

Michigan Laborers' Vacation Fund

SUMMARY PLAN DESCRIPTION

January 1, 2003



MICHIGAN LABORERS'
VACATION FUND

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DESCRIPTION**

January 1, 2003

This booklet summarizes the official provisions of the Michigan Laborers' Vacation Plan. The benefits of the Vacation Plan are provided to you according to the terms and conditions of the Vacation Plan documents and the rules and regulations adopted by the Trustees of your Vacation Plan. Nothing in this Summary Plan Description (SPD) adds to or changes those documents, rules or regulations. Should a conflict occur between this SPD and the Vacation Plan documents, rules and regulations, **the Plan Documents, and not this SPD Booklet, will control.**

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MICHIGAN LABORERS'
VACATION FUND

BOARD OF TRUSTEES

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FUND OFFICE

(Administrative Manager for the Plan)

TIC International Corporation

6525 Centurion Drive

Lansing, Michigan 48917-9275

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OFFICE HOURS

Monday through Friday

7:30 a.m. to 5:30 p.m.

LEGAL COUNSEL

Christopher Legghio

Martens, Ice, Geary, Klass, Legghio,
Israel & Gorchow, P.C.

HOW THIS VACATION PLAN OPERATES

This Vacation Plan provides you with vacation income. The money for this benefit comes from “plan sponsors,” who are Employers who have agreed by contract to remit to this Vacation Fund on your behalf. Only Employers who have a signed contract are required to remit to this Fund on your behalf. If you are uncertain whether your employer has a current signed contract, check with the Fund Office.

The amount of money which an Employer must remit on your behalf is spelled out in the collective bargaining agreement. All Employers’ contributions go directly into the Vacation Fund to provide benefits to you and to pay the administrative costs of the Plan.

Your Vacation Plan is operated by a Board of Trustees appointed, in equal numbers, by the Michigan Laborers’ District Council and certain employer associations. The Trustees administer this Fund in the best interest of all Plan Participants. The Trustees are responsible for maintaining the Fund in a sound financial condition and for providing vacation benefits to you. As part of their duties, the Trustees make the rules which regulate the Fund’s operation.

To assist in the day-to-day operation of the Vacation Plan, the Trustees have hired a professional administrative manager. The Administrative Manager maintains the records of Employer remittance and distributes your vacation benefit checks. The Fund attorney advises the Trustees to assure that the Fund complies with all federal and state laws. An independent Certified Public Accountant annually audits the Fund’s books and records.

DEFINITIONS

BENEFICIARY means a person chosen by a participant who is, or may become, eligible to receive vacation benefits from this Plan.

EMPLOYEE means either a person who performs work covered under a collective bargaining agreement and works for an Employer who is required to remit to the Fund on the Employee’s behalf, or any other person who has been approved for participation in this Plan by the Plan Trustees.

EMPLOYER means a company or person, who is party to a collective bargaining agreement or other written agreement which requires payments to this Fund on behalf of employees. The Union and the Michigan Laborers' Training Fund are also an *Employer* if payments are made to this Vacation Fund for their employees and officers.

EMPLOYER REMITTANCES means the payments, for purposes of providing vacation benefits, which must be paid by the Employers to the Vacation Fund on behalf of their employees. This amount is established by the collective bargaining agreement between your Employer and your local union.

ERISA means the Employee Retirement Income Security Act of 1974, its amendments and regulations ("ERISA").

FUND means the Michigan Laborers' Vacation Fund.

PARTICIPANT means any employee or former employee who is or may become eligible to receive benefits from this Fund or whose Beneficiary may be eligible to receive benefits.

TRUSTEES means the Trustees designated in the Trust Agreement of the Fund and persons appointed to succeed them.

UNION means the Laborers' local unions participating in the Fund and which are affiliated with the Michigan Laborers' District Council.

YOUR RESPONSIBILITY AS A PARTICIPANT

- **NOTIFY THE FUND OFFICE IMMEDIATELY IF YOU CHANGE YOUR ADDRESS**

If you move, you must notify the Fund Office of your new address. Most information about your plan — and your vacation benefit check — is sent to you by mail. For you to receive these important materials, the Fund Office must have your correct address on file.

- **NOTIFY THE FUND OFFICE IMMEDIATELY IF YOU WANT TO CHANGE YOUR BENEFICIARY**

If you want to name a new Beneficiary for your vacation benefits in case of your death, notify the Fund Office, in writing, immediately. If you die, the Fund Office can pay benefits **only** to the person that you have designated in writing as your Beneficiary. If you get divorced, your divorce judgment will not cancel your pre-divorce designation of your former spouse as your Plan Beneficiary.

BECOMING A PARTICIPANT IN THE PLAN

You are a Participant in the Plan when:

- You work in the jurisdiction of one of the Local Unions participating in this Plan; and
- Your Employer is required to remit to this Fund for you under the terms of a collective bargaining agreement with the Union.

You are also a participant if you are currently employed by the Union or the Michigan Laborers' Training Fund and remittances are being made to this Fund on your behalf by these Employers.

REMAINING A PARTICIPANT IN THE PLAN

You remain a Participant in this Plan until Employer remittances are no longer made on your behalf and the money in your vacation account has been paid to you or your Beneficiary, or it has been forfeited. Your participation will also end in the unlikely event that this Vacation Plan is terminated. If this should happen, Plan benefits earned prior to termination will be paid to you and other Participants from available money held in the Fund.

AMOUNT OF YOUR VACATION BENEFITS

You generally will receive the total amount of payments your Employer has made to the Fund on your behalf, unless you have signed a Dues Authorization Card and/or have authorized deductions to the Laborers' Political League or Michigan Laborers' Political League. The amount of the payment your Employer must submit to the Fund on your behalf is established in the collective bargaining agreement between your Employer and your Local Union.

The Trustees have authorized the Administrative Manager to deduct your Union dues from your vacation benefits, *provided you authorize this deduction by signing an Authorization and Assignment Card (Dues Authorization Card)*. Your dues, which are deducted from your vacation benefit at a rate determined by your local union according to your Union Constitution, will be remitted to your Local Union. The amount of the dues paid pursuant to this procedure is reflected on your vacation benefit check stub. Union dues may be deducted for Federal Income Tax purposes.

The Trustees also have made it possible for you to have your contributions to the Laborers' Political League and the Michigan Laborers' Political League, organizations that advance the causes of laborers, deducted from your vacation benefits. The procedure for these deductions is substantially the same as the procedure for Union Dues deductions.

You must have at least \$5.00 credited to you to receive a vacation check. If you do not have at least \$5.00, you receive no vacation benefit check and whatever amount is credited to you is forfeited at the end of the year. Amounts less than \$5.00 can't be held in your account for later distribution. This procedure helps keep the Fund's clerical and mailing costs as low as possible.

Sometimes, the amount of your vacation benefit may be more than the amount your Employer has remitted for you. Other times, it may be slightly less. Here's why.

You could receive more than your Employer's contributions if the Fund's earnings and forfeited benefits provide the Fund with more income than the Trustees believe is needed to pay expected Fund expenses. In this case, the surplus income may be distributed to you and other Participants as part of your regular vacation benefit checks, according to rules established by the Trustees of the Fund.

Though unlikely, it's possible that you could receive slightly less vacation pay than the amount your Employer remitted on your behalf. If the Fund's forfeitures and earnings do not provide enough income to cover expected Fund expenses, you will receive less than the Employer payments made on your behalf to the Fund. Although this situation has never occurred, the Trustees, among other options, could:

- reduce your vacation pay in proportion to how much you are receiving compared to other participants (the smaller your vacation pay amount, the less it is reduced); or
- reduce all vacation pay checks by the same amount.

The Trustees' determination of the amount of Plan benefits payable to you is final, except in cases where clerical errors were made.

The amount your Employer remits to the Vacation Fund on your behalf is included in your gross salary. Social Security, federal, and state taxes have already been paid on your vacation pay by the time you receive your vacation benefit check. But additional tax may have to be withheld by the Fund if your prior Plan vacation benefits exceed the amount your Employer remitted to the Fund for you.

PAYMENT DATES

Annual vacation benefit checks are sent to you during the first week of December. Then, during the first week in February, there is a delinquent vacation check distribution for any late vacation monies received. Your vacation benefit check is sent to you automatically by the Fund Office. You do not have to apply to receive it. So, be sure that the Fund Office has your correct address. But, if you do not receive a check when you are entitled to one or you believe that your check is for the wrong amount, you should file a written claim (by letter) with the Fund Office.

Your December vacation benefit check includes Employer payments received by the Plan as of October 31 for your work during the preceding 12 months, ending with the work month of September.

Here's an example:

Matt receives a vacation benefit check during the first week of December, 2001. It includes Employer payments received by the Plan as of October 31, 2001 covering the time period of October, 2000 through September, 2001.

A delinquent vacation benefit check includes Employer payments, if any, received by the Plan as of January 15 for work performed during the same time period (October 2000 through September 2001) as the early December vacation benefit check.

For example:

Matt receives a vacation benefit check during the first week of February, 2002. It includes Employer payments received by the Plan as of January 15, 2002 covering the time period of October, 2000 through September, 2001.

METHOD OF PAYMENT

You may choose to receive your annual vacation benefit from the following options:

- receive your annual vacation benefit via check by ensuring that the Fund Office has your most current address;
- direct your vacation benefits into a checking/savings account by providing the Fund Office with a Payee Deposit Agreement that gives the following bank information:

Name of Financial Institution

Type of Account

Account No.

ABA (Routing) No.

Deductions

You may choose to have your annual dues deducted from your vacation check by filling out an Assignment and Authorization Request.

SPECIAL CIRCUMSTANCES

Vacation Benefit Payments in the Event of Your Death

If you die before receiving a vacation benefit check for the year, the amount you would have been eligible to receive, based on Employer Remittances made up to the time of your death, is paid to your designated Beneficiary. Your Beneficiary for the Vacation Fund is the same person you name as Beneficiary of Death Benefits under the Michigan Laborers' Health Care Fund.

Early Distribution of Vacation Benefit Checks

The Plan will distribute vacation benefit checks before the next regular distribution date only:

- upon your death, if your Beneficiary, personal representative or other fiduciary of your estate sends a written request for early payment to the Fund Office; or
- if you are inducted into the armed forces of the United States or are recalled to active duty for more than 31 days.

Forfeited Vacation Pay

Vacation pay is forfeited permanently if:

- there is less than \$5.00 in Employer payments made for you by the October 31 Employer Remittance deadline;
- you do not cash your December vacation benefit check by the following August 31 or your February vacation benefit check by the following November 30;
- the Fund Office cannot send you your vacation benefit check because it does not have a current address for you or your vacation benefit check is not deliverable; or cannot be sent (the Fund Office will hold the check for you for nine months following the date of distribution); or
- in case of your death, if your Beneficiary or personal representative or other fiduciary of your estate does not apply for your vacation pay within six months of the date of your death.

Amounts forfeited by Participants and the interest earned are deposited to the Fund's "Reserve Account." Money in the Reserve Account is used for administrative and other authorized expenses, audit services by the Fund's Certified Public Accountant, legal services, printing expenses, mailing charges, and expenses for collecting delinquent Employee Remittances.

REVIEW AND APPEAL OF A BENEFIT DECISION

If, you file a claim for Vacation Benefits and for any reason, your claim is denied in whole or in part, the Fund Office will provide you with a written notice containing the information listed below within 90 days (or 180 days if you are provided with written notice of special circumstances that require more time for your claim to be decided) of the date your application is received:

- the reason(s) why your benefits or a portion of them were denied;
- reference to specific Plan provision(s); on which the denial was based;
- a description of any additional information, if any, needed for you to complete your claim and an explanation of why that information is necessary; and
- what steps you must take if you wish to appeal the decision including the time limits for filing an appeal and your rights to file a lawsuit if your claim is denied on appeal.

If, for example, you file a claim because you believe that the Fund made a mistake about your entitlement to benefits or the amount you are owed, as part of your claim you may ask the Fund Office to review its calculations with you. As part of this initial claims process, the Fund Office may request additional information from you to reach its decision.

If, you do not agree with how your claim for benefits was decided, you may appeal that decision to the Board of Trustees (or a Committee of the Trustees). Here's how you appeal:

1. Within 60 days after you receive a denial notice which you believe is incorrect, you must notify the Fund Office *in writing* that you wish to have your case reviewed by the Board of Trustees (or a Committee of the Trustees).

2. Your written request for a review should include all information regarding your claim for Vacation Benefits and the reason(s) you believe the original decision is wrong and include all comments, documents, records and other information that you think supports your claim. Upon request, the Fund Office, at no charge to you, will provide you with reasonable access to and assist you in gathering any information from Fund records relevant to your claim, including copies of all documents, records and other information relevant to your claim.
3. If approved by the Trustees, you may appear in person or you can choose a representative to appear on your behalf before the Board of Trustees (or a Committee of the Trustees as determined by the Board).
4. If you are not granted or do not wish to make a personal appearance before the Board of Trustees, the Administrative Manager will present your written statement and other pertinent information to the Board of Trustees or Committee of Trustees.
5. Review of your claim will take into account all comments, documents, records and other information submitted by you relating to your claim even if that information was not submitted to the Fund Office when it decided your claim.
6. You will receive notice of the Trustees' decision in writing. The notice will include: (a) the reasons for the decision and (b) reference to the specific Plan provision(s) on which the decision is based, a notice that you are entitled to receive upon request and free of charge, reasonable access to and copies of all documents, records and other information relevant to your claim, and describe any voluntary appeal process, and advise you of your right to bring a lawsuit to enforce your claim.
7. The Trustees or a Committee appointed by them will review your appeal. The Fund Office generally will decide your appeal, notify you of the Trustees, or Committee's decision no later than five days after the next regular meeting which is at least 30 days after the date on which the Fund receives written appeal unless you are notified in writing of special circumstances (such as the need to schedule a date for you to appear before the Trustees or the Committee) that require more time in which case you will be notified no later than five days following the regular meeting that follows the next regular meeting that is at least 30 days after the date on which the Fund's receipt of your written appeal request.

You may not begin any legal action, including proceedings before administrative agencies, until you have followed the procedures and exhausted the opportunities described here.

You may, at your own expense, have legal representation at any stage of these review procedures.

If you have any questions about the review procedure described above, please contact the Fund Office in writing at the following address:

THE BOARD OF TRUSTEES
Michigan Laborers' Vacation Fund
6525 Centurion Drive
Lansing, Michigan 48917-9275

YOUR PARTICIPANT RIGHTS UNDER ERISA

In 1974, ERISA became law.

ERISA, which sets forth certain minimum standards for the design and operation of privately sponsored trust plans, regulates this Vacation Fund. ERISA also spells out your rights and protections as a Participant of this Plan.

Under ERISA, you have the following federally-protected rights:

- **RECEIVE INFORMATION ABOUT YOUR PLAN AND BENEFITS.**
- You will automatically receive a Summary Plan Description (this booklet). The purpose of this Booklet is to summarize pertinent information about the Plan.
- If any substantial changes are made in the Plan, you will be notified in writing within the time limits required by ERISA.
- Each year you will automatically receive a summary of the Plan's latest annual financial report (you are entitled by law to receive this automatically). A copy of the full report is also available upon written request.
- You may examine, without charge, all documents relating to this Plan. These documents include: the plan documents, collective bargaining agreements an updated summary plan description, and copies of all documents filed by the Plan with the Department of Labor or the Internal Revenue Service, such as the latest annual reports (Form 5500) and Plan summaries. These documents may be examined at the Fund Office during normal business hours.

The Trustees have adopted certain procedures that you must follow to assure that your request to examine Plan documents is handled completely and promptly. Specifically:

- (1) your request should be in writing;
- (2) it should specify what materials you wish to look at; and
- (3) it should be received at the Fund Office at least three working days before you want to review the materials at the Fund Office.

Although all pertinent Plan documents are on file at the Fund Office, arrangements can be made, upon written request, to make Plan documents that you want to examine available at any worksite or union location at which 50 or more Participants report to work. You should contact the Fund Office if you want this done.

- You may obtain copies of any Plan document (which are described at the fourth bullet point above) upon written request to the Trustees, addressed to the Fund Office. ERISA provides that the Trustees may make a reasonable charge for the actual cost of reproducing any document you request. But, you are entitled to know what the charge will be in advance. Just ask the Fund Office.
- No one, including any Employer, the Union or any other person, may fire you or otherwise discriminate, interfere with or prevent you from obtaining a benefit or exercising any right to which you are entitled under ERISA.

ENFORCE YOUR RIGHTS

- In accordance with Section 503 of ERISA and related regulations, the Trustees have adopted certain procedures to protect your rights if you are not satisfied with the action taken on your application.
- These procedures appear on pages 7 - V and 8 - V of this booklet. Basically, the procedures provide that:
 - (1) if your claim for a vacation benefit is denied, in whole or in part, you have a right to know why this was done, and to obtain copies of documents relating to the decision without charge. You will receive a written explanation for the reason(s) for the denial.
 - (2) then if you are still not satisfied with the action on your claim, you have the right to appeal the decision and have the Trustees review and reconsider your application in accordance with the Plan's Benefit Appeals Procedures all within certain time schedules.

Under ERISA, you may take certain actions to enforce the rights listed above.

- (3) For instance, if you request a copy of the Plan documents, the latest annual report or other materials that you are entitled to from the Plan and do not receive them within 30 days, you may file suit in federal court.

Of course, before taking such action, you should check again with the Fund Office to make sure that: (1) the request was actually received, (2) the material was mailed to the right address, or (3) the failure to send the material was not due to circumstances beyond the Trustees' control. If you decide to take legal action, the Court may require the Trustees to promptly provide any materials that you are entitled to or to pay a fine of up to \$110.00 for each day's delay until you actually receive these materials (unless the delay was caused by reasons beyond the Trustees' control).

- (4) Although the Trustees will try to resolve any disputed claims with Participants fairly and promptly, there always is the possibility that differences cannot be resolved. You may file suit in a state or federal court if you believe that you have been improperly denied a benefit. But, before exercising this right, you must take advantage of all the benefit appeal procedures which are provided under the Plan. (See page 7 - V.)
- (5) If you have a claim for benefits which is denied or ignored, In whole or in part, you may file suit in federal court.

PRUDENT ACTION BY FIDUCIARIES

- In addition to creating rights for Plan Participants, ERISA also imposes duties on the people who are responsible for operating employee benefit plans.
- These persons, known as "fiduciaries," have the duty to operate your Plan prudently and in the interests of you and other Plan Participants and beneficiaries.
- If it should happen that Plan fiduciaries misuse the Plan's money or discriminate against you for asserting your rights, you may seek assistance from the U.S. Department of Labor or you may file suit in a federal court.
- If you file a lawsuit, 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 costs and fees.
- If you lose, the court may order you to pay these costs and fees. For example, if the court finds that your claim is frivolous, you may have to pay the Fund's legal costs and fees.

If you have any questions about your Plan, you should contact the Trustees by writing to:

THE BOARD OF TRUSTEES
Michigan Laborers' Vacation Fund
6525 Centurion Drive
Lansing, Michigan 48917-9275

Or, if you have questions about this statement or your rights under ERISA, or if you need assistance in getting documents from the Fund, you should contact the nearest Area Office of the Pension and Welfare Benefits Administration, U.S. Department of Labor listed in your telephone directory (the Fund Office will be happy to furnish you with the address) or the Division of Technical Assistance and Inquiries, Pension and Welfare Benefits Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington D.C. 20210. You also may obtain certain publications about your rights and responsibilities under ERISA by calling the publications hotline of the Pension and Welfare Benefits Administration.

OTHER IMPORTANT REFERENCE INFORMATION ABOUT THE PLAN

The Name and Address of Plan Administrator

The Plan is administered and maintained by the Board of Trustees. The Administrative Office of the Fund is located at:

Michigan Laborers' Vacation Fund
6525 Centurion Drive
Lansing, Michigan 48917-9275

The Fund Office is responsible for carrying out Trustees' policies regarding communications, record keeping and accounting.

Parties to the Collective Bargaining Agreement

The Plan is maintained according to collective bargaining agreements between the various Local Unions of the Michigan Laborers' District Council and the various participating Employers.

Participants and Beneficiaries may obtain, upon written request to the Fund Office, a list of parties to the collective bargaining agreements and the list is available for examination by Participants and beneficiaries as

required by law. You can ask the Fund Office if a particular Employer contributes to the Plan and if it does, the Employer's address.

Internal Revenue Service Employer and Plan Identification Numbers

The Employer Identification Number (EIN) issued to the Board of Trustees is 38-6115258 and the Plan Number (PN) is 501.

The Person Designated as Agent for Service of Legal Process is:

THE BOARD OF TRUSTEES
Michigan Laborers' Vacation Fund
6525 Centurion Drive
Lansing, Michigan 48917-9275

Service of legal process may also be made upon any Plan Trustee.

Eligibility Requirements

The Plan's requirements with respect to eligibility for benefits and certain circumstances which may cause Plan participation to end are explained on page 3 - V. Information regarding forfeiture of Plan benefits is found on page 6 - V.

Sources of Trust Fund Income

Sources of Fund income include Employer Remittances and Fund investment earnings. All Employer Remittances are paid to the Fund subject to provisions in the collective bargaining agreements between the Union and Employer associations and those Employers who are not members of or represented by an association but which execute individual collective bargaining agreements or other written agreements with the Union.

The labor agreements specify the amount of Employer Remittance, the due date and the type of work for which payments are made and the geographic area covered by the labor contract.

Method of Funding Benefits

Income from Employer Remittances and earnings from investments are used to pay benefits. The Trustees must pay operating costs and administrative expenses from income and are authorized to maintain an operating reserve to assure that these costs and expenses will be paid.

FISCAL YEAR OF THE PLAN

The Plan's fiscal year begins September 1 and ends the following August 31.

THE PLAN'S APPEAL PROCEDURE

The procedures for a Participant to appeal a complete or partial denial of a claim are described on pages 7 - V and 8 - V.

- NOTES -

- NOTES -

