

SOUTHWEST CARPENTERS VACATION TRUST



SUMMARY PLAN DESCRIPTION AS OF APRIL 2017

**SOUTHWEST CARPENTERS
VACATION TRUST
SUMMARY PLAN DESCRIPTION**

To Southwest Carpenters Vacation Plan Active Participants and Beneficiaries:

The Southwest Carpenters Vacation Trust (“Trust”) is created by a Trust Agreement between the Carpenters Union and the signatory Employer associations. The Plan is adopted by the Board of Trustees of the Trust (“Plan”), primarily to give you vacation benefit payouts twice per year if contributions have been made for you and you claim them.

This booklet has been prepared to give you a summary of the operation of the Plan, including the crediting of employer contributions, eligibility for, and payment of benefits, circumstances which may result in disqualification, denial or loss of benefits, and the procedures for filing a claim for benefits.

The explanation in this booklet is in general terms only, and all statements are subject to the detailed terms and conditions in the Trust Agreement and the Plan document. A copy of the Trust Agreement and Plan document is available to you for review at the Administrative Office at the address below. If you have any questions after reading this booklet or if you have any problems concerning benefit payments, please feel free to call or write the Administrative Office.

Board of Trustees of the Southwest Carpenters Vacation Trust
c/o Carpenters Southwest Administrative Corporation
 (“CSAC”)
533 South Fremont Avenue
Los Angeles, California 90071-1706
(213) 386-8590

Restated as of April 1, 2017

Este documento contiene una breve descripción sobre sus derechos de beneficios del plan, en Inglés. Si usted tiene dificultad en comprender cualquier parte de este documento, por favor de ponerse en contacto con la Oficina Administrativa, 533 S. Fremont Ave, Los Angeles, CA 90071-1706 o por favor de llamar al (213) 386-8590 o (800)293-1370.

VACATION PLAN PROVISIONS

Contributions

Employers contribute amounts to the Trust for each hour you work, as required by the Carpenter Union Collective Bargaining Agreement applicable to your work. The amounts contributed are subject to income tax withholding by your employer when contributed. Therefore your vacation benefits are ordinarily not taxed when you claim and receive them.

The vacation contributions are transmitted to the Board of Trustees of the Trust, in care of the Carpenters Southwest Administrative Corporation, generally known by Carpenters as "CSAC." CSAC makes a record of contributions made for your work performed during two six-month work periods, September through the following February ("Winter Period"), and March through the following August ("Summer Period").

Vacation Benefit Payout Dates

If you timely apply, your vacation benefit for work performed in each Winter Period is payable to you on the immediately following July 1, and your vacation benefit for work performed in each Summer Period is payable to you on the immediately following December 1.

Amount of Vacation Plan Benefit

Your vacation benefit, for a six month Period, is the total of all contributions made for your work during such respective Period less any amounts you have authorized to be paid by CSAC to cover your required Carpenter Union Supplemental Dues ("Dues") and/or your required monthly window dues ("Window Dues"), or contributions you have authorized to be made to Carpenter legislative improvement or political action committees ("CLIC Contributions"). Your required Dues may be tax deductible to you, and CSAC will, upon your request, give you a statement of the amount of such Dues paid during a preceding calendar year.

Any net earnings on vacation contributions are used first to defray the administrative costs of the Trust and the Plan and provide reserves. Any remaining net earnings are credited as "Distribution of Trust Income" to increase account balances as of the July 1 and December 1 payout dates in accordance with a formula based on reported hours.

Vacation amounts are credited to the work period in which the reported hours were performed if received by the regular contribution reporting deadlines (usually the fifteenth day of the month following the month in which work was performed).

In addition, the amount of any vacation benefits attributable to unpaid and delinquent employer contributions may be paid by the Vacation Trust out of surplus trust assets, if any. More details appear in the section below entitled “Benefits Payable Under the Unfunded Hours Program.”

Application for Payment

You must file a “Request for Benefit” form with CSAC in order to receive your vacation benefits. CSAC will send these forms to eligible participants in April prior to the July 1 payout and in October prior to the December 1 payout. If you have not received a form in the mail, you should go to www.carpenterssw.org, or contact CSAC or your Local Union office to get a copy of the form. This form also serves as the record of your current address as well as your beneficiary designation.

Your benefits will be paid on or about July 1 and December 1 of any year provided CSAC receives your Request for Benefit form by June 15 or November 15 of that year, respectively.

If you timely file a regular Request for Benefit form, but no authorization signed by you is in CSAC’s hands, any unauthorized Dues and CLIC Contributions will be contributed to the Trust on the regular July 1 or December 1 pay date and added to your vacation benefit then payable. Therefore, to meet your Dues obligation make sure your authorization is on file by contacting your Carpenter Local Union or CSAC. If unauthorized Dues are shown to your credit at CSAC and it receives your authorization, Dues received in the twelve months preceding the authorization date month, as well as received in the authorization month, will be transmitted to the Union, and any balance of Dues will be contributed to the Trust and allocated to your account. In the case of an authorization dated more than twelve months prior to CSAC’s receipt of the authorization, the receipt date is substituted for the authorization date for purposes of the preceding procedure.

If you do not file a “Request for Benefit” form within two years after the original July 1 or December 1 distribution date applicable to the amount of your vacation benefit, you are deemed to have elected to irrevocably contribute the amount of such benefit to the Trust, and you release to the Trust all right, title and interest in and to such payment.

Form of Payment of Benefits

Unless you have authorized a direct deposit, your Vacation benefit distribution checks will be mailed directly to you at the address shown on the applicable “Request for Benefit” form. It is, therefore, very important for you to enter the correct mailing

address on each “Request for Benefit” form. You can request to have your vacation benefit direct deposited into your checking or savings account if you file a direct deposit request form along with a Request for Benefit form. The direct deposit information will remain on file until revoked by you.

Failure to Cash Benefit Checks Can Result in Forfeiture

Your vacation benefit check must be cashed before the second anniversary of the July 1 or December 1 payout date represented by the check, or it will be void and you will be deemed (i) to have elected to irrevocably contribute the amount of such benefit to the Trust and (ii) to have released to the Trust all right, title and interest in and to such payment.

Example: A check issued on July 1, 2016 must be cashed no later than June 30, 2018 or the amount of the check will be forfeited to the Trust.

In the event you have claimed your vacation benefit and not received, or mislaid, your check, you can request a replacement check from CSAC which will also have to be cashed by the original deadline, or payment on it will be stopped, and you will be deemed (i) to have elected to irrevocably contribute the amount of such benefit to the Trust and (ii) to have released to the the Trust all right title and interest in and to such payment.

Designation of Beneficiary

Each participant entitled to benefits under the Plan should file with the Administrative Office a designation of the person to whom such benefits shall be paid in the event of the participant’s death. This is done by completing a Designation of Beneficiary card for benefits with the Southwest Carpenters Trusts, a form prescribed by the Board of Trustees. If you have not named a beneficiary, or if the designated beneficiary is not living, the benefit will be paid to the person or persons entitled by law.

If you die before receiving any vacation benefits due to you, your beneficiary must apply to receive the benefits accumulated to the date of your death and satisfy procedures established by the Plan and CSAC including providing a death certificate.

If the application procedures, including providing a death certificate, are not satisfied in the time required by CSAC, the beneficiary or person entitled to the payment will be deemed to have elected to irrevocably contribute such amount to the Trust and to have released to the Trust all right, title, and interest in and to such payment.

Statements

CSAC will provide you a statement showing each employer who has contributed to the Trust on your behalf, the number of hours reported and the total contributions made by each employer for the work period covered by the distribution.

If the amount of the vacation benefit check does not agree with the amount of the vacation benefit you think you are entitled to, you should request in writing that CSAC review your vacation benefit determination. This must be done within 60 days of the transmission of your vacation benefit payment, and will be considered a first appeal of your vacation benefit determination. It is important to submit check stubs with this request, showing the employers for whom you worked, the dates of work, and the amounts deducted for the Trust.

Upon receipt of your request for a review/appeal, CSAC will review the vacation benefit determination.

The complete review procedure is set forth later in this booklet.

Apprenticeship Program

Apprentices who have successfully completed a training session may request a payout of their vacation benefit, if any, earlier than the normal Plan payout schedule.

The apprentice must attend and participate in each session (4 - 10 hour days in succession) of the scheduled related and supplemental instruction as required in the state approved Apprenticeship Standards to be able to apply for vacation benefits. These sessions are scheduled on a quarterly basis.

The apprentice must file a written request with CSAC in order to receive this benefit. The written request is processed by the various training centers and sent to CSAC once the apprentice has successfully completed the training session.

In the event that an apprentice receives his or her vacation benefits prior to the normal Plan distribution date, no Distribution of Trust Income will be payable with respect to such benefits.

Hardship Withdrawals

Hardship withdrawals are not available under this Plan. Other than the limited late contribution special payout program and the Apprentice vacation program, payments will only be issued on the regular July 1 and December 1 distribution dates.

Benefits Payable Under the Unfunded Hours Program

The Trustees have approved a program to permit payment of vacation benefits for hours worked by participants for signatory employers for which contributions were not paid by the employer to the Plan.

When it is established that the contributions have not been paid by the employer and there is satisfactory proof that the participant is entitled to benefits for such employment, the Trustees have authorized the following payment procedure:

1. CSAC must determine that employer contributions due for the Winter work period (September through February) have not been received in time to be included in the July 1 payout or by the December 1 payout for the Summer work period (March through August).
2. The Trustees must determine that surplus assets are available to cover the delinquent employer contributions plus the amount of income taxes and payroll withholding amounts owed on the amount of vacation benefits attributable to the delinquent contributions.
3. The Trustees must be satisfied that no collusion existed between the participant and his employer during the claimed employment period.

If all three of the above conditions are met, the payment of benefits from the Unfunded Hours Program will be made to affected Participants, provided that such Participants shall have no claim to vacation benefits attributable to any delinquent contributions that are subsequently received.

The distribution of approved Unfunded Hours benefits will be made as of the applicable July 1 or December 1 payout date.

Income Taxes

The contributions to the Plan are taxed prior to receipt by the participant. These amounts are included in your gross payroll figures reported by your employers to the Federal and State Income Tax authorities, and the necessary withholdings and other income tax deductions are made at that time. However, if you receive a supplemental distribution of Plan income or benefits under the Unfunded Hours Program, such amounts are paid without withholding being made at the employer level and are therefore taxable to you in the year of receipt. These taxes will be paid by the Vacation Trust to the extent surplus amounts are available in the Trust to do so, as determined by the Board in its complete discretion. You should also note that the amounts in your Plan account are subject to levy and/or garnishment for delinquent or unpaid taxes and the Plan will comply with any such order.

Liens for Spouse or Child Support

Your Plan account is subject to levy for Spouse or Child support. When the Plan receives a levy against your account, all or a portion of your vacation benefit can be levied.

CSAC will notify you in writing if a levy is received for your account.

Expenses of Operating the Plan

All expenses for the operation of the Trust and Plan are paid out of interest and other income. No portion of the actual hourly contribution made for work by a Carpenter is currently being used to pay expenses under this program.

Checklist: Things For You To Do

File for benefits.

You must file the Request for Benefit form with CSAC by June 15th for the Winter Period and November 15th for the Summer Period. If a Request for Benefit form is not filed in a timely manner, any right to benefits will be forfeited and deemed contributed to the Trust and Plan.

Let us know where you are.

If your mailing address changes after you file your Request for Benefit form, be sure to inform CSAC.

Designate a beneficiary.

Be sure to complete the beneficiary designation form to appoint the person you want to receive any benefits due in the event of your death.

Save your records.

You should save your check stubs or earning statements you receive from every employer until you are sure you have been credited for that work. You should review the statement on the check you receive from the Plan against your personal records. If your records disagree with the statement, you should notify CSAC as soon as possible. If you do not challenge the records within sixty (60) days of the date the Plan check is issued, you lose your right to a correction.

Cash your check.

You must cash your Vacation Plan check no later than the second anniversary of the pay date to which it relates. If you do not cash it during this period, the check is void and you are deemed to have contributed the amount of the benefit to the Trust.

Save this booklet.

Put it in a safe place. If you lose your copy, ask CSAC or go online at www.carpenterssw.org for another one.

Any questions?

If you have any questions about the Vacation Plan, please ask CSAC at the address and number on the cover of this booklet.

Information Required By The Employee Retirement Income Security Act of 1974

1. **The name and type of administration of the Plan.**

Southwest Carpenters Vacation Trust, a collectively bargained, jointly-trusted labor-management trust and welfare benefit plan.

2. **Plan identification numbers.**

The Employer Identification Number (EIN) issued by the Internal Revenue Service is 95-6042279. The Plan Number is 501.

3. **Name and address of the person designated as agent for the service of legal process.**

John T. DeCarlo
DeCarlo & Shanley, P.C.
533 South Fremont Avenue, 9th Floor
Los Angeles, California 90071-1706

Legal process may also be served on a Plan Trustee or the Plan Administrator c/o CSAC at the address set forth in 4, below.

4. **Name and address of the administrator.**

The Board of Trustees is the Plan Administrator. This means the Board of Trustees is responsible for seeing that information regarding the Plan is reported to government agencies and disclosed to Plan participants and beneficiaries in accordance with the requirements of the Employee Retirement Income Security Act of 1974 (ERISA). The Board of Trustees consists of an equal number of employer and union representatives, selected by the employers and union, in accordance with the Trust Agreement of this Plan.

If you wish to contact the Board of Trustees, you may use the following address and phone number:

Southwest Carpenters Vacation Trust
533 South Fremont Avenue, 7th Floor
Los Angeles, California 90071-1706
(213) 386-8590

The routine administrative functions of the Trust are performed by:

Carpenters Southwest Administrative Corporation
("CSAC")
533 South Fremont Avenue, 6th Floor
Los Angeles, California 90071-1706
(213) 386-8590

5. Identity and address of Trustees.

Douglas McCarron
General President of United Brotherhood of Carpenters
and Joiners of America
533 South Fremont Ave.
Los Angeles, CA 90071-1706

Randy Thornhill
Executive Secretary-Treasurer
Southwest Regional Council of Carpenters
533 South Fremont Ave.
Los Angeles, CA 90071-1706

Harry Beggs
Southwest Regional Council of Carpenters
533 South Fremont Ave.
Los Angeles, CA 90071-1706

Gordon K. Hubel
Southwest Regional Council of Carpenters
533 South Fremont Ave.
Los Angeles, CA 90071-1706

Frank Hawk
Southwest Regional Council of Carpenters
533 South Fremont Ave.
Los Angeles, CA 90071-1706

Jim Gleason
Southwest Regional Council of Carpenters
533 South Fremont Ave.
Los Angeles, CA 90071-1706

Dan Langford
Southwest Regional Council of Carpenters
533 South Fremont Ave.
Los Angeles, CA 90071-1706

Tom Catlin
c/o Carpenters Southwest Administrative Corporation
533 South Fremont Ave.
Los Angeles, CA 90071-1706

Kim Fromer
c/o Carpenters Southwest Administrative Corporation
533 South Fremont Ave.
Los Angeles, CA 90071-1706

Richard Harris
c/o Carpenters Southwest Administrative Corporation
533 South Fremont Ave.
Los Angeles, CA 90071-1706

Travis Winsor
c/o Carpenters Southwest Administrative Corporation
533 South Fremont Ave.
Los Angeles, CA 90071-1706

Bill Singleton
c/o Carpenters Southwest Administrative Corporation
533 South Fremont Ave.
Los Angeles, CA 90071-1706

Calvin Yoshida
c/o Carpenters Southwest Administrative Corporation
533 South Fremont Ave.
Los Angeles, CA 90071-1706

Steve Jones
c/o Carpenters Southwest Administrative Corporation
533 South Fremont Ave.
Los Angeles, CA 90071-1706

Clint Larison
c/o Carpenters Southwest Administrative Corporation
533 South Fremont Ave.
Los Angeles, CA 90071-1706

6. Collective Bargaining Agreement and Source of Contributions.

Contributions to this Plan are made on behalf of each employee in accordance with Collective Bargaining Agreements between the Southwest Regional Council of Carpenters and Local Unions in affiliated with the United Brotherhood of Carpenters and Joiners of America and employers in the industry. Different agreements may provide for different rates of contribution. Participants and beneficiaries may receive, upon written request to CSAC, information whether a particular employer or employer association is a sponsor of the Plan, as well as the address of any sponsor of the Plan.

7. Written Employee Authorization for Payment of Supplemental Union Dues and Political Action Committee Contributions in Lieu of Contribution to Vacation Trust.

Effective July 1, 1983, a Supplemental Dues Program was established by the collective bargaining parties. The Supplemental Dues Program provides that an employee can authorize the Carpenters Southwest Administrative Corporation ("CSAC"), as an agent of the employer, to deduct from the contributions otherwise payable by his employer to the Trust the amount of Supplemental Dues owed by the employee to his Local Union and Council ("Dues"), and to transmit those Dues to the Local Union and Council. Such amounts are not part of the Vacation Trust or Plan and are held in segregated accounts until distributed by CSAC in accordance with the terms of the Employee's written authorization. In some states the Dues may be a payroll deduction.

The employee (or the Union or employer on his behalf) must file the written authorization with CSAC as his employer's agent in order to participate in this program. An authorization cannot be revoked for a period of one year or until the termination of the Labor Agreement, whichever is shorter, unless the employee files a written notice with CSAC as his employer's agent that he no longer wants to participate in this program. Such notice must be filed not more than twenty (20) and not less than ten (10) days prior to the expiration of each one-year period or the end of the Labor Agreement, whichever occurs first.

For those employees for whom a valid authorization has been received from the employee, employer or the Union, CSAC will pay the amount of dues to the Local Union and Council as soon as administratively feasible. If CSAC receives an amount designated as Dues of an employee with respect to which it has no written Authorization from such employee, CSAC will request the Union to provide CSAC with the Authorization. If CSAC does not receive the such authorization by the second anniversary of the regular July 1 or December 1 pay date for the Winter or Summer Period work to which the Dues are attributable, such amount will be irrevocably contributed to the Trust without allocation to the employee's vacation account. Before the preceding irrevocable contribution, if unauthorized Dues are shown to the credit of an employee at CSAC and it receives the employee's authorization, such Dues received up to one year prior to the date of the authorization will be transmitted to the Union, and the balance will be contributed to the Trust and allocated to the employee's vacation account.

All expenses of the Supplemental Dues Program are borne by the Local Union and Council.

The provisions on which the Supplemental Dues Program are based are set forth in the Master Labor Agreement. A copy of the Master Labor Agreement is available for

inspection at the Administrative Office and at the office of the Local Unions.

An employee who works in Southern California can execute a written authorization designating that amounts otherwise contributable to the Vacation Trust be contributed to the Southwest Regional Council of Carpenters Legislative Improvement Cmte United Brotherhood of Carpenters & Joiners of America ("SW CLIC") or the Carpenters Legislative Improvement Committee United Brotherhood of Carpenters and Joiners ("CLIC") on July 1 and December 1 (CLIC Contributions). Such amounts are not a part of the Trust or Plan and are held in segregated non-interest bearing demand accounts by CSAC as mere agent of the employer until disbursed in accordance with CSAC's understanding of the employee's written authorization as set forth above.

These contributions are used to make political contributions in connection with federal, state and local elections and addressing political issues of public importance.

The employee (or the union or employer on his behalf) must file a written authorization with CSAC in order to participate in this program. An authorization will continue to remain in effect until it is revoked by the employee. CSAC may rely upon the Union's interpretation of the form of written authorization in administering same.

Beginning January 1, 2008, an employee who works in the state of New Mexico can authorize CSAC to administer CLIC Contributions to the Southwest Regional Council of Carpenters New Mexico Political Action Committee under the same procedures as described above for the other CLICs. These contributions are used to make political contributions in connection with federal, state and local elections and addressing political issues of public importance.

If CSAC receives an amount designated as CLIC Contribution of an employee with respect to which it has no written authorization from such employee, CSAC will request the Union to provide CSAC with the authorization. If CSAC does not receive the such authorization by the second anniversary of the regular July 1 or December 1 pay date for the Winter or Summer Period to which the CLIC Contribution is attributable, such amount will be irrevocably contributed to the Trust without allocation to the employee.

Participants may authorize the Carpenters Southwest Administrative Corporation ("CSAC"), as an agent of the Vacation Trust, to deduct from the vacation benefits

otherwise payable to the Participant the amount of monthly Union Dues owed by the Participant to his Local Union and Council (“Window Dues”), and to transmit those Dues to the Local Union and Council. If authorized, each semi-annual vacation benefit payable from the Trust on or about July 1 and December 1 of each year will be reduced by \$120.00 which is currently the amount necessary to cover six months of dues at \$20.00 per month. Nothing will be deducted if the amount of the vacation benefit is less than \$120.00. This authorization shall continue in effect unless written notice of revocation is given by the carpenter to the applicable Local Union and to CSAC no less than twenty (20) days prior to the next July 1 or December 1 Vacation payout date.

8. Type of Plan.

For the purpose of providing vacation plan benefits for eligible participants.

9. Funding Medium.

The Plan’s assets and reserves are held in trust by the Board of Trustees (Item 5 above) of the Southwest Carpenters Vacation Trust.

10. Identity of Providers of Benefits.

Vacation benefits are provided directly from the Trust.

11. Fiscal Year.

The fiscal records of the Plan are kept on a calendar year basis (year ending December 31).

12. The Plan’s Requirements with Respect to Eligibility for Participation and Benefits.

Payment of contributions to the Plan by an employer under a valid collective bargaining agreement on behalf of an employee or entitlement to receipt of unfunded hours benefits establishes eligibility for participation and benefits. In the event payment has been made by the Trust to or on behalf of the employee in error, recovery will be made by withholding from future disbursements due to the employee or on behalf of the employee. The eligibility requirements are specified in pages 2 through 4 of this booklet.

13. Circumstances Resulting in Disqualifications. Ineligibility. Denial or Loss of Benefits.

Benefits will be paid to each participant only to the extent that contributions have been received by the Trust for him/her, or to the extent that the participant qualifies for benefits payable out of surplus assets to cover unfunded hours. In either case, the participant must file an application with the Administrative Office. It is presumed that the Plan vacation payment is accurate unless challenged by the recipient within sixty (60) days of the

transmittal of the check. In the event payment has been made by the Trust to or on behalf of the Employee in error, recovery will be made by withholding from future disbursements due to the Employee or on behalf of the Employee or by any other lawful means.

If you fail to cash your check before the second anniversary of the July 1 or December 1 pay date to which it is attributable you shall be deemed to have elected to contribute such amount to the Plan and the check issued to you shall thereupon be void and ineffective.

Request for Benefit forms must be filed before the second anniversary of the July 1 or December 1 paydate applicable to the vacation benefit or such benefit will be forfeited and deemed to be irrevocably contributed to the Trust.

For further information on circumstances which may result in disqualification, ineligibility, denial or loss of benefits, see pages 4 through 6 of this booklet.

14. Procedures to Follow for Filing a Claim.

All claims for vacation benefits must be submitted on claim forms made available by the Administrative Office. Claim forms are included with the check voucher when the check is mailed to the plan participant. Claims submitted must be accompanied by any information or proof requested and reasonably required to process such claim.

15. Termination of the Plan and Trust.

The Board of Trustees have the right to amend, modify, discontinue or terminate all or part of the Vacation Plan. The Vacation Trust may be modified, amended, discontinued, or terminated at any time by the Board of Trustees or the Bargaining Parties.

16. Procedure for Review of Denial of a Claim.

a) No active participant, eligible dependent, beneficiary or other person shall have any right or claim to benefits under the Plan or claim to payments from the Trust other than as specified in the rules of the Plan and the provisions of the Trust Agreement creating the Plan. The Board of Trustees, or its delegate, shall have the sole discretionary authority to resolve any dispute as to the eligibility, type, amount or duration of such benefits or any right or claim to payments from the Plan, under and pursuant to the Plan documents, and its decision of the dispute, right or claim shall be final and binding upon all parties thereto, subject only to such judicial review as may be in harmony with ERISA. The term "delegate" as used herein means CSAC or any other organization

selected by the Board of Trustees to administer payment of the benefits provided by the Plan.

- b) Any person whose application for benefits under the Plan has been denied in whole or in part by the Board of Trustees, or its delegate, or whose claim to benefits against the Plan is otherwise denied by the Board of Trustees, or its delegate, shall be notified in writing of such denial within ninety (90) days from receipt of such claim. An extension of time not exceeding ninety (90) days may be required by special circumstances. If so, notice of such extension, indicating what special circumstances exist therefore and the date by which a final decision is expected to be rendered, shall be furnished the claimant prior to the expiration of the initial ninety (90) day period. The notice of denial shall set forth in a manner calculated to be understood by the claimant (1) the specific reason or reasons for the denial; (2) specific reference to pertinent Plan provisions on which the denial is based; (3) a description of any additional material or information necessary to perfect the claim, and an explanation of why such material or information is necessary; (4) appropriate information as to the steps to be taken if the claimant wishes to submit his or her claim for review, and (5) a statement of the claimant's right to bring a civil action under ERISA Section 502(a) following an adverse benefit determination on review.
- c) Any person may petition the Board of Trustees or its Appeals Committee, as its delegate, for review of the denial, and must do so as a condition precedent to judicial review. A petition for review shall be in writing, shall state in clear and concise terms the reason or reasons for disputing the denial, shall be accompanied by any pertinent documentary material not already furnished, and shall be filed with or received by the Administrative Office, within sixty (60) days after the petitioner received notice of the denial. The petitioner or his duly authorized representative shall be permitted to review pertinent documents and submit issues and comments in writing.
- d) Upon a good cause shown, the Board of Trustees, or its delegate, shall permit the petition to be amended or supplemented. The failure to file a petition for review within such sixty (60) day period shall constitute a waiver of the claimant's right to review the denial, provided that the Board may relieve a claimant of any such waiver for good cause if application for such relief is made within one year after the date shown on the notice of denial.

- e) A decision by the Board of Trustees, or its delegate, shall be made promptly and not later than the next regular meeting of the Board of Trustees or Appeals Committee, which are held quarterly, unless received within thirty (30) days of such regularly scheduled meeting, in which case the benefit determination shall be made no later than the date of the second such meeting following receipt of the request for review. If special circumstances require an extension of time for processing, a notice of such extension shall be furnished to the claimant prior to the commencement of the extension, including the date upon which the decision will be made. The decision on review will be made not later than the date of the third regular meeting following receipt of the request for review. A decision shall be rendered and notification of it provided to the petitioner, as soon as possible, but not later than five (5) days after the benefit determination is made. The petitioner thus shall be advised of the decision of the Board of Trustees, or its delegate, in writing. The decision shall be written in a manner calculated to be understood by the petitioner and shall include (1) a specific reason or reasons for the decision, (2) references to specific provisions of the Plan documents on which the decision is based, (3) a statement that the claimant is entitled to receive, upon request, and free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to the claimant's claim for benefits, and (4) a statement of the claimant's right to bring action under ERISA Section 502(a).
- f) The decision of the Board of Trustees with respect to petition for review shall be final and binding upon all parties, including the applicant, claimant or petitioner and any person claiming under the applicant, claimant or petitioner, subject only to judicial review as provided in subsection (a). These provisions shall apply to and include any and every claim to benefits from the Plan, and any claim or right asserted under the Plan, or against the Trust forming a part of the Plan, regardless of the basis asserted for the claim, and regardless of when the act or omission upon which the claim is based occurred, and regardless of whether or not the claimant is a "participant" or "beneficiary" of the Trust and Plan within the meaning of those terms as defined in ERISA.

17. Availability of Documents and Other Important Information.

As a participant in the Vacation Plan with respect to vacation benefits you are entitled to certain rights and protections under the Employee Retirement Income

Security Act of 1974 (ERISA). ERISA provides that all plan participants shall be entitled to:

Receive Information about Your Plan and Benefits.

Examine, without charge, at the plan administrator's office and at other specified locations, such as work sites and union halls, all documents governing the plan, including collective bargaining agreements, and a copy of the latest annual report (Form 5500 Series) filed by the Plan with the U. S. Department of Labor and available at the Public Disclosure Room of the Employee Benefits Security Administration.

Obtain, upon written request to the plan administrator, copies of all documents governing the operation of the Plan, including collective bargaining agreements, and copies of the latest annual report (Form 5500 Series) and updated summary plan description. The administrator may make a reasonable charge for the copies.

Receive a summary of the Plan's annual financial report. The plan administrator is required by law to furnish each participant with a copy of this summary annual report.

Prudent Actions by Plan Fiduciaries.

In addition to creating rights for Plan participants ERISA imposes duties upon the people who are responsible for the operation of the employee benefit plan. The people who operate your plan, called "fiduciaries" of the plan, have a duty to do so prudently and in the interest of you and other plan participants and beneficiaries. No one, including your employer, our union, or any other person, may fire you or otherwise discriminate against you in any way to prevent you from obtaining a vacation benefit or exercising your rights under ERISA.

Enforce Your Rights.

If your claim for a vacation benefit is denied or ignored, in whole or in part, you have a right to know why this was done, to obtain copies of documents relating to the decision without charge, and to appeal any denial, all within certain time schedules.

Under ERISA, there are steps you can take to enforce the above rights. For instance, if you request a copy of plan documents or the latest annual report from the plan and do not receive them within thirty (30) days, you may file suit in a Federal court. In such a case, the court may require the plan administrator to provide the materials and pay up to \$110 a day until you receive the materials, unless the materials were not sent because of reasons beyond the control of the administrator. If you have a claim for benefits which is denied or ignored, in whole or part, you may file suit in a state or Federal court. If it

should happen that plan fiduciaries misuse the plan's money, or if you are discriminated against for asserting your rights, you may seek assistance from the U. S. Department of Labor, or you may file suit in a Federal court. The court will decide who should pay court costs and legal fees. If you are successful the court may order the person you have sued to pay these cost and fees. If you lose, the court may order you to pay these costs and fees, for example, if it finds your claim is frivolous.

Assistance with Your Questions.

If you have any questions about your plan, you should contact the plan administrator. If you have any questions about this statement or about your rights under ERISA, or if you need assistance in obtaining documents from the plan administrator, you should contact the nearest office of the Employee Benefits Security Administration, U. S. Department of Labor, listed in your telephone directory or the Division of Technical Assistance and Inquiries, Employee Benefits Security Administration, U. S. Department of Labor, 200 Constitution Avenue N. W., Washington, D. C. 20210. You may also obtain certain publications about your rights and responsibilities under ERISA by calling the publications hotline of the Employee Benefits Security Administration. Nothing in this statement is meant to interpret or extend or change in any way the provisions expressed in the Trust Agreement establishing the Plan. The Trustees reserve the right to amend, modify or discontinue all or part of the Plan and Trust whenever, in their judgment, conditions so warrant.

