

**Millwrights' Local No. 1102
Vacation Fund**

**SUMMARY PLAN DESCRIPTION
AND PLAN DOCUMENT**

January 1, 2021

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MILLWRIGHTS' LOCAL NO. 1102 VACATION FUND

BOARD OF TRUSTEES

The Millwrights' Local No. 1102 Vacation Fund is maintained and administered by a Board of Trustees of which labor and management are equally represented.

Detailed information about the Plan Trustees is located in Appendix A of this SPD.

FUND OFFICE

(Administrative Manager for the Plan)

TIC International Corporation

6525 Centurion Drive

Lansing, Michigan 48917-9275

Telephone: (517) 321-7502

Fax: (517) 321-7508

FUND OFFICE HOURS

Monday through Friday

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

LEGAL COUNSEL

Christopher Legghio

Legghio & Israel, P.C.

HOW THIS PLAN OPERATES

This Plan provides you with vacation income. The money for this benefit comes from Employers who have agreed by contract to remit to this Vacation Fund on your behalf. Only Employers who have a signed contract are required to remit to this Fund on your behalf.

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

Your Plan is operated and sponsored by a Board of Trustees appointed, in equal numbers, by the Millwrights' Local No. 1102 and the Michigan Conveyor Manufacturers Association. The Trustees administer this Fund in the best interest of all Plan Participants. The Trustees are responsible for maintaining the Fund in a sound financial condition and for providing vacation benefits to you. As part of their duties, the Trustees make the rules which regulate the Fund's operation.

To assist in the day-to-day operation of the Plan, the Trustees have hired an administrative manager, TIC International Corporation, which maintains the records of Employer remittance and distributes your vacation benefit checks and ACH transfers. The Trustees have also hired a Fund attorney to advise the Trustees and to assure that the Fund complies with federal and state laws. And, an independent certified public accountant annually audits the Fund's books and records.

DEFINITIONS

ADMINISTRATIVE MANAGER means TIC International Corporation, whose address is also that of the **FUND OFFICE**.

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

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

EMPLOYER means a company or person, who is party to a collective bargaining agreement or other written agreement which requires payments to this Fund on behalf of its employees.

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

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

FUND or VACATION FUND means the Millwrights’ Local No. 1102 Vacation Fund.

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

PLAN or VACATION PLAN is the Millwrights’ Local No. 1102 Vacation Plan. This is the Plan document and also the Summary Plan Description (SPD).

PLAN ADMINISTRATOR is the Board of Trustees of the Millwrights’ Local No. 1102 Vacation Fund.

TRUSTEES are the Trustees designated in the Fund’s Trust Agreement and persons appointed to succeed them.

UNION means Millwrights’ Local No. 1102.

YOUR RESPONSIBILITY AS A PARTICIPANT

NOTIFY THE FUND OFFICE IMMEDIATELY IF YOU CHANGE YOUR ADDRESS

If you move, you must notify the Administrative Manager of your new address. Most information about this Plan — and your vacation benefit check — is sent to you by mail. For you to receive these important materials, your correct address *must* be on file.

IF YOU WANT TO CHANGE YOUR BENEFICIARY

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

If you die without designating a Beneficiary, or all designated beneficiaries died before your death, your benefits will be paid in the following priority order, subject to any governing legal restrictions:

to your spouse, or

to your children, or

to your parents, or

to your brothers and sisters, or

to your estate.

PLAN PARTICIPATION AND ELIGIBILITY

You are eligible to be a Participant in the Plan when:

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

You are also a Participant if you are currently employed by the Union or the Millwrights' Local No. 1102 Apprenticeship Fund and remittances are being made to this Fund on your behalf.

You remain a Participant in this Plan until Employer Remittances are no longer made on your behalf and the money in your vacation account has been paid to you or your Beneficiary, or it has been forfeited. Participation will also end in the unlikely event that this Vacation Plan is terminated.

AMOUNT OF VACATION BENEFITS

You generally will receive the total amount of payments your Employer has made to the Fund on your behalf. The amount of the payment your Employer must submit to the Fund on your behalf is established in the collective bargaining agreement or participation agreement between your Employer and the Union.

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

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

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

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

It's possible that you could receive slightly less vacation pay than the amount your Employer remitted on your behalf. If the Fund's forfeitures and earnings do not provide enough income to cover expected Fund expenses, you will receive less than the Employer payments made on your behalf to the Fund. In this situation, the Trustees, among other options, could:

- reduce your vacation pay in proportion to how much you are receiving compared to other Participants (the smaller your vacation pay amount, the less it is reduced); or

- reduce all vacation pay checks by the same amount.

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

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

PAYMENT DATES

No less often than once every month your vacation money is sent to you automatically by the Fund Office through direct deposit, if your banking information is on file. Checks are issued two times per year if your banking information is not on file. You do not have to apply to receive your money. So, be sure that the Fund Office has your correct address. But, if you do not receive a check when you are entitled to one or you believe that your check is for the wrong amount, you should file a written claim (by letter) with the Fund Office.

METHOD OF PAYMENT

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

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

Name of Financial Institution

Type of Account

Account No.

ABA (Routing) No.

Deductions

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

SPECIAL CIRCUMSTANCES

Vacation Benefit Payments in the Event of Your Death

If you die before receiving a vacation benefit check for the year, the amount you would have been eligible to receive, based on Employer Remittances made up to the time of your death, is paid to your designated Beneficiary.

Early Distribution of Vacation Benefit Checks

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

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

Forfeited Vacation Pay

Vacation pay is forfeited permanently if:

- there is less than \$5.00 in Employer Remittances made for you by the October 31 Employer Remittance deadline;
- you do not cash your December vacation benefit check by the following August 31st or your June vacation benefit check by the following February 28th;
- the Fund Office cannot send you your vacation benefit check because it does not have a current address for you or your vacation benefit check is not deliverable; or cannot be sent (the Fund Office will hold

the check for you for nine months following the date of distribution);
or

- in case of your death, if your Beneficiary or personal representative or other fiduciary of your estate does not apply for your vacation pay within six months of the date of your death.

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

REVIEW AND APPEAL OF A BENEFIT DECISION

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

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

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

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

1. Within 60 days after you receive a denial notice which you believe is incorrect, you must notify the Fund Office *in writing* that you wish to have your case reviewed by the Board of Trustees (or a Committee of the Trustees).
2. Your written request for a review should include all information regarding your claim for benefits and the reason(s) you believe the original decision is wrong and include all comments, documents, records and other information that you think supports your claim. Upon request, the Fund Office, at no charge to you, will provide you with reasonable access to and assist you in

gathering any information from Fund records relevant to your claim, including copies of all documents, records and other information relevant to your claim.

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

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

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

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

THE BOARD OF TRUSTEES
Millwrights' Local No. 1102 Vacation Fund
6525 Centurion Drive
Lansing, Michigan 48917-9275

OTHER PLAN INFORMATION

Name of the Plan: Millwrights' Local No. 1102 Vacation Fund

Name and Address of Plan Administrator and Person Designated as Agent for Service of Legal Process: The Plan is administered and sponsored by the Millwrights' Local No. 1102 Vacation Fund Board of Trustees. The Fund can be contacted at (517) 321-7502 and is located at:

THE BOARD OF TRUSTEES
Millwrights' Local No. 1102 Vacation Fund
6525 Centurion Drive
Lansing, Michigan 48917-9275

Service of legal process may be made upon a Plan Trustee or the Plan Administrator. The current name, title and address of the principal place of business of each trustee is listed in Appendix A.

The Plan is maintained according to collective bargaining agreements and participation agreements between the Millwrights Local No. 1102 and Michigan Conveyor Manufacturers Association. Participants and beneficiaries 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.

The Internal Revenue Service Employer Identification Number is 38-2707168 and the plan number is 501. The Plan's fiscal year begins May 1 and ends the following April 30.

The Union and the Employer Associations which sponsor this Plan may terminate it, and the Plan Trustees may amend or eliminate benefits under the Plan in their sole discretion. In the event of termination, after the payment of any expenses, obligations and a final audit, remaining sums will be distributed pro rata to eligible Participants. Participants will be notified of any termination, amendment, modification, or elimination of benefits under the Plan, as required by law.

ERISA PARTICIPANT RIGHTS

As a Participant in the Plan, 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 collective bargaining agreements, 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 Pension and Welfare Benefit 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 vacation benefit or exercising your rights under ERISA.

Enforce Your Rights

If your claim for a vacation 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. In addition, if you disagree with the plan's decision or lack thereof concerning the qualified status of a domestic relations order or a medical child support order, you may file suit in 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 if 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.

APPENDIX A

BOARD OF TRUSTEES

Employer Trustees

Thomas Woodbeck
Overhead Conveyor Company
1330 Hilton Road
Ferndale, MI 48220

Todd Begerowski
Dearborn Mid-West Conveyor Co.
20334 Superior Road
Taylor, MI 48180

David Hurst
Overhead Conveyor Company
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David Schultz
Commercial Contracting Corporation
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Auburn Hills, MI 48326

Union Trustees

Michael Barnwell
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Warren, MI 48091

Bill Kenney
Millwrights Local No. 1102
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Kelly James Raleigh
23401 Mound Road
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