

**SUMMARY PLAN DESCRIPTION**

**LEGAL SERVICES PLAN**

**OF THE ELECTRICAL INDUSTRY**



**JANUARY 1, 2025**



## TABLE OF CONTENTS

General Information .....	1
Sources of Contributions.....	3
Eligibility for Benefits .....	3
All Persons Who Are Covered Under the Plan.....	4
When Eligibility for Benefits End .....	5
Legal Services Benefits Under the Plan for Eligible Active Persons ....	5
· How Active Covered Persons Obtain Legal Services Benefits .....	6
· Active Covered Persons Benefits .....	6
· Fixed Fees.....	7
· Guaranteed Maximum Fees .....	9
· Contingent Maximum Fees .....	9
Eligible Retired Persons.....	9
· How Covered Retirees Obtain Legal Services Benefits .....	9
· Retired Persons Covered Benefits .....	11
Limitations of Benefits.....	12
Appeals .....	13
Amendment and Terminations.....	14
Statement of ERISA Rights .....	14

**PLEASE NOTE THAT A COPY OF THE TRUST AGREEMENT IS  
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) and also operates as a Plan Document. 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, 2025, unless specifically stated otherwise.

### GENERAL INFORMATION

<b>Name of Plan:</b>	Legal Services Plan of the Electrical Industry
<b>Plan Sponsor Identification No:</b>	11-2871178
<b>Plan Number:</b>	509
<b>Plan Year:</b>	October 1 through September 30
<b>Plan Administrator and Agent for Legal Process:</b>	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:

KRISTINE DeNAPOLI  
KND Licensed Elec'l. Contrg.  
and Services Corp.  
120 Brook Avenue, Unit B  
Deer Park, NY 11729

THOMAS J. CLEARY  
President  
Local Union No. 3, IBEW  
158-11 Harry Van Arsdale Jr. Ave.  
Flushing, NY 11365

STEPHEN GIANOTTI  
Arcadia Electrical Co., Inc.  
1005 Wyckoff Avenue  
Ridgewood, NY 11385

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

JOHN MANNINO  
Uptown Electric, Inc.  
22 Mary Avenue  
Ronkonkoma, NY 11779

CHRISTOPHER ERIKSON JR.  
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., 633 Third Avenue Suite 9F, New York, NY 10017, other Employer Associations, and other Employers who are not members of an Association, 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 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.

### **ALL PERSONS WHO ARE COVERED UNDER THE PLAN**

- Eligible Retirees and their spouses.
- Eligible active Employees, their spouses or registered domestic partners who are living with the active Employee and unmarried dependent children under the age of 19 (or under the age of 25 if the child is wholly dependent upon the active Employee for support and maintenance and is enrolled as a full-time student).

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; or
- f) The Eligible Employee or Retiree is deceased. Benefits for spouse and dependents will also cease upon the Eligible Employee or Retiree's death. If there is an open claim at the time of death, it will be honored.

### **LEGAL SERVICES BENEFITS UNDER THE PLAN FOR ELIGIBLE ACTIVE PERSONS**

For actively employed Participants, the Trustees of the Plan have retained the services of an outside law firm, Feldman, Kramer and Monaco, P.C." (FKM), to administer and provide legal services for the Plan. Under this format, the Plan pays a premium for each active working participant. Eligible Participants in the Legal Services Plan



receive a W-2 each year for this premium paid on their behalf, which is currently \$4 per month (\$48 for the year). Please note, all active Plan Participants receive a W-2 whether or not they use the Legal Services Plan Benefit or regardless of the number of times the covered person uses the Legal Services Plan during the year.

**A. How Active Covered Persons Obtain the Legal Services Plan Benefit:**

The initial point of contact for every active Participant is the toll-free number of the National Legal Office of Feldman, Kramer and Monaco, P.C. (800) 832-5182.

**B. Active Covered Persons Benefits:**

The following legal services are provided by Feldman Kramer and Monaco, PC to Active Covered Persons, as long as they do not arise out of business or commercial ventures:

- 1) **Free Telephone Advice and Consultation:** Each participant can call a toll-free number for unlimited telephone advice and consultation.
- 2) **Free Office Consultations:** Each year, participants are entitled to three sessions each calendar year concerning any new legal matter with a National Legal Office attorney or a local referral attorney.
- 3) **Toll-free 24-hour hotline for emergencies.**
- 4) **Free Letter Writing:** Plan attorneys will write as many legal letters or place as many telephone calls as needed. In matters such as consumer protection and credit resolution, a telephone call from a Plan attorney is often the ideal solution.
- 5) **Free Document Review:** Plan attorneys will review documents such as apartment and automobile leases, promissory notes, retail sales agreements, and other contracts, (up to 15 pages per document).
- 6) **Wills or Trusts:** Participants are entitled to the preparation of a Will, Living Will, Health Care Proxy and Power of Attorney annually without any additional charge. Reciprocal Wills are also prepared at no charge

for spouses/domestic partners. Trusts are also prepared with certain limitations. New York and New Jersey members have access to additional services under these benefits such as Free Minor Trust, Simple Testamentary Trust, Pet Trust, Supplemental Needs Trust in a Will, Spendthrift Trust and Lifetime Trust.

The following Trust benefits are subject to a fixed fee:

<b>LEGAL MATTER</b>	<b>MAXIMUM FEE</b>
Revocable Trust	\$ 750
Credit Shelter Trust	\$ 950
Veterans Trust	\$2,250
IRA Beneficiary Trust	\$2,250
Completed Gift Trust	\$2,250
Third-Party Supplemental Needs Trust	\$2,250
First-Party Supplemental Needs Trust	\$2,250

- 7) **Webinars:** FKM offers members various educational webinars upon request. For more information on any of the webinars offered, members can call FKM at 1-800-832-5182 or go online [fkmlaw.com](http://fkmlaw.com).
- 8) **Real Estate:** One (1) transaction (sale, purchase or refinance, or any combination of a primary residence thereof) is covered per 12 months. If you are selling your home and purchasing a new home at the same time, both transactions are covered.
- 9) **Identify Theft:** Plan attorneys can be a tremendous resource in helping to both avoid becoming an identity theft victim and reclaiming one's identity. This may include advising on the laws governing this crime, the appropriate course of action, and the proper entities to contact to place a fraud alert, and assistance with formulation of the appropriate dispute letters to the agencies and creditors involved.
- 10) **Foreclosure:** Plan attorneys can assist with steps that can be taken to avoid mortgage foreclosure by analyzing the financial situation, reviewing loan documents and discussing options such as lender payment workouts,

short sale options and, in some cases, Chapter 13 bankruptcy payment plan alternatives.

- 11) **Bankruptcy:** Plan attorneys can offer advice on alternatives such as creditor “workout” in situations of overwhelming debt, including suspension of interest, budget review and, in extreme circumstances, Chapter 7 and Chapter 13 bankruptcy alternatives. Where appropriate, the Plan attorney may contact the creditor involved to discuss favorable alternatives to ever-mounting debt or collection litigation.
- 12) **Veterans’ Benefits:** Assist members in obtaining “Aid and Assistance” for a loved one.
- 13) **Student Loan Reduction Assistance:** Members can speak with a Student Loan Counselor wherein they will receive a comprehensive review of their student loan issues. Members will have access to assistance and advice in connection with the various student loan assistance programs.
- 14) **Traffic Matter Assistance:** Consultation for Traffic Violation
- 15) **Uncontested Adoption Assistance:** Plan attorney will provide representation for an uncontested adoption.
- 16) **Elder Law:** The first hour is free, and all subsequent time will be billed at a 20% reduction from the Elder Law attorneys’ usual billing rate.
- 17) **Landlord/Tenant:** Free consultations, not including in-court representation.
- 18) **Name Change:** Representation in New York State for a personal name change.
- 19) **Small Claims Protection Benefit:** Attorney will provide advice regarding filing and pursuing claims in the small claims court matters.
- 20) **Referral Attorneys for Matters Not Covered by the Plan:** These attorneys have contracted to provide legal representation for criminal defense and foreclosure defense benefit at a rate of \$285 per hour or a 30 percent discount on their usual hourly fee, whichever is lower.
- 21) **Business Structuring Benefit:** Assist in the formation of business entities. Members can obtain free counseling

and hire a firm to handle the formation and structuring process at a discounted flat rate.

**C. Guaranteed Maximum Fees:**

The following legal matters are subject not only to reduced hourly rates but also to a maximum fee, regardless of time spent on the matter.

<b>LEGAL MATTER</b>	<b>MAXIMUM FEE</b>
Simple Promissory Note	\$ 75
Bankruptcy Chapter 7	\$1,425
DWI (first offense and up to two court appearances)	\$1,050
Divorce (uncontested, without marital agreement)	\$ 900
Divorce (uncontested, with marital agreement)	\$1,700
Separation (uncontested)	\$ 900
Modification of Child Support - (Preparation of pleadings only)	\$ 550

**D. Contingent Maximums Fees:**

The following legal matters are subject to contingent fees. The attorney fees are a percentage of the recovery rather than at an hourly rate. If there is no recovery, you don't pay any legal fees. Member can use this benefit towards Personal Injury, Estate Administration, Stockbroker Arbitration, Tax Grievance matters.

**ELIGIBLE RETIRED PERSONS**

**A. How Eligible Retirees Obtain the Legal Services Plan Benefit:**

Legal services will be provided to Retired Eligible Persons by a panel of law firms designated by the Plan. In order for eligible retired persons 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.

1. 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 Eligible Retired 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.
2. Retirees who live outside the geographic boundaries noted in the paragraph above are eligible to use an out-of-area 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 the fee schedule. Eligible Retired persons must get pre-approval from the Legal Services Plan office before incurring charges.
3. If you are a retiree who resides outside the covered states, you should call the Plan regarding its fee schedule before retaining an attorney. **ANY BALANCES WILL BE THE PARTICIPANT'S RESPONSIBILITY.**
4. Eligible retired participants who live outside 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.
5. 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.

The benefits provided to Eligible Retirees are limited by the coverage set forth below.

## **B. Retired Persons Covered Benefits:**

The following legal services are provided to Retired Eligible persons as long as they do not arise out of business or commercial ventures:

1) **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.

2) **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 limited to one time per year including a sale and corresponding purchase being one transaction.

3) **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.

4) **Adoption:** Uncontested adoption proceedings.

5) **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.

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

7) **Name Change:** Change of name proceedings.

8) **Trusts:\*** 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.

9) **Elder Law:\*** A consultation with Participant and his or her spouse regarding long term care, Medicare and the protection of assets.

**10) 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 issues 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.**

The value of the benefits received by a Retired Eligible 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.

**LIMITATIONS OF BENEFITS**

**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.

**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 60 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 TERMINATIONS**

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

## NOTES

## 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.jibei.org

**OFFICERS AND TRUSTEES**

Kristine DeNapoli  
*Chairperson*

Christopher Erikson  
*Vice-Chairman*

Thomas J. Cleary  
*Secretary*

**Employer Trustees**

Kristine DeNapoli  
Stephen Gianotti  
John Mannino

**Employee Trustees**

Thomas J. Cleary  
Christopher Erikson  
Christopher Erikson Jr.

Humberto J. Restrepo  
*Chairman,*  
*Joint Industry Board of the Electrical*  
*Industry*

Christina Sessa  
*Counsel*

