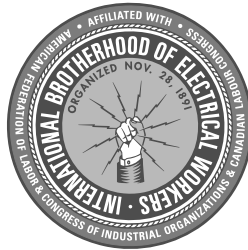


**SUMMARY PLAN DESCRIPTION**

**LEGAL SERVICES PLAN**

**OF THE ELECTRICAL INDUSTRY**



**JANUARY 1, 2017**



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**PLEASE NOTE THAT COPIES OF THE TRUST AGREEMENT ARE AVAILABLE FOR YOUR INSPECTION DURING REGULAR BUSINESS HOURS IN THE OFFICE OF THE PLAN ADMINISTRATOR.**

The following information constitutes the Summary Plan Description of the Legal Services Plan of the Electrical Industry (Plan). This Summary Plan Description is presented to Participants in the Plan to set forth in clear and concise language the benefits available under the Plan, the eligibility requirements for those benefits, and the procedures for applying for those benefits. In addition, this booklet sets forth the rights of Participants under the Plan and under the Employee Retirement Income Security Act of 1974, as amended (ERISA). This information applies to the Plan effective as of January 1, 2017, unless specifically stated otherwise.

### **GENERAL INFORMATION**

**Name of Plan:** Legal Services Plan of the Electrical Industry

**Plan Sponsor  
Identification No:** 11-2871178

**Plan Number:** 509

**Plan Year:** October 1 through September 30

**Plan Administrator  
and Agent for  
Legal Process:** Joint Industry Board of the Electrical Industry  
158-11 Harry Van Arsdale Jr. Avenue  
Flushing, N.Y. 11365 (718) 591-2000

Service can also be made on any Trustee at  
158-11 Harry Van Arsdale Jr. Avenue  
Flushing, New York  
11365 (718) 591-2000

**Type of Plan:** The Plan is an employee benefit plan under which Participants are covered for certain legal services.

**Type of Administration:** The Plan is maintained by a Joint Board of Trustees whose names and office addresses are listed as follows:

GINA ADDEO  
GMA Electrical  
201 Edward Curry Avenue  
Staten Island, NY 10314

DAVID B. PINTER  
Zwicker Electric Co.  
360 Park Avenue South  
New York, NY 10010

JOHN PINTO  
Pinto & Teger Elec Corp.  
14-14 123 Street  
College Point, NY 11356-1740

CHRISTOPHER ERIKSON  
Business Manager  
Local Union No. 3, IBEW  
158-11 Harry Van Arsdale Jr. Ave.  
Flushing, NY 11365

JOHN E. MARCHELL  
President  
Local Union No. 3, IBEW  
158-11 Harry Van Arsdale Jr. Ave.  
Flushing, NY 11365

RAYMOND MELVILLE  
Sr. Asst. Business Manager  
Local Union No. 3, IBEW  
158-11 Harry Van Arsdale Jr. Ave.  
Flushing, NY 11365

## **SOURCES OF CONTRIBUTIONS:**

The Plan was established and is maintained under Collective Bargaining Agreements (CBAs) between Local Union No. 3, International Brotherhood of Electrical Workers, AFL-CIO, 158-11 Harry Van Arsdale Jr. Avenue, Flushing, NY 11365 (Union), and The New York Electrical Contractors Association, Inc., 1430 Broadway, 8<sup>th</sup> Floor, New York, NY 10018, The Association of Electrical Contractors, Inc., 36-36 33 Street #402, Long Island City, NY 11106, and other Employers who are not members of the Associations, but who are obligated pursuant to their CBAs or Participation Agreements to participate in the Plan (collectively referred to as Employer). Upon a written request from any Participant or beneficiary, the Plan Administrator will state in writing whether a particular Employer is obligated to contribute to the Plan, and if so, the Employer's principal business address. The Plan Administrator will also provide, upon a written request from a Participant or beneficiary, a copy of the CBA between the Union and the Participant's Employer or Participation Agreement between the Plan and the Participant's Employer. Copies of CBAs, Participation Agreements, and the Plan documents are available for inspection at the office of the Plan Administrator during normal business hours.

The Plan is funded exclusively by Employer contributions and earnings on investments. Participants are not required or permitted to contribute to the Plan.

## **ELIGIBILITY FOR BENEFITS**

To be eligible to receive the legal services provided by this Plan you must be:

1. An active member of Local Union No. 3 who:
  - a. is currently employed or has been employed, in a classification covered under the Plan and whose Employer is/was required to contribute to this Plan, or has been employed and available for employment in accordance with the rules of the Plan: and

- b. has been so employed or available for employment for at least the four consecutive years immediately prior to seeking the benefits provided by this Plan.
2. A retired Participant who has retired on a Standard, Early Standard or Disability Pension from the Pension Trust Fund and who was covered by the Plan immediately prior to his/her retirement; or
3. The spouse of an individual eligible under paragraph A or B who is living with and is not legally or in fact separated or divorced from the eligible Employee or Retiree.

Eligible Employees and their spouses are described herein as Covered Persons.

However, no person shall be eligible for the benefits provided by this Plan with respect to any matter for which the person has already retained an attorney or for any matter in which the services of an attorney are supplied to the person from another source.

Furthermore, when two Covered Persons are eligible for benefits provided by this Plan and a conflict of interest arises between them, then entitlement to benefits shall be provided as follows:

A) Between an Eligible Employee and his or her spouse, benefits shall be provided only to the employee;

B) Between two or more Eligible Employees, benefits shall not be provided to any of the employees;

C) Between an Eligible Employee and a spouse of a different

Eligible Employee, benefits shall not be provided to any of the parties;

D) Between spouses of different Eligible Employees, benefits shall not be provided to any of the parties.

## **WHEN ELIGIBILITY FOR BENEFITS END**

A Covered Person's eligibility to receive the benefits provided by the Plan shall cease when:

A) The Eligible Employee is no longer employed and is not available for employment by an Employer contributing to this Plan, except if the Employee is not employed but is receiving compensation or disability benefits for a period of no longer than two years from the date last employed in covered employment; or

B) The Eligible Employee retires on a pension type other than a Standard, Early Standard or Disability; or

C) A benefit is discontinued by the Plan; or

D) The Plan is terminated; or

E) The Trustees determine that the person has engaged in conduct which warrants the termination of benefits in accordance with the Plan.

## **LEGAL SERVICES BENEFITS UNDER THE PLAN**

### **For Active and Retired Covered Persons whose primary residence is in New York, New Jersey, Connecticut or Pennsylvania**

Legal services will be provided to Covered Persons by a panel of law firms designated by the Plan. The geographic boundaries in which the benefits will be provided are limited to the states of New York, New Jersey, Connecticut and Pennsylvania. The benefits provided to you are limited by the coverage set forth below. The Plan does not pay for any disbursements, expenses or filing fees incurred as a result of the performance of the legal services provided. The Covered Person receiving benefits through this Plan shall be personally responsible for the payment of all disbursements, expenses or filing fees, other than legal fees paid by the Plan.

### **For Retired Covered Persons who live outside New York, New Jersey, Connecticut or Pennsylvania**



Eligible retirees who live out of the above-referenced area may use an attorney of their choice, but will only be reimbursed up to the Plan's fee schedule. The Plan WILL NOT pay or reimburse any fees incurred above its fee schedule. If you are a retiree who resides outside of these states, you should call the Plan regarding its fee schedule before retaining an attorney. ANY BALANCES WILL BE THE PARTICIPANT'S RESPONSIBILITY.

Eligible retired participants who live outside of the covered area may either be reimbursed for covered fees up to the Plan's limit or may elect to assign payment directly to their attorney up to the Plan's limit if the attorney agrees in writing to accept payment from the Plan.

The value of the benefits received by a Covered Person under the Legal Services Plan is considered taxable income to the Eligible Employee and the Plan Administrator will report the value of the services rendered to the IRS on a W-2 form.

The following legal services are provided, as long as they do not arise out of business or commercial ventures:

A) Consultations: Meetings or discussion by telephone with the Covered Person upon a specific referral from the Plan, and limited to two hours per matter and to two consultations per calendar year.

B) Real Estate matters: Legal representation in connection with the purchase, sale, refinancing or leasing of real property, home, apartment, condominium and cooperative apartment which is the Covered Person's primary residence.

C) Landlord - Tenant: Representation of and advisement to tenants in residential landlord-tenant matters, other than in Court proceedings, provided such representation does not involve any property which is part of Electchester or any property in which the Joint Industry Board or any of its related organizations have an interest.

D) Adoption: Uncontested adoption proceedings.

E) Wills: Review and drafting of wills, codicils to wills, living wills, power of attorney and health care proxies, limited to one time per year per Covered Person.

F) Document Review: Review of documents and contracts upon a specific referral from the Plan.

G) Name Change: Change of name proceedings.

H) Trusts: The drafting and execution of a Trust\*

\*The Plan covers up to \$2,500 in legal fees for the drafting and execution of a Trust. The Participant is responsible for any balance of the fee charged by the attorney. Therefore, you should discuss the attorney's fees with the attorney before he/she commences work.

I) Elder Law :

- a consultation with Participant and his or her spouse regarding long term care, Medicare and the protection of assets.

J) Estate Planning:

- Review of existing estate planning documents and asset information and long term care policy,
- Review of assets,
- advice on estate planning, asset protection, second marriage concerns, planning for children with disabilities, estate tax avoidance and long term care planning, and
- Follow-up memo outlining recommendations.

**Coverage for the Trusts, Elder Law and Estate Planning benefits is limited to one time per Eligible Employee.**

**Legal services shall not be provided for any matter not specifically provided for in the Plan, such as but not limited to:**

A) Second homes or non-primary residences;

B) Matters arising out of commercial or business ventures;

- C) Matrimonial matters;
- D) Matters arising out of tax issues (other than estate tax advice);
- E) Criminal matters;
- F) Matters in the nature of a class action;
- G) Defense of civil matters not expressly covered by the Plan;
- H) Matters arising out of the ownership or use of a vehicle;
- I) Any matters arising out of claims against the Plan Administrator, the Trustees, the Joint Industry Board of the Electrical Industry and any of its related funds or organizations, Local Union No. 3, International Brotherhood of Electrical Workers, AFL-CIO, a contributing Employer, any Association of contributing Employers that is a party to the Collective Bargaining Agreement with Local Union No. 3, Electchester Housing or any individual officer, director or member of the staff of any of the organizations stated in this section.

**CLAIMS FOR BENEFITS**  
**(How to Obtain the Legal Services)**

To obtain legal services provided by the Plan, you must call the Legal Services Plan office at the Joint Industry Board, (718) 591-2000, Monday through Friday, 8:30 A.M. to 4:30 P.M. A determination will be made at that time as to your eligibility and whether the services you require are covered by the Plan. If you live in New York, New Jersey, Connecticut or Pennsylvania, you will then be referred to one of the Plan's participating law firms.

Retirees who are eligible to use an out of area attorney must get pre-approval from the legal Services Plan office before incurring charges.

All out-of-area attorney invoices for eligible Retirees must be submitted with a valid claim form, which will be mailed to the participant once the Legal Services Plan has verified eligibility. Valid claim forms may be

obtained by contacting the Legal Services Plan at the Joint Industry Board.

Note, that as Administrator of the Plan, the Joint Industry Board has discretion to interpret the Plan and this SPD, and to determine all issues concerning eligibility, coverage and exclusion of benefits, and all other questions under the Plan.

## **APPEALS**

If you have reason to believe that you were wrongfully denied eligibility for benefits under the Plan or wrongfully denied a benefit provided by the Plan or if you feel that there has been a wrong interpretation of the terms of the Plan, you have a right to appeal.

All appeals must be made in writing and forwarded to the Plan Administrator. The appeal must set forth the decision that is being appealed, the reasons why it is being appealed and any relevant information in support of the appeal.

After receiving the appeal, the Plan Administrator shall make a decision based upon the reasons set forth in the appeal, the rules of the Plan and any relevant documents which may exist. You will be advised by the Plan Administrator in writing of the determination of your appeal. If you do not agree with the Plan Administrator's determination, you can appeal the determination to the Board of Trustees within 90 days of your receipt of the determination.

The Plan Administrator and the Trustees shall have full discretionary authority to determine eligibility for benefits and to interpret and construe the Plan's terms and provisions. The findings of the Trustees or the Plan Administrator shall be conclusive and binding on all parties and shall be upheld in court unless found to be arbitrary or capricious.

The decision of the Board of Trustees shall be final.

## **AMENDMENT AND TERMINATION**

The Trustees may amend the Plan from time to time and at any time. Such amendments can affect the eligibility for benefits and the legal services which will be provided as described in this booklet.

The Plan can be terminated upon the occurrence of one of two events:

A) There is no longer any CBA in force between the Union and any Employer or Employer Association requiring Legal Services benefits by the Plan.

B) The Trustees, the Union and all contributing Employers unanimously consent to the termination.

In the event the Plan is terminated, the Trustees shall wind down the affairs of the Trust so as to pay any outstanding obligations of the Plan and then to spend all remaining funds to carry out the purposes of the Plan.

## **STATEMENT OF ERISA RIGHTS**

As a Participant in the Legal Services Plan of the Electrical Industry 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 worksites and union halls, all documents governing the Plan, including insurance contracts and CBAs, 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 documents governing the operation of the Plan, including insurance contracts and 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, 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.

## **Enforce Your Rights**

If your claim for a welfare 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 which is denied, or ignored, in whole or in 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.

### **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 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.





## **NOTES**

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## NOTES

**LEGAL SERVICES PLAN  
OF THE ELECTRICAL INDUSTRY**

**JOINT INDUSTRY BOARD  
OF THE ELECTRICAL INDUSTRY  
158-11 Harry Van Arsdale Jr. Avenue  
Flushing, NY 11365  
718-591-2000  
www.jibe.org**

**OFFICERS AND TRUSTEES**

David B. Pinter  
*Chairman*

Christopher Erikson  
*Secretary*

**Employer Trustees**

Gina M. Addeo  
David B. Pinter  
John Pinto

**Employee Trustees**

Christopher Erikson  
John E. Marchell  
Raymond Melville

Dr. Gerald Finkel, *Chairman*  
*Joint Industry Board*  
*of the Electrical Industry*

VITO V. MUNDO  
*Counsel*