

**St. Paul Electrical Workers**  
**REGULAR VACATION AND HOLIDAY TRUST**  
**(Apprentices)**

**Plan Document and Summary Plan Description**

**Vacation and Holiday Benefits**

**Issued August 1, 2019**

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TO: *Employee Apprentices of Contributing Employers to the St. Paul Electrical Workers Regular Vacation and Holiday Trust.*

This Summary Plan Description is made available to acquaint you with the benefits to which you may be entitled under the St. Paul Electrical Workers Regular Vacation and Holiday Trust, which is administered by the Joint Board of Trustees.

This Summary Plan Description, the Trust Agreement and the official minutes of the Board of Trustees constitute the final and binding rules and regulations governing the operation of the Trust. If there is a conflict between the Summary Plan Description and the Trust Agreement, the terms of the Summary Plan Description will govern the operation of these benefits.

The Board of Trustees has the final discretionary authority to interpret and construe the terms of the Summary Plan Description, the Trust Agreement and the minutes. Any interpretation of those documents by the Board of Trustees is subject to a deferential standard of review and may only be overturned if the interpretation is deemed arbitrary and capricious.

Additional information is available at the Plan's administrative office located at 1330 Conway Street, Suite 130; St. Paul, MN 55106. Telephone Number (952) 851-5949.

## GENERAL INFORMATION

NAME OF PLAN: St. Paul Electrical Workers  
Regular Vacation and Holiday Trust

EMPLOYER: The employer shall be any company obligated to make payments to the Trust when under an Agreement with the I.B.E.W. (The Union may also be an Employer.)

TAX IDENTIFICATION NUMBER: No. 41-6219001 (Regular Vacation and Holiday Trust)

PLAN IDENTIFICATION NUMBER: No. 505 (Regular Vacation and Holiday Trust)

PLAN YEAR: October 1 through September 30 (i.e., the last Friday in September)

PLAN TRUSTEES: James Schult  
Edward Nelson  
Jamie McNamara  
Luke Kuhl  
J.T. Pederson  
Peter Bourland

PLAN ADMINISTRATOR: The Plan Trustees

FUND COORDINATOR: Ronald G. Ethier, CEBS

FUND ADMINISTRATOR: Wilson-McShane Corporation

AGENT FOR LEGAL PROCESS: Ronald G. Ethier, CEBS, or one or more Trustees

FUND ADDRESS: 1330 Conway Street, #130  
St. Paul, MN 55106

TELEPHONE NUMBER: (952) 851-5949

The Fund Administrator has been granted discretionary authority by the Board of Trustees (and is acting as a Plan fiduciary) to determine eligibility or non-eligibility for benefits, and to construe the terms of the benefits provided herein. The Fund Administrator's determinations are subject to claims review and appeal to the Trustees as provided herein.

**ST. PAUL ELECTRICAL WORKERS  
REGULAR VACATION AND HOLIDAY TRUST**

**I. Contributions and the Resulting Holiday Benefit or Vacation Benefits**

Apprentices working under the provisions of the Inside Construction Agreement will have a percentage of their gross wages contributed by their Employer to the Regular Vacation and Holiday Trust. The following contributions percentages apply:

<b>Apprenticeship Year</b>	<b>Percentage of Gross Wages Contributed to the Vacation and Holiday Trust</b>
Apprenticeship Years 1 and 2	10% of Gross Wages
Apprenticeship Years 3, 4 and 5	13% of Gross Wages

These contributions are included in your weekly wage for FICA and withholding tax purposes. W-2 statements for your weekly wages will include regular vacation and holiday contributions, and will be issued by your employer.

Benefits are generally paid out as either a Holiday Benefit or as Vacation Benefits. These benefits are based on the after-tax amounts contributed on your behalf. The hours you work and the related contributions made in a Plan Year determine the amount of your Holiday Benefit and the amount of your available Vacation Benefits as follows:

<b>Contributions on Hours Worked during a Plan Year (Oct. 1 – Sept. 30)</b>	<b>Holiday Benefit (paid out prior to Dec. 1 following Plan Year close)</b>	<b>Vacation Benefits (paid out by using vouchers during Jan. 1 – March 31 following Plan Year close)</b>
300 or fewer hours worked	<u>100%</u> of contributions are paid out as a Holiday Benefit	<u>No Vacation Benefit</u> is available for use in period following Plan Year close
More than 300 hours worked	<u>44%</u> of contributions are paid out as a Holiday Benefit	<u>56%</u> of contributions may be used with vouchers for Vacation Benefits in 15-month period following Plan Year close

Interest or other income earned or received during any fiscal year is first used as may be necessary to defray the expenses of administration of the Trust. (In addition, a service fee will be deducted from your Holiday Benefit account to offset administrative expenses.) Earnings in

excess of the amount needed for administration expenses will be allocated in a proportionate manner as the Trustees may determine to the plan participants. This amount, if any, shall be identified separately and included on the Holiday Benefit check. In addition, these earnings will also be reported to the Internal Revenue Service, because the earnings have not been taxed.

## II. Holiday Benefit Payment

Apprentices who are members of IBEW Local 110 (Active 110 Apprentice Employees) will receive a single Holiday Benefit check. Earnings, if any, will be included in the single Holiday Benefit check. The single Holiday Benefit check is mailed by the Fund Administrator and postmarked after the close of the Plan Year, but prior to December 1.

Participants who are not members of IBEW Local 110 and who are no longer working in Covered Employment shall receive all holiday and vacation contributions made during the Plan Year in the form of a combined Holiday and Vacation Benefit check. The check will be mailed by the Fund Administrator and postmarked after the end of the Plan Year, but prior to December 1.

Participants who are not members of IBEW Local 110 who have not worked in Covered Employment for at least sixty (60) days may submit a written request to the Fund Administrator to receive distribution of their holiday and vacation benefits prior to the end of the Plan Year. There are no earnings posted to this combined Holiday and Vacation check.

The following chart summarizes the above statements:

Type of Plan Participant	When Holiday Benefit (or Combined Holiday and Vacation Benefit) is Paid	Type of Check
Active 110 Apprentice Employee	Mailed after Plan Year ends, but postmarked prior to Dec. 1	Holiday Benefit check (may have earnings)
Not a Local 110 Member and no longer working in Covered Employment	All holiday and vacation contributions made during the Plan Year. Mailed after Plan Year ends, but postmarked prior to Dec. 1	Combined Holiday and Vacation check (may have earnings)
Not a Local 110 Member and has not worked in Covered Employment for at least 60 days.	May request all holiday and vacation contributions made during the Plan Year to be paid in a single check prior to the end of the Plan Year	Combined Holiday and Vacation Check (no earnings)

Participants may make voluntary contributions to COPE by authorizing a deduction from their Holiday Benefit check. This authorization must be in writing on an approved form, available at the Plan or Union office, and signed by the participant. This election to make voluntary contributions to

COPE will remain in effect until such time that the participant, in writing, changes or revokes the authorization.

Industry Recognized Holidays are:

New Year's Day*	Thanksgiving Day
Memorial Day	The Day after Thanksgiving Day
Independence Day*	Christmas Eve**
Labor Day	Christmas Day**

\*If this holiday falls on Saturday, Friday will be the Industry Recognized Holiday. If this holiday falls on Sunday, Monday will be the Industry Recognized Holiday.

\*\*\*If this holiday falls on Saturday, Friday will be the Industry Recognized Holiday. If this holiday falls on Sunday, Monday will be the Industry Recognized Holiday.

**Vacation Voucher forms may not be used for an Industry Recognized Holiday.**

### III. Vacation Benefits - Vouchers and Procedure for Payment

Your Vacation Benefits are paid out through the process of redeeming Vacation Vouchers. You receive Vacation Vouchers based on the number of hours worked in a Plan Year. The Vacation Vouchers are then redeemed after the close of the Plan Year during a 15-month period running from January 1 through March 31 (called the "Voucher Redemption Period").

Apprentice Vacation Vouchers are categorized as "Regular Vacation Day Vouchers." Vacation Vouchers are issued based upon hours worked in the Plan Year as follows:

Hours worked in a Plan Year (Oct 1 – Sept. 30)	Regular Vacation Day Vouchers (RV Days) (single days)
300 Hours or less	0
301-600 Hours	2 RV Days
601-900 Hours	4 RV Days
901-1200 Hours	6 RV Days
1201-1500 Hours	8 RV Days
Over 1500 Hours	10 RV Days

The Regular Vacation Day Vouchers may be used individually or in combination depending on the number of work days that you intend to be on vacation. (Work days are Monday through Friday.)

### **General Procedure for Taking Vacation and Redeeming Vouchers**

It is your, the participant's, responsibility to arrange with the employer absence from work for vacation during the Voucher Redemption Period. The time to be taken for vacation must be mutually agreed upon between you and the employer.

**Vouchers for a vacation and seeking a related benefit payment must be submitted to your employer for authorization. Either you or your employer must forward a completed Voucher to the Fund Administrator. You may also submit a Voucher electronically through the Fund's on-line benefit page.**

Vacation Benefit payments are made by check on Tuesday and Thursday afternoons based upon the Vouchers submitted. Authorized Vacation Vouchers must be submitted by 4:30 p.m. on the day prior to receiving a Vacation Benefit check.

- You may submit Vacation Vouchers to your employer for authorization and may then receive benefit payments up to four (4) weeks in advance through four (4) weeks following the vacation date(s).
- Vacation Voucher forms received more than four (4) weeks prior to the vacation date(s) will not be processed until four (4) weeks prior to the vacation date(s).
- Vacation Voucher forms received more than four (4) weeks after the vacation date(s) will be returned to the participant with no benefits paid due to untimely submittal of the verification forms.

You may choose to have your Vacation Benefit check delivered to you by your employer, mailed to your home address or deposited in your St. Paul Federal Credit Union account. **You may not pick up their benefit check at the Fund address if you are actively employed.**

If you secured approval of vacation dates with one employer and before such agreed upon vacation is taken you are assigned to another employer, you shall be able to retain the vacation period as originally selected, with the new employer. However, you are responsible to notify the Referral Office of the desired vacation when registering for employment, and upon entering the service of a new employer, shall immediately advise such employer of the scheduled vacation period.

In special circumstances, including but not limited to an Employer's Customer project needs, the Trustees may by resolution approve an extension to the Voucher Redemption Period for the specific participants employed by the Employer on a specific project, for a period of time as the Trustees deem advisable.

The Trustees of the St. Paul Electrical Workers Regular Vacation and Holiday Trust reserve the right to implement work site specific adjustments to the procedures for taking vacation as they deem necessary.

### **Ability to Receive Vacation Benefits While Unemployed**

Unemployed participants may apply for and receive vacation benefits during a period of unemployment by submitting the vacation verification form to the Fund Administrator in person or by mail at the Fund address. Unemployed participants may make arrangements to pick up their benefit check at the Fund address, have it mailed to their home address or deposited in their St. Paul Federal Credit Union account. Unemployed participants using vacation must notify the Referral Office accordingly and will not be eligible for employment during the approved vacation period.

The Fund Administrator will disburse vacation checks to the spouse of an unemployed participant provided the verification form has been properly signed and is accompanied by a note from the participant authorizing the spouse to pick up the check.

### **Forfeiture of Unused Vacation Benefits after Voucher Redemption Period**

Any unused vacation at the end of the 15-month Voucher Redemption Period under consideration will be forfeited and may be used to cover the administrative expenses of the Plan.

### **Penalty and Forfeiture, if engaging in electrical work during vacation time**

**Participants must take time off for vacation earned and shall not engage in the performance of electrical work during such vacation time.**

Participants who fail to comply with this provision shall forfeit an amount which is equal to the amount paid to such participant for the period of vacation where the participant engaged in the performance of electrical work. This forfeiture is paid out of the participant's Fund balance being used to the extent funds are available, and to the extent funds are not available, the forfeiture shall be deducted from any future year's Fund account balance. Any participant who is subject to the penalty provided for herein, shall be given ten (10) days written notice of a hearing, which will be held to determine whether such participant has violated this section. Such participant shall be entitled to attend such hearing and present evidence refuting any allegation of violation of the procedures herein.

As a further penalty, any participant who engages in electrical work during vacation time shall not be entitled to any credit for fringe benefit contributions made on his/her behalf for electrical work performed during such vacation time.

### **Donation of Vacation Benefit Payments**

In special circumstances, including but not limited to extended unemployment, injury or death of a Participant, the Trustees may by resolution approve a method for Participants herein to donate vacation benefits, subject to minimum or maximum amounts as the Trustees' deem advisable, in a Participant's account to a specified memorial fund, charity, institution or family to address the specific, special circumstance at issue. The donation is allowed in lieu of taking vacation time off.

## **IV. Designation of a Beneficiary**

If your death occurs before you have received all of your Holiday and Vacation Benefits, your Beneficiary shall be entitled to all of your benefits in the Regular Vacation and Holiday Trust.

Upon your death any remaining vacation benefits will be paid to your surviving spouse; or, if none, to your surviving children; or, if none, to your parents; or, if none, to your brothers and sisters; or, if none, to your personal representative (executor); or, if none, to the personal representative of the last to die of the Beneficiaries listed above. You may designate a Beneficiary other than the list noted above by completing a Beneficiary Designation Form available at the Plan office.

## **V. Information about Your Rights Under ERISA**

(Employee Retirement Income Security Act of 1974)

As a participant in the St. Paul Electrical Workers Regular Vacation and Holiday Plan, you are entitled to certain rights and protections as provided under the Employee Retirement Income Security Act of 1974. These provisions do not substantially change our method of keeping you, the participant, informed of benefits to which are entitled.

1. You may examine, without charge, just as you always have had the right to do,
  - a. all Plan documents and,
  - b. copies of all documents filed by the Plan with the U.S. Department of Labor,during regular business hours of the office.
2. You may obtain copies of all Plan documents and other Plan information by written request to the Plan Administrator. A reasonable charge can be expected for the copies.
3. You will receive a summary of the Plan's Annual Financial Report.

The Plan Administrator requests that you submit your requests for this information in writing.

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 are called "fiduciaries" of the Plan and they have a duty to operate the Plan 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 benefit or exercising your rights under ERISA. If your claim for a benefit is denied in whole or part you must receive a written explanation of the reason for the denial. You have the right to have the Plan review and reconsider your claim. Under ERISA, there are steps you can take to enforce the above rights.

For instance, if you request materials 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 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 Administrator's control.

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 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 your rights under ERISA, you should contact the nearest Area Office of the U.S. Labor-Management Services Administration, Department of Labor.

This Plan is maintained pursuant to one or more collective bargaining agreements and copies of such agreements may be obtained by participants and beneficiaries upon written request to the Plan Administrator or copies of such agreements are available for examination by participants and beneficiaries.

Any participant and beneficiary may receive from the Plan Administrator, upon written request, information as to whether a particular employer or employee organization is a sponsor of the Plan and, if the employer or employee organization is a Plan sponsor, the sponsor's address.

Contributions to the Plan are made by the employer pursuant to the requirements of the negotiated collective bargaining agreement or agreements establishing this Plan.

## **VI. Benefit Claims Procedure**

If you disagree with any information provided to you, you may file a written claim with the Trustees.

No later than 45 days after receiving this claim the Trustees will issue a decision on the claim. If the claim is denied, in whole or part, the written decision will include the reasons for the denial, any material or information necessary for you to perfect your claim, and references to the portions of the Plan that substantiate the claim.

If the issue is still unresolved, you have 90 days from receipt of written notice of denial or your claim to file a written request for review of your claim with the Trustees. A hearing will be held before the Trustees in which you present and discuss your claim. You may submit written comments, documents, records, and other information relating to the claim for benefits. You shall be provided, upon request and free of charge, reasonable access to, and copies of, all documents, records and other information relevant to your claim for benefits. The Trustees shall review the records presented to them and will take into account all comments, documents, records, and other information submitted by you relating to the claim, without regard to whether such information was submitted or considered in the initial benefit determination. The decision of the Trustees will be sent to you in writing postmarked within 30 days of this hearing, with specific reasons for their determination. If you disagree with the Trustees determination, you have the right to seek legal relief. Any court proceeding must be brought within 12 months of the postmarked date of the Trustees' appeal decision.