

**LOCAL 463 EDUCATIONAL,
VOCATIONAL AND CULTURAL FUND**

**303 Smith Street Suite 8
Farmingdale, NY 11735
Telephone (631) 393-2963**

July 1, 2018

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The Local 463 Educational, Vocational and Cultural Fund is administered by a joint Board of Trustees consisting of a Union Trustee and Employer Trustee with equal voting power.

Union Trustee: Kenneth Irving

Employer Trustee: John O'Meara

Legal Counsel: Cohen, Weiss and Simon, LLP

Administrator: Jeannie Lewis

Accountants: Gitomer & Berenholz

IMPORTANT NOTICE

This booklet is the Summary Plan Description ("SPD") of the plan of benefits ("the Plan") of the Local 463 Educational, Vocational and Cultural Fund ("the Fund"). Your rights to benefits are only as provided in this SPD as interpreted by official action of the Board of Trustees ("the Board"). You should refer to this booklet when you need information about Plan benefits. In addition, the Board reserves the right, in its sole and absolute discretion, to amend the Plan at any time.

Save this booklet – put it in a safe place. If you lose a copy, you can call the Administrator to request another: (631) 393-2963.

If you change your name or address – notify the Fund immediately so your records are up-to-date.

Throughout this booklet, the words "you" and "your" refer to employees whose employment makes them eligible for Plan benefits. The word "dependent" refers to a family member of a participant who is eligible for scholarship benefits under the Plan.

This booklet describes the provisions of the Plan in effect as of July 1, 2018.

In the event there is any conflict between the terms and conditions for Plan benefits as set forth in this booklet and any oral advice you receive from an employee of the Fund or union representative, the terms and conditions set forth in this booklet shall control.

ELIGIBILITY AND PARTICIPATION

The Plan is made up of two distinct benefits – training and scholarships. Training is made available only to eligible employees. Scholarships are made available only to children of eligible employees, as described on page 4.

Employee Eligibility

Eligibility for benefits from the Plan depends upon the particular contract (collective bargaining agreement or participation agreement) covering your employment. If the contract provides for your participation in the Plan, you are eligible for benefits after completing the applicable waiting period in covered employment, unless specified otherwise. Your benefits begin on the day following your completion of the specified waiting period working the number of days or hours required by your contract. It is important that you check your contract as waiting periods may vary.

When You are No Longer Eligible

Your eligibility for the Plan ends:

- at the end of the 30th day after you no longer regularly work in covered employment
- when your employer terminates its participation in the Plan, or
- on the date the Plan is terminated.

In addition, the Board reserves the right in its sole discretion to terminate eligibility if your employer becomes seriously delinquent in its contributions to the Fund. If you lose your eligibility while you are taking a Plan course, you may complete the course. However, you may not enroll for any new courses and your children are not eligible for a scholarship.

If You Come Back To Work

If your employment ends after your eligibility commenced and you return to covered employment (with the same contributing employer or a different contributing employer):

- within 90 days, your Plan participation starts again on your first day back at work, or
- more than 90 days later, you would have to complete 90 consecutive days of covered employment with the same employer (or the number of days specified in your contract as your initial waiting period) before being able to resume participation.

TRAINING PROGRAM

Description

The Fund's Training Program consists of reimbursement for the cost of enrolling in a training course related to your job. In order to receive the reimbursement, participants must submit evidence that they successfully completed the course.

Types of Courses for which reimbursement is available:

- Academic Skills, such as Reading, Math and English as a Second Language
- Computer Skills, including Introductory, Intermediate and Advanced, and
- Industry Skills, such as Basic Plumbing and various license preparation courses

Upon completion of a passing grade in the training course, and presentation to the Fund office of a receipt for the costs, the employee, employer or training provider, as applicable, shall be reimbursed in the amount of the costs of the training course, up to \$1,500 per year per each employee submitting a claim. Only employees of contributing employers are eligible for the Training Program benefit. The list of contributing employers is attached as Appendix A.

SCHOLARSHIP AWARDS PROGRAM

Each year, a limited number of scholarships are granted to eligible dependent children of eligible employees who apply for and meet the requirements for an award. The Scholarship Awards Program helps pay for undergraduate college studies as follows:

- Undergraduate college scholarships may be awarded to high school graduates (including those who have passed the GED exam) who have been accepted by a two-year or four-year college or university. This money can be used to help pay tuition, room and board, and book costs for full-time study at any accredited two-year or four-year college or university. Full-time study means your dependent child is enrolled for at least 12 credits. Each scholarship is worth up to \$1,000 per year for up to four continuous years of undergraduate study (\$4,000 maximum scholarship), and is paid directly in equal parts to the college or university each semester that the student proves full-time enrollment.

Eligibility – Scholarships

Your dependent children are eligible to apply for Plan scholarships if you have been eligible for the Fund benefits for two consecutive years immediately preceding January 1st of the year in which the scholarship will be awarded. A break in eligibility of up to 90 days (180 days if break is due to disability and you are receiving either short-term disability or workers' compensation) will not be counted as a break in service with respect to the two consecutive year eligibility requirement which, if it was, would require the count to start again.

Employees of contributing employers, listed on Appendix A, are eligible for the Scholarship Awards Program. In addition, former participants in the Local 76B Scholarship Fund, who continue to be employed by an employer which contributed to the Local 76B Scholarship Fund, are eligible for the Plan scholarships for their dependents as of July 1, 2018. The employers which contributed to the Local 76B Scholarship Fund are listed in Appendix B.

Dependent children are eligible to apply for scholarships if they meet the requirements described on page 4. If you are one of the following, you are not eligible to apply for scholarships for your dependent children:

- employees of the Local 463 Benefit Funds
- officers and employees of Local 463
- However, if your employment by Local 463 or the Local 463 Benefit Funds is part-time or temporary and you have a job (or are on leave from a job) with a covered employer which provides eligibility for the Fund, then you are eligible to apply.

Dependent Eligibility

As long as you are eligible for scholarship benefits (as described above) on January 1st, your dependent children are eligible to compete for a scholarship that year. Note that spouses are not eligible. Each applicant for a scholarship must meet the following conditions on January 1st of the year in which the scholarship will be awarded.

Member's Relationship to the Applicant

Applicant must be one of the following:

- Your biological child
- Your adopted child
- Your stepchild (includes the biological or adopted child of your spouse)
- Note: Your foster child only if you have adopted the child

The child must be dependent upon you for support and maintenance; if an application for legal guardianship is pending, you must provide documentation that papers are filed and provide proof when legal process is complete. You must provide proof of relationship and dependency.

Applicant Requirements

The following must be true by the time of the scholarship award (which is when the first payment is made for the Fall semester). The recipient must:

- be a high school graduate (including those who have passed the GED test)
- be no older than 19 by December 31st of the scholarship year
- be accepted into a 2-year or 4-year college or university into a program that leads to a degree.
- not have completed more than one matriculated semester prior to the scholarship award

If a scholarship is awarded and you lose eligibility for the Fund benefits, the scholarship award will remain intact.

Applying for a Scholarship Award

If you wish to apply for a scholarship, you must do so by the stated deadline for the following academic year. Fill out and submit your application, which you can obtain by making a request to the Fund office either by phone, (631) 393-2963, or in person.

We require an official high school transcript, SAT or ACT test scores (if required by the institution to which you are applying), a completed application form, a description of extracurricular activities, and three letters of recommendation from a teacher, counselor, clergyperson, or administrator.

Knowingly applying for a scholarship for someone who is not eligible is considered fraud and could subject you to criminal prosecution.

How Scholarship Awards are Determined

All complete scholarship applications of dependent children of eligible members that are submitted properly and on time are reviewed by the Trustees of the Fund. The Trustees make selections based on the application and supporting material. Incomplete applications or applications made by ineligible individuals will not be presented to the Trustees.

If you submit a complete application, you will receive written notification of the Trustees' decision. Decisions made by the Trustees are not appealable unless the decision is based on the eligibility of the employee. Rejection of your application because it is not complete is not appealable. For further information please contact the Fund at (631) 393-2963 between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

Determinations to award scholarships are within the total discretion of the Board of Trustees.

Deferring a Scholarship Award

Students who have been awarded a scholarship, but want to delay enrolling in college, or who want to take time off from school once they have enrolled, can ask to have their scholarship deferred. One deferral, for up to one school year, may be granted. Deferral requests must be made in writing.

The Board may grant additional deferrals, or deferrals longer than one academic year, from time to time, in cases of extreme hardship. The Board determines what constitutes an extreme hardship.

APPEALING DENIED CLAIMS

If your claim for a Fund benefit is denied, in whole or in part, you will get a written notice of the denial within 90 days. Special circumstances may require up to an additional 90 days, in which case you will be notified of the delay and the expected date of a decision, within the initial 90-day period. The notice will describe the specific reason or reasons for the denial, the Plan provisions on which the denial is based, any additional information or material that you might need to provide in order to support your application and an explanation of why it is necessary, and the Plan's review procedures.

You may file an appeal of any denial within 180 days of the date you receive the denial notice. You or your representative may review pertinent documents and other materials relevant to your claim (regardless of whether they were submitted with your original claim) and submit issues, comments, documents and other information relating to the claim. If you request it, you will be provided with access to or copies of all documents, records or other information relevant to your appeal.

However, because the determination to award any scholarship is within the total discretion of the committee and the Board, those decisions are not subject to appeal. The appeal process is only available to contest a determination regarding eligibility of you or your dependent to be considered for a scholarship award.

How to File an Appeal

Within 180 days after you receive notice that your claim has been denied, write to the Board of Trustees:

**303 Smith Street Suite 8
Farmingdale, NY 11735
Telephone (631) 393-2963**

You may appear in person at the Trustees meeting, but you do not have to be there. If you do not attend, the Trustees will decide your appeal based on the materials you have submitted. If you do not request a review of the denial within this 180-day period, you will be considered to have waived your right to a review of the denial. You must file an appeal with the Board of Trustees and follow the process completely before you can bring an action in court. Failure to do so may prevent you from having any legal remedy.

How the Review Process Works Once You File an Appeal

The Trustees will consider your appeal and give you their decision after reviewing all necessary and relevant evidence. The Trustees will give you a full and fair review of the decision denying your application, based upon all comments, documents, records and other information that you submit, without regard to whether that information was submitted or considered in connection with the initial benefit determination.

The Trustees will make their decision on your appeal at the next regularly scheduled Board of Trustees meeting after receipt of the appeal. However, if your request for review is received within 30 days of the next regularly scheduled meeting, your appeal will be considered at the second regularly scheduled meeting following receipt of your appeal. In special circumstances, a delay until the third regularly scheduled meeting following receipt of your request for review may be necessary. You will be advised in writing in advance if this extension will be necessary. Once the Trustees make a decision on your appeal, you will be notified of the decision as soon as possible, but no later than five days after the decision has been reached.

If your claim is denied on appeal, in whole or in part, the notice will state the specific reason or reasons for the decision, the Plan provisions on which the decision is based, and a statement that you are entitled to receive, upon request and free of charge, reasonable access to, and copies of, all documents and other information relevant to the claim. The notice will also state that you have a right to bring a civil action under Section 502(a) of ERISA to review the adverse decision on appeal.

All decisions on appeal will be final and binding on all parties, subject only to your right to bring a civil action under Section 502(a) of ERISA. No individual may file a lawsuit until these procedures have been exhausted. In addition, no lawsuit may be started more than three years after the date on which the applicable appeal was denied.

If there is no decision on appeal, no lawsuit may be started more than one year after the time when the Appeals Committee should have decided the appeal.

If you have any questions about the appeals process, please contact the Fund Administrator.

GENERAL INFORMATION

Mailing Address

It is important that you notify the Fund office whenever your address changes. You are considered unreachable if a letter sent to you by first-class mail to your last known address is returned.

Employer Contributions

The Fund receives contributions in accordance with collective bargaining agreements between certain employers and Local 463. These collective bargaining agreements provide that employers contribute to the Fund on behalf of each covered employee. Certain employers that are parties to such collective bargaining agreements also participate in the Fund on behalf of non-collectively bargained employees by signing a participation agreement. The Fund Office will provide you, upon written request, with information as to whether a particular employer is contributing to the Fund on behalf of

employees working under a collective bargaining agreement or a participation agreement.

How Benefits May Be Reduced, Delayed or Lost

There are certain situations under which benefits may be reduced, delayed or lost. Most of these circumstances are spelled out in this booklet, but scholarship payments also may be affected if you do not:

- furnish the information required under the Plan, or
- have a current address on file with the Fund or with Local 463.

If the Plan mistakenly pays a greater scholarship amount than a dependent is eligible for, the Fund may seek any permissible remedy allowed by law to recover benefits paid in error. Knowingly claiming benefits for someone who is not eligible is considered fraud and could subject you to criminal prosecution.

Compliance with Federal Law

The Plan is governed by regulations and rulings of the Internal Revenue Service, the Department of Labor and current tax law. The Plan will always be construed to comply with these regulations, rulings and laws. Generally, Federal law takes precedence over state law.

Plan Amendment or Termination

The Board intends to continue the Plan indefinitely, but reserves the right to terminate it in its sole discretion.

Upon a full termination of the Plan, Plan assets will be allocated to provide benefits in accordance with the applicable provisions of the Trust Agreement and Federal law. Keep in mind that the benefits provided under the Plan are not vested. Therefore, at any time the Board can end or amend benefits, in its sole and absolute discretion.

Plan Administration

Benefits are provided from the Plan's assets. Those assets are accumulated under the provisions of the Trust Agreement and are held in a Trust Fund for the purpose of providing benefits to covered employees and eligible dependents and defraying reasonable administrative expenses. The Plan is administered by the Board of Trustees. The Board governs the Plan in accordance with an Agreement and Declaration of Trust. The Board and/or its duly authorized designee(s) has the exclusive right, power and authority, in its sole and absolute discretion, to administer, apply and interpret the Plan, and to decide all matters arising in connection with the operation or administration of the Plan. Without limiting the generality of the foregoing, the Board

and/or its duly authorized designees, including the Appeals Committee with regard to benefit claim appeals, shall have the sole and absolute discretionary authority to:

- take all actions and make all decisions with respect to the eligibility for, and the amount of, benefits payable under the Plan
- formulate, interpret and apply rules, regulations and policies necessary to administer the Plan in accordance with the terms of the Plan
- decide questions, including legal or factual questions, relating to the calculation of benefits under the Plan
- resolve and/or clarify any ambiguities, inconsistencies and omissions arising under the Plan, as described in this SPD, and the Trust Agreement
- rule on any benefit exclusions, and
- determine the standard of proof required in any case.

All determinations and interpretations made by the Board and/or its duly authorized designees shall be final and binding upon all employees, eligible dependents, beneficiaries and any other individuals claiming benefits under the Plan.

The Board has delegated certain administrative and operational functions to the Fund staff. Most of your day-to-day questions about your benefits can be answered by Fund staff. If you wish to contact the Board, please write to:

**Board of Trustees
Local 463 Educational, Vocational and Cultural Fund
303 Smith Street Suite 8
Farmingdale, NY 11735
Telephone (631) 393-2963**

Statement of Rights under the Employee Retirement Income Security Act of 1974

As an employee covered by the Local 463 Educational, Vocational and Cultural Fund, 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:

- examine, without charge, at the Fund Office, all documents governing the Plan, including collective bargaining agreements, participation agreements and copies 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 (“EBSA”)
- obtain, upon written request to the Fund Office, copies of documents governing the operation of the Plan, including collective bargaining agreements, participation agreements, copies of the latest annual report (Form 5500 series) and an updated Summary Plan Description
- receive a summary of the Plan’s annual financial report. The Board is required by law to furnish each participant with a copy of this summary annual report.

In addition to creating rights for Plan participants, ERISA imposes duties upon the people who are responsible for the operation of the 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, your union, or any other person, may fire you or otherwise discriminate against you in any way to prevent you from obtaining a welfare benefit or exercising your rights under ERISA.

If your claim for a 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 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 you 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 that is denied or ignored, in whole or in part, you may file suit in a state or Federal court after you have exhausted the Plan’s appeals procedure (see pages 6-7). 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 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 costs 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.

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 EBSA, U.S. Department of Labor, listed in your telephone directory, or the:

Division of Technical Assistance and Inquiries
Employee Benefits Security Administration (EBSA)
U.S. Department of Labor
200 Constitution Avenue N.W.
Washington, DC 20210-0002

You may also obtain certain publications about your rights and responsibilities under ERISA by calling the publications hotline of EBSA or by visiting the Department of Labor’s website: www.dol.gov

PLAN FACTS

This Summary Plan Description is the formal plan document for the Local 463 Educational, Vocational and Cultural Fund.

Plan Name: Local 463 Educational, Vocational and Cultural Fund

Employer Identification Number: 11-258562

Plan Number: 001

Plan Year: January 1-December 31

Type of Plan: Welfare Plan

Funding of Benefits and Type of Administration: All contributions to the Trust Fund are made by contributing employers under the Plan in accordance with their written agreements.

The Fund is a tax-exempt organization under Section 501(c)(9) of the Internal Revenue Code and may receive tax-deductible contributions from individuals and businesses that do not have employees who Local 463 represents or seeks to represent. It also may receive grants from nonprofit and government organizations for use in training programs. Benefits are administered by the Fund staff.

Plan Sponsor and Administrator:

The Plan is administered by a joint Board of Trustees consisting of a Union Trustee and Employer Trustee. The office of the Board may be contacted at:

**Board of Trustees
Local 463 Educational, Vocational and Cultural Fund
303 Smith Street Suite 8
Farmingdale, NY 11735
Telephone (631) 393-2963**

Participating Employers

The list of employers which are contributing to the Plan is contained in Appendix A. The list of employers which contributed to the Local 76B Scholarship Fund is contained in Appendix B.

Agent for Service of Legal Process

The Board has been designated as the agent for the service of legal process. Legal process may be served at the Fund office or on the individual Trustees.

APPENDIX A

Local 463, IUE-CWA

Meenan Oil Co. (Clerical)

Meenan Oil Co. (Service and Installation Techs)

Perfect Gear and Instrument

Stock Drive Products

Tapeswitch Corporation

APPENDIX B

Advanced Optical
Bauerschmidt & Sons, Inc.
Bielecky Brothers, Inc.
Blair Industries, Inc.
City of Paterson (Police Motor Pool)
Coronet Parts Mfg.
Hausmann Industries
HSM Machine Works, Inc.
Jena Optical
Lamart Corp.
Lever Manufacturing Corp.
Matos Management Corp.
Office Furniture, Inc.
PCI Hanovia
Premier Restoration Tech
President Container/Tech Pak, Inc.
Princeton Upholstery Co., Inc.
Recap Optical Corp.
Rollhaus Seating Products
Schenck Trebel Corp.
Sealy Mattress Co.
Thomas Amato Co.
Unique Eyewear
United Furniture Workers
Viziflex Seals
Westside Wood Refinishing Corp.