

**SOUTHWEST CARPENTERS  
VACATION TRUST  
533 South Fremont Avenue  
Los Angeles, California 90071-1706  
(213) 386-8590**

**To All Active Plan Participants:**

We are once again pleased to present you with an updated Vacation Plan booklet.

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.

We urge you to read this booklet carefully so that you will understand how the Plan works and your rights under it. 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. A copy of the Trust Agreement is available to you for review at the Union Office or at the Administrative Office. 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.

We hope you will find this booklet helpful and will continue to enjoy the benefits provided by the Plan.

Sincerely,

**BOARD OF TRUSTEES**

# SUMMARY OF PLAN PROVISIONS

## **Background**

The Southwest Carpenters Vacation Trust (the "Plan") was established as a result of contract negotiations between the Regional Council and Local Unions in the twelve Southern California counties, Arizona, Nevada, Utah and New Mexico affiliated with the United Brotherhood of Carpenters and Joiners of America and employers.

Contributions were first made to the Plan in 1962 and the Plan has been providing benefits to eligible participants each year since then. The Plan is commonly known among participants as the "Vacation Plan."

## **Contributions**

All contributions to the Vacation Plan are made in accordance with the provisions of the Collective Bargaining Agreements. Most of these agreements require employers to pay into the Plan at a fixed rate for each hour a participant works or is paid. Other agreements require employers to pay into the Plan on the basis of "benefit hours" which can be less than the hours actually worked or paid.

## **Vacation Plan Work Year**

Effective September 1, 1989, there are two payouts per year. Sums credited to each participant's vacation account under the Plan for work performed in the period September 1 through the last day of February, are distributed the following July 1. Sums credited for work performed in the period March 1 through the last day of August are distributed the following December 1.

## **Amount of Vacation Plan Benefit**

The amount of benefit an eligible participant will receive is the total of all contributions made on his behalf by his employers during the preceding six month work period less any amount paid on his behalf to Supplemental Dues (see item 8, page 14), CLIC (see item 9, page 15), or NMPAC (see item 10, page 15).

If late contributions are received by the Plan on or after June 1st for hours worked by a Participant during or before the preceding work period from September 1 through the last day of February, or if late contributions are received by the Plan on or after November 1st for

hours worked during or before the preceding work period from March 1 through the last day of August, these late paid amounts (less any applicable authorized deductions) may be paid out to the Participant as a benefit distribution prior to the next normal Plan distribution date for the six month work period in which such late contributions were received if:

- the Participant files a written request with the Plan to receive such benefits prior to the last day of the second month following the July 1 or December 1 distribution date that immediately precedes the next normal distribution date for the six month work period in which such late contributions were received and
- the Participant has not already received benefits under the Unfunded Hours Program with respect to the work hours for which such late contributions are payable.

If a Participant elects to receive his or her distribution of benefits with respect to such late contributions prior to the next normal Plan distribution date, no Distribution of Trust Income (“DTI”) will be payable with respect to such distribution.

**Example:** If late contributions are received by the Plan in July of 2008 for hours worked by a Participant in September and October of 2007, the Participant may receive these amounts (less any applicable authorized deductions) prior to the next normal distribution date of December 1, 2008 if the Participant files a written request with the Plan to receive such benefits by no later than September 30, 2008 and has not already received benefits under the Unfunded Hours Program with respect to the work hours for which such late contributions were payable. No DTI would be payable with respect to such distribution.

In the event that the Plan does not receive a written request from the Participant to receive such benefits with respect to such late contributions prior to the last day of the second month following July 1 or December 1 vacation distribution and the Participant has not already received benefits under the Unfunded Hours Program with respect to the hours worked for which such late contributions are payable, such amounts (less any applicable authorized deductions) will be included in the next Plan benefits distribution check for the six month work period in which such late contributions were received, provided

that the Participant has filed a timely “Request For Benefit Form” with the Plan.

Any earnings on vacation contributions are used first to defray the administrative costs of the Plan and provide reserves, then 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.

### **Payment Dates**

As noted above, Plan benefits are paid by mailing checks or direct deposit on or before July 1 and December 1 of each year. Allow a few days for delivery for a physical check.

### **Application for Payment**

A participant must file a “Request for Benefit” form with the Administrative Office in order to receive his Plan benefits. The Administrative Office will send these forms to eligible participants in April prior to the July 1 payout and in October prior to the December payout. If a participant believes he is eligible for Plan benefits but has not received a form in the mail, he should contact his Local Union office, the Administrative Office or the Carpenter’s website at [www.carpenterssw.org](http://www.carpenterssw.org) to get a copy of the form. This form will serve as the record of a participant’s current address as well as his beneficiary designation.

Benefits will be paid on or about July 1 and December 1 of any year provided the Administrative Office receives the participant’s “Request for Benefit” form by June 15 or November 15 of that year respectively.

**IMPORTANT: If a participant does 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 vacation benefit, the participant is deemed to have elected to contribute the amount of such benefit to the Plan, and released to the Plan all right, title and interest in and to such payment.**

### **Payment of Benefits**

The Plan benefit distribution checks will be mailed directly to the eligible participant at the address shown on the applicable “Request for Benefit” form filed with the Administrative Office. It is, therefore, very important for each participant to enter the correct mailing address on

each “Request for Benefit” form. Alternatively, participants can request to have their Vacation benefit direct deposited into their checking or savings accounts. A vacation request form must accompany the direct deposit request. The direct deposit information will remain on file until revoked by the participant.

### **Cashing of Benefit Checks**

The Plan benefit distribution check should be cashed as soon as possible after the participant receives it, but in any event, it must be cashed not later than eleven (11) months following the date it is issued, or it will be void and the benefit distribution forfeited.

For example: The check issued on July 1, 2008 must be cashed no later than June 1, 2009.

**IMPORTANT: If a participant does not cash his check during the period provided, the participant will be deemed (i) to have elected to contribute the amount of such benefit to the Plan and (ii) to have released to the Plan 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 on the most recent “Request for Benefit” form filed by the participant. Therefore, if you do not designate a beneficiary on your most recent “Request for Benefit” form the last one on which you did designate a beneficiary will control.

If the participant has not named a beneficiary, or if the designated beneficiary is not living, the benefit may be paid to the person or persons entitled by law.

### **Payments in the Event of Death**

If an eligible participant dies before receiving any benefits due him, his beneficiary may apply to receive the benefits accumulated to the date of death.

No Distribution of Trust Income (“DTI”) will be payable with respect to hours worked in a six month work period in the event that the Participant’s death occurred prior to the date on which checks are issued for the normal Plan distribution date for such six month work period.

A certified copy of the death certificate should be sent to the Administrative Office within sixty (60) days of the date of death but no later than the end of the month of February immediately succeeding the calendar year in which the Employee dies. A “Verification of Beneficiary” form will be sent to the designated beneficiary or person entitled to the benefits. The “Verification of Beneficiary” form must be returned to the Administrative Office within 10 days from the date it is issued but no later than the end of the month of February immediately succeeding the calendar year in which the participant dies, before any benefit is to be disbursed. The Administrative Office can help the beneficiary with this filing.

**IMPORTANT: If no death certificate is received in the time provided, the beneficiary or person entitled to the payment will be deemed to have elected to contribute such amount to the Plan and to have released to the Plan all right, title, and interest in and to such payment.**

### **Statements**

A statement is included on the participant’s benefit distribution check voucher and for those plan participants that have direct deposit of their benefit, a statement of the hours paid will be sent to them. This statement will show each employer who has contributed to the Plan on his 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 Plan benefit check does not agree with the amount of the benefits the carpenter believes he is entitled to, he should request the Administrative Office to review the contribution records. It is important to submit check stubs with this request, showing the employers for whom the participant worked, the dates of work, and the amounts deducted for the Plan.

**IMPORTANT: Unless the written protest is received within 60 days of the transmittal of the benefit distribution check, it will be assumed that the payment is correct.**

Upon receipt of a request for a review, the Administrative Office will check the benefit paid the participant against the amount claimed. If an employer has failed to contribute all amounts due to the Plan, collection efforts will be made. Amounts collected will be

paid to the participant on the following Plan distribution date after the payment is received.

The complete review procedure can be found in item 18 on pages 17 through 20 of this booklet.

### **Apprenticeship Program**

Effective January 1, 2000 the Southwest Carpenters Vacation Trust was amended to allow apprentices who have successfully completed a training session, even though this may be earlier than the normal Plan payout schedule would otherwise permit (the “Apprenticeship Vacation Program”), to request Plan benefits. **HOWEVER, there is NO GUARANTEE of a minimum distribution amount.**

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 bases.

The apprentice must file a written request with CSAC at the Administrative Office as the employer’s agent in order to receive this benefit. The written request is processed by the various training centers and sent to the Administrative Office 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 (“DTI”) will be payable with respect to such benefits.

“CSAC” is the “Carpenters Southwest Administrative Corporation”.

### **Hardship withdrawals**

Hardship withdrawals are not available under this Plan. Other than 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 are not collectible from 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. Any claim for benefits must be filed by a participant on a "Request for Unfunded Benefits Form" by July 31st of any year.
2. The Trustees must determine by November 15th of that same year that all reasonable steps to effect collection have been taken and such claimed delinquent contribution is uncollectible.
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 claim will be approved for payment of benefits from the Unfunded Hours Program.

The maximum amount of all benefits payable to all participants under the Unfunded Hours Program for any calendar year is \$100,000.00. If the sum of all approved claims for benefits are more than such maximum amount available for distribution for any calendar year, the claims will be paid on a pro rata basis.

The distribution of approved benefits will be made in December of each year.

### **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. 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.

The Plan 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 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 should file the “Request for Benefit” form with the Administrative Office by June 15th and November 15th of each year. No benefits can be paid to a participant unless he has filed this form with the Administrative Office. 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 Plan.

**Let us know where you are.** If your mailing address changes after you file your “Request for Benefit” form, be sure to inform the Administrative Office.

**Designate a beneficiary.** Be sure to complete the beneficiary portion of the “Request for Benefits” form designating 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 the Administrative Office 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 eleven (11) months after it is issued. 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 Plan.

**Save this booklet.** Put it in a safe place. If you lose your copy, ask your Local or the Administrative Office for another one.

**Any questions?** If you have any questions about the Vacation Plan, please ask the Administrative Office. Addresses and phone numbers are:

**Southwest Carpenters Vacation Trust**

**533 South Fremont Avenue, 6th Floor  
Los Angeles, California 90071-1706  
(213) 386-8590 or (800) 293-1370**

**980 Kelly Johnson Dr., Ste 180  
Las Vegas, NV 89119-3722  
(702) 854-4560 or (800) 501-0210**

**Or check out our website at:  
[www.carpenterssw.org](http://www.carpenterssw.org)**

**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, formerly known as the Twelve County Carpenters Vacation Savings and Holiday Plan. Collectively Bargained, Jointly-Trusteed Labor-Management Trust.
- 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 Connor & Shanley  
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 the Administrative Office.

**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  
533 South Fremont Avenue, 6th Floor  
Los Angeles, California 90071-1706  
(213) 386-8590**

**5. Names, titles and addresses of any Trustee or Trustees.**

Mr. James K. Bernsen  
Southwest Regional Council of Carpenters  
533 South Fremont Ave., 10th Floor  
Los Angeles, California 90071-1706

Mr. Douglas McCarron  
General President of United  
Brotherhood of Carpenters &  
Joiners of America  
533 South Fremont Ave., 10th Floor  
Los Angeles, California 90071-1706

Mr. Mike McCarron  
Secretary-Treasurer  
Southwest Regional Council of Carpenters  
533 South Fremont Ave., 10th Floor  
Los Angeles, California 90071-1706

Mr. Floyd Clay  
Senior Administrative Assistant  
Southwest Regional Council of Carpenters  
533 South Fremont Ave., 10th Floor  
Los Angeles, California 90071-1706

Ms. Beth Hansen  
Mallcraft, Inc.  
P.O. Box 91983  
Pasadena, California 91109

Mr. Kim Fromer  
Fromer, Inc.  
22225 Acorn Street  
Chatsworth, California 91311-4724

Mr. Richard Harris  
Residential Contractors Association  
1530 E. First St., Ste. 218  
Santa Ana, California 92701

Mr. Ralph Larison  
Herzog Contracting Corporation  
3760 Kilroy Airport Way, Ste. 120  
Long Beach, California 90803

Mr. Bill Singleton  
J.F. Shea Construction, Inc.  
P.O. Box 389  
667 Brea Canyon Road, Ste. 30  
Walnut, California 91788-0489

Mr. Gary Jaacks  
The Raymond Group  
P.O. Box 1727  
Orange, California 92868

Mr. Perry Eiman  
Marnell Corrao Associates  
222 Via Marnell Way  
Las Vegas, Nevada 89119-3522

Mr. Gordon Hubel  
Southwest Regional Council of Carpenters  
533 South Fremont Ave., 10th Floor  
Los Angeles, California 90071-1706

Mr. Marc Furman  
Southwest Regional Council of Carpenters  
501 N. Lamb Blvd., 2nd Floor  
Las Vegas, Nevada 89110-3368

Mr. Tom Benson  
Southwest Regional Council of Carpenters  
533 South Fremont Ave., 10th Floor  
Los Angeles, California 90071-1706

Mr. Ronald N. Tutor  
Tutor-Saliba  
15901 Olden Street  
Sylmar, California 91342-1051

Mr. Wayne Catalano  
Southwest Regional Council of Carpenters  
533 South Fremont Ave., 10th Floor  
Los Angeles, California 90071-1706

**6. Collective Bargaining Agreement.**

Contributions to this Plan are made on behalf of each employee in accordance with Collective Bargaining Agreements between the Regional Councils and Local Unions in the Twelve Southern California Counties, Arizona, Nevada, Utah and New Mexico 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. If a plan is maintained pursuant to one or more collective bargaining agreements, a statement that the plan is so maintained, and that a copy of any such agreement may be obtained by participants and beneficiaries upon written request to the plan administrator, and is available for examination by participants and beneficiaries, as Required by 2520.1044b-1 and 2520.104 b-30.

**7. Source of Contributions.**

Benefits are provided through employer contributions to the Plan. The amount of employer contributions to this Plan is determined by the provisions of the Collective Bargaining Agreements with employer representatives.

The Administrative Office will provide you, upon written request, information as to whether a particular employer is contributing to this Plan on behalf of participants working under the Collective Bargaining Agreement.

**8. Supplemental Dues Program.**

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 made by his employer to the Plan the amount of supplemental dues owed by the employee to his Local Union and Council, and to transmit those dues to the Local Union and Council. In some states the Supplemental Dues will be a payroll deduction.

The employee must file a 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 from whom a valid Authorization has been received, CSAC will pay the amount of dues to the Local Union and Council. For those employees from whom no valid Authorization has been received, CSAC shall transmit the full amount of employer contributions to the Plan. All expenses of the Supplemental Dues Program are borne by the Local Union and Council.

CSAC is the "Carpenters Southwest Administrative Corporation" and CSAC is the agent of the employers only for purposes of the Supplemental Dues Program and Apprenticeship Vacation Program.

The complete provisions of the Supplemental Dues Program are set forth in Article III of the Master Labor Agreement which became effective on July 1, 1983 and in successor Master Labor Agreements. A copy of the Master Labor Agreement is available for inspection at the Administrative Office and at the office of the Local Unions.

**9. Carpenters Legislative Improvement Committee of Southern California and Carpenters Legislative Improvement Committee of Washington, D.C. (CLIC)**

Beginning January 1, 1988, an employee who works in Southern California can authorize CSAC to deduct from his Plan benefits CLIC contributions in the amount of 2 cents per hour and transmit those contributions to the Carpenters Legislative Improvement Committee of Southern California or the Carpenters Legislative Improvement Committee of D.C. on July 1 and December 1.

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 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 carpenter.

**10. Southwest Regional Council of Carpenters New Mexico Political Action Committee (NMPAC)**

Beginning January 1, 2008, an employee who works in the state of New Mexico can authorize CSAC to deduct from his Plan benefits NMPAC contributions in the amount of 5 cents per hour and transmit those contributions to the Southwest Regional Council of Carpenters New Mexico Political Action Committee. 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 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 carpenter.

**11. Type of Plan.**

This Plan is maintained for the purpose of providing Vacation Plan benefits for eligible participants.

**12. 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.

**13. Identity of Providers of Benefits.**

Benefits are provided directly from the Trust. No outside organization is involved in providing trust benefits.

**14. Fiscal Year.**

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

**15. 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 qualification under the Unfunded Hours Program establishes eligibility for participation and benefits. In the event payment has been made by the fund 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.

**16. 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 under the Unfunded Hours Program. 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 Fund 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.

If a participant fails to file a "Request for Unfunded Benefits" form by July 1st of any particular year, he/she may lose any claim to vacation benefits for which contributions were not paid to the Plan by the employer.

The participant who fails to cash his check within eleven (11) months following its date of issuance shall be deemed to have elected to contribute such amount to the Plan and the check issued to him/her shall thereupon be void and ineffective.

Request for Benefit forms which are filed more than two (2) years after the particular vacation payment could be collected will not be honored and the participant will be deemed to have forfeited or contributed any right to benefits.

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

**17. Procedures to Follow for Filing a Claim:**

**Termination**

The procedure to be followed in filing a claim for benefits is described on page 6 of this booklet. All claims for 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.

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

**18. Review Procedure.**

(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 for 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 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, or the office of the delegate 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 and shall grant a hearing on the petition before a hearing panel consisting of at least one Employer Trustee and one Employee Trustee to receive and hear any

evidence or argument which cannot be presented satisfactorily by correspondence. The failure to file a petition for review within such sixty (60) day period or to appear and participate in any such hearing 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.

**19. Availability of Documents and Other Important Information.**

As a participant in the Vacation Plan 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.