form K-1 are **not** permitted to make contributions to the Pension Fund on their behalf for the reasons identified above.

<u>APPRENTICESHIP FUND</u> - Contributions to the Apprenticeship Fund are made on the same basis as contributions to the Health Care Fund.

<u>DUES AND INDUSTRY ADVANCEMENT FUNDS</u> - Contributions to the Dues and Industry Advancement Funds are not required for individuals who do not work at the carpentry trade.

OWNERS OF AN UNINCORPORTATED BUSINESS NOT WORKING AT THE CARPENTRY TRADE

<u>HEALTH CARE FUND</u> – Contributions on behalf of those sole proprietors and partners not working at the trade are optional. If remitted, they must be at the rate of 160 hours a month.

<u>PENSION & ANNUITY FUNDS</u> - Federal Law prohibits owners of an unincorporated business (ex: sole proprietors and partners) from receiving a pension benefit from the Fund. Therefore, the Trustees do not require, nor do they give credit for contributions to the Pension Fund on behalf of these people.

<u>APPRENTICESHIP FUND</u> - Contributions to the Apprenticeship Fund are made on the same basis as contributions to the Health Care Fund.

<u>DUES AND INDUSTRY ADVANCEMENT FUNDS</u> - Contributions to the Dues and Industry Advancement Funds are not required for individuals who do not work at the carpentry trade.

DUE DATE FOR CONTRIBUTIONS

Contributions must be **RECEIVED** by the depository bank by the 15th day of the month following the month in which the work was performed. If the depository bank does not receive contributions by that date, late payment assessments will be charged as described below. Late payments may also adversely affect your employees' eligibility under the Health Care Fund.

CONTRIBUTION RATES

It is each employer's responsibility to pay the correct contribution rates for each section. If employers are unaware of the correct rates, they should contact the local union, the Fund Office or the web sites for the employer associations to obtain all wage and contribution rate information.

LATE PAYMENTS

Late payments cause serious problems for the Funds and for your employees and cause the Funds to incur significant expense. If an employer's contributions are not received by the depository bank by the due date, liquidated damages in the form of Late Payment Assessments will be assessed. The schedule of Late Payment Assessments is determined by the Boards of Trustees. The Late Payment Assessment rates for Health Care, Pension and Apprenticeship currently are:

- (a) 5% of the amount paid if payment is late by one month or less;
- (b) An additional 5%, for a total of 10% of the amount paid, if payment is more than one month late, but less than two months late;
- (c) An additional 1.5% of the amount paid, per month, for each additional month late beginning with the third month, but in no event exceeding 20% per annum.

The Annuity Fund is independently administered by the Michigan Regional Council of Carpenters' Fringe Benefit Funds. You may receive a separate notice for Late Payment Assessments from that Fund. The current policy for Late Payment Assessments as determined by the Board of Trustees for the Annuity Fund is as follows:

a) If payment is not received before 11:00 a.m. on the last banking weekday of the month following the month worked, the employer will be charged .055% liquidated damages plus .049% interest per day.

b) Payments received more than 12 months after the due date will incur interest at the rate of .049% per day.

Failure to pay Late Payment Assessments may result in legal action against your company to collect the amounts due. Federal law and/or the Funds' Trust Agreements allow the Funds to recover **all attorney fees and costs** incurred by the Funds in collecting delinquent Late Payment Assessments.

RETURNED CHECKS

The Funds charge a \$250.00 fee for reprocessing the first returned check from an employer. Subsequent bad checks will be subject to a \$500.00 reprocessing fee. These fees cover additional costs to the Funds for bank fees, administrative costs for deducting hours from employee accounts, recalculating health care eligibility, processing self payment notices to employees who have lost coverage as a result of non-payment and other administrative procedures. In addition, Late Payment Assessments will be charged, if appropriate, based upon the date that any reprocessed check is honored by the issuing institution.

THE EMPLOYER'S OBLIGATION TO MAINTAIN RECORDS

Federal law requires all contributing employers to maintain records that are sufficient to allow the Funds to verify the accuracy of all contributions and hours and to determine all

amounts that may be owed to the Funds. Employers are also required to maintain records identifying work on individual jobs.

If an employer fails to maintain adequate records, it shall be conclusively presumed that each employee who performs any carpentry work for the employer worked 40 hours per week during the period of employment.

If any employee splits his or her time between carpentry work and other work, the employer must maintain records, which are sufficient to identify the number of hours worked at the carpentry trade. If the employer fails to maintain such records, it shall be conclusively presumed that all work was performed at the carpentry trade.

PAYROLL AUDITS

Federal Law authorizes the use of payroll audits. Contributions that accrue become the property of the Funds when each hour of covered work is complete. The Trustees of the Funds are charged with the responsibility of locating and collecting property belonging to the Funds. In addition, the Trustees must comply with reporting requirements established by the Internal Revenue Service and the Department of Labor, and must provide regular reports and notices to plan participants and beneficiaries. In order to fulfill these and other responsibilities and requirements, each Fund has implemented a routine payroll audit program, which requires all employers to be audited periodically. The purpose of the audit program is to verify the accuracy of the reports and contributions submitted to the Funds and to determine whether contributions have been paid for all covered work. Routine payroll audits are normally scheduled once every three years and are performed by authorized representatives of the Funds. In addition, payroll audits may be performed more frequently if the Trustees or their representatives have reason to believe that payments are not being remitted in accordance with the collective bargaining agreement.

When your company is selected for an audit, you will receive written notification from the auditing staff. If the time or date selected by the auditor is not convenient, please contact the Fund Office to schedule a mutually convenient appointment.

Federal law authorizes the Trustees to audit your records. In addition, your company granted the Trustees the right to perform these audits based upon the language of your collective bargaining agreement, the Funds' Trust Agreements and the fact that you have remitted contributions. For example, the Trust Agreement for the Pension Fund states:

"The Trustees may employ an independent auditor or auditors, either directly or by agreement with a firm or individual providing such services, to examine payroll and related records of the employer. The Trustees or their designated representative may examine the pertinent records of any employer at the employer's place of business whenever such examination is deemed necessary or advisable by the Trustees in connection with the proper administration of the Fund. The Trustees shall take such action as they deem necessary or advisable to collect employer contributions, without

prejudice, however, to the rights of the Union to take those steps it deems necessary for such purpose, including litigation in behalf of the Fund, at the Fund's reasonable expense, to enforce such contributions."

Visit the web site for the Administrative Office at www.tici.com and click the link for payroll audits for more information about payroll auditing and Frequently Asked Questions.

PAYROLL AUDIT RESULTS

You will be notified in writing of the results of the payroll audit. If you believe that your audit results are incorrect, you must provide the auditor with any objections to the audit, in writing, by certified or registered mail. Your objections must be received no later than 14 days after the date of the audit billing. If you fail to do so, you have agreed that the audit results shall become **final** and you will not be allowed to contest the billing at a later time. In addition, if you fail to contest the audit billing as described above, the Trustees will be authorized to include the delinquency in a monthly report, which will be distributed to other signatory contractors and to Union representatives.

OTHER AMOUNTS THAT WILL BE ASSESSED

1) AUDIT ASSESSMENTS

If delinquencies are disclosed during the course of the audit, you will be subject to liquidated damages in the form of Audit Assessments. These amounts are distinct from Late Payment Assessments as previously described. The Board of Trustees determines the amounts due for Audit Assessments. Currently, the Audit Assessment policy for Health Care, Pension and Apprenticeship is as follows:

For audits performed by or on behalf of the Funds on or after January 1, 1994, there will be an amount added to the contributions found due and owing, which will be calculated as follows:

- (a) 10% of the amount found due for contributions arising from work performed within the jurisdiction of the collective bargaining agreement within 12 months of said audit.
- (b) 15% of the amount found due for contributions arising from work performed within the jurisdiction of the collective bargaining agreement within 13 to 24 months of said audit.

(c) 20% of the amount found due for contributions arising from work performed within the jurisdiction of the collective bargaining agreement more than 24 months prior to said audit.

Currently, the Audit Assessment policy for the Annuity Fund is as follows:

(a) 10% flat rate of the amount found due for contributions arising from work performed within the jurisdiction of the collective bargaining agreement for the entire period of said audit.

Failure to pay Assessments may result in legal action against your company to collect the amounts due. Federal law and/or the Funds' Trust Agreements allow the Funds to recover all attorney fees and costs incurred by the Funds in collecting delinquent Assessments.

2) INTEREST

All unpaid amounts due the Funds for contributions or assessments, shall accrue interest at the rate of 12% per year. The interest will be compounded daily and shall be calculated from the date said sum(s) originally became overdue. The Trustees reserve the right to waive any interest which may be charged in situations where an employer pays all other amounts due the Funds within 30 days after being billed by the Fund Office.

3) ATTORNEY FEES AND COSTS

Federal law and/or the Funds' Trust Agreements allow the Funds to recover **all costs** incurred by the Funds in performing an audit which reveals discrepancies and collecting delinquent Fringe Benefit Contributions, Audit Assessments, Late Payment Assessments and/or Interest. Further, in the event that an employer fails or refuses to cooperate in any way during the payroll audit process, the employer shall pay all attorney fees and costs incurred by the Funds in obtaining a payroll audit. This is true even if the audit discloses no discrepancies.

RECIPROCITY

Employers are required to make contributions precisely as required by the terms of the collective bargaining agreement in effect in the geographic location in which covered work is performed. This includes the requirement that contributions be paid to Funds other than the "home" Funds of employees. The Michigan Carpenters' Funds have reciprocity agreements with the Detroit Carpenters' Fringe Benefit Funds and all qualifying contributions will be transferred pursuant to those agreements. The Michigan Funds are required by Federal Law to collect the contributions that are due to them. Therefore, if you pay contributions that are due to the Michigan Funds to any other funds, you will face the possibility of paying contributions twice.

HOW TO AVOID CERTAIN COSTLY MISTAKES

- **Do not** put "fringe benefit contributions" in the employees' paychecks. You remain obligated to contribute to the Funds and you will end up paying twice.
- **Do not** make any arrangement different than that in your collective bargaining agreement or any other written agreement that requires payment of fringe benefit contributions with anyone who is not an authorized agent of the Funds. A business agent of the Union is not an authorized agent of the Funds. A business agent, even if he is a Fund Trustee, cannot change or modify the collective bargaining agreement concerning fringe benefits or any other written agreement requiring contributions.
- Be aware that calling an employee a sub-contractor does not relieve you of your obligation to remit fringe benefit contributions to the Funds on his/her behalf.
- **Do not** provide alternative benefits for employees covered by the collective bargaining agreement. That will not relieve you of the obligation to contribute to the Funds and you may end up paying more than you need to.
- Contact the Funds' representatives at the Administrator's Office for assistance if you are uncertain about the rules contained in this handbook or if you simply want information.
- Be aware that the Funds are jointly administered by an equal number of management and labor Trustees. The management Trustees are contractors just like you who are appointed by the signatory party to the Trust, the Michigan Chapter, Associated General Contractors.
- Do not make self-payments for you or your employees with company checks. Since there is no written agreement with the Funds for these contributions to be paid by an employer, they cannot be accepted. This can delay or cause termination of coverage.

DOCUMENTS AVAILABLE AT NO CHARGE:

Michigan Carpenters' Health Care Fund Summary Plan Description Indicate how many copies are required.

Michigan Carpenters' Pension Fund Summary Plan Description Indicate how many copies are required.

Contribution Forms

Indicate how many copies and for what Section(s).

MICHIGAN CARPENTERS' WEBSITE

All of the rules and regulations contained within this document are subject to change. The Trustees of the Funds routinely review the policies and make changes whenever they deem them necessary. Contributing employers are responsible to know the current rules.

The Michigan Carpenters' website, <u>www.michigancarpenters.org</u>, is an excellent source for the most up to date information available concerning the rules governing the Funds. This employer handbook is posted on the site in a printable format, and is updated whenever a change is made. Simply click Employer Handbook on the menu and follow the instructions to print all or any part of this booklet. If you do not have access to the internet, the Fund Office will be happy to send the most current version of this document whenever it is requested.

MICHIGAN CARPENTERS' LOCAL UNIONS

Michigan Regional Council of Carpenters 3800 Woodward Avenue, Suite 1200 Detroit, MI 48201 (313) 832-3887 (313) 832-1575 FAX

| Local | l #10(|) - N | Iusl | kegon |
|-------|--------|-------|------|-------|
|-------|--------|-------|------|-------|

(Formerly 100 & 335) 140 N 64th Avenue Coopersville, MI 49404 (616) 837-1500 (616) 837-1200 FAX (888) 311-6245

Local #202 - Bay City

(Formerly 46, 1132 & 1461) 1300 West Thomas Street Bay City, MI 48706 (517) 686-8888 (517) 686-8896 FAX

Local #525 - Kalamazoo

(Formerly 297, 871 & 898) 3617 Gembrit Circle Kalamazoo, MI 49001 (616) 345-8601 (616) 382-4810 FAX

Local #687 - Ferndale

(Formerly 118, 512) 3800 Woodward Avenue 1200 Detroit, MI 48201 (313) 832-3887 (313) 832-1578 FAX

Local #706 - Saginaw

(Formerly 334 & 1373) 1400 West Genesee Avenue Saginaw, MI 48602 (517) 753-1487 (517) 753-1791 FAX

Local #1004 - Lansing

(Formerly 704 & 1449) 2310 W Washtenaw Avenue Lansing, MI 48917 (517) 484-1301 (517) 484-7576 FAX

Local #1045

Suite

Statewide Interior System (Includes former Locals 119-T and 1028-L) 23401 Mound Road, Suite 201 Warren, MI 48091 (810) 756-2111 (810) 756-6675 FAX (800) 989-1045

Local #1102 Western Area

(Millwrights) 140 North 64th Avenue Coopersville, MI 49404 (616) 837-1021 (616) 837-1859 FAX

Local #1102 - Warren

(Millwrights)

23401 Mound Road Warren, MI 48091 (810) 756-3610 (810) 756-0376 FAX (800) 462-6545

Local #1234 (Statewide

Residential)
23401 Mound Road, Suite #201
Warren, MI 48091
(810) 759-0080
Local #1510 - Escanaba
(Formerly 958, 1227 & 1832)

1219 First Avenue, South Escanaba, MI 49829 (906) 789-1670 (800) 248-1134 (906) 789-1692 FAX

MICHIGAN CARPENTERS' EMPLOYER ASSOCIATIONS

Associated General Contractors Inc., Michigan Chapter

2323 North Larch Street P.O. Box 27005 Lansing, MI 48909 (517) 371-1550 web site address

Michigan Road Builders Association, Inc.

924 Centennial Way Suite 460 Lansing, MI 48917 (517) 886-9000 web site address