

**BRICKLAYERS LOCAL NO. 3
VACATION AND HOLIDAY PLAN**

SUMMARY PLAN DESCRIPTION

January 1, 2021

This booklet is the Summary Plan Description ("SPD") of the Bricklayers Local No. 3 Vacation and Holiday Plan, as in effect on January 1, 2021.

PLAN ASSISTANCE FOR SPANISH SPEAKERS

ASSISTENCIA DEL PLAN PARA HABLANTES DE ESPAÑOL

Este folleto contiene un resumen en inglés de sus derechos y beneficios bajo el "Vacation and Holiday Plan." Si tiene dificultad entendiendo cualquier parte de este folleto, por favor contactese con Local 3 llamando a (510) 632-8781.

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I. BASIC PLAN INFORMATION

This Plan is known as the Bricklayers Local No. 3 Vacation and Holiday Trust Fund or Bricklayers Local No. 3 Vacation and Holiday Plan. The Internal Revenue Service Employer Identification Number (EIN) of the Trust Fund is 94-3470240 and the Plan Number is 001. The Plan is a vacation savings plan. The Plan Year runs from January 1 to December 31 of each calendar year.

PLAN ADMINISTRATOR:

The Plan is administered by a joint Board of Trustees consisting of four employee trustees appointed by the Bricklayers and Allied Crafts Local Union No. 3, I.U. of B.A.C. and four employer trustees appointed by the Northern California Masonry Contractors Association. The names and addresses of the persons currently serving as Trustees are:

Employee Trustees

Mr. Troy Garland
B.A.C. Local No. 3
10806 Bigge Street
San Leandro, CA 94577

Steve Kantonиеми
B.A.C. Local No. 3
10806 Bigge Street
San Leandro, CA 94577

Mr. Dave Jackson
B.A.C. Local No. 3
10806 Bigge Street
San Leandro, CA 94577

Mr. Gary Peifer
B.A.C. Local No. 3
10806 Bigge Street
San Leandro, CA 94577

Employer Trustees

Mr. Ronald Bennett
E&S Masonry
2882 Grove Way
Castro Valley, CA 94546

Mr. Robert Filippi
American Terrazzo
36 Wood St.
San Francisco, CA 94118

Mr. David Filippi
American Terrazzo
36 Wood St.
San Francisco, CA 94118

Mr. Josh Estrella
P.T.S. Masonry, Inc.
7117 Tokay Ave.
Sacramento, CA 95828

The Board of Trustees is assisted in the administration of the Plan by a contract manager, BeneSys Administrators. BeneSys's address and telephone numbers are:

BeneSys Administrators
P.O. Box 1607
San Ramon, CA 94583
(888) 208-0250 or (925) 208-9995

Correspondence to the Board of Trustees should be directed to BeneSys Administrators.

AMENDMENT AND TERMINATION OF PLAN AND/OR TRUST FUND

Although there is no intention or expectation that this would occur, the collective bargaining parties have the power to terminate all contributions to the Plan. If this occurs, the funds already contributed shall be applied by the Board of Trustees, in their discretion, to provide benefits to covered individuals, either through the existing Trust Fund or through other collectively bargained plans offering similar benefits. In no event shall the termination of the Plan cause any contributions to revert to an employer.

AGENT FOR SERVICE OF LEGAL PROCESS:

Raphael Shannon Kraw
Kraw Law Group
605 Ellis Street, Suite 200
Mountain View, CA 94043
(650) 314-7815

Service of legal process may also be made upon any of the Trustees, at his or her regular place of business, or on BeneSys Administrators.

FUNDING AND PLAN SPONSORSHIP:

This Plan is funded by contributions made pursuant to collective bargaining agreements between Bricklayers and Allied Crafts Local Union No. 3, I.U. of B.A.C., and both the Northern California Masonry Contractors Multi-Employer Bargaining Association and the Masonry Contractors Association of Central California, the addresses of which appear below, as well as individual employers who are not affiliated with the associations. A complete list of employers, employer associations, and labor organizations sponsoring the Plan may be obtained by participants and beneficiaries upon written request to the Plan Administration Office, subject to payment of a reasonable copying charge, and is also available for examination by participants and beneficiaries upon reasonable notice. A

participant or beneficiary may also request information as to whether a particular employer, employer association, or labor organization is a sponsor of the Plan, and if so, the sponsor's address. Copies of collective bargaining agreements may be obtained by participants and beneficiaries upon written request to the Plan Administration Office, subject to payment of a reasonable copying charge, and are available for examination by participants and beneficiaries, upon reasonable notice.

The following organizations are party to the Master Labor Agreement under which this Plan is maintained:

Labor Organization

Bricklayers and Allied Crafts Local Union No. 3, I.U. of B.A.C.
10806 Bigge Street
San Leandro, CA 94577

Employer Associations

Northern California Masonry Contractors
Multi-Employer Bargaining Association
2882 Grove Way
Castro Valley, CA 94621

Tile, Terrazzo, Marble & Restoration Contractors
Association of Northern California
c/o De Anza Tile
45755 Northport Loop West
Fremont, CA 94538

Terrazzo and Mosaic Association of Northern California
36 Wood Street
San Francisco, CA 94118

Marble Dealers of Northern California
c/o Carrara Marble Company
15939 Phoenix Drive
City of Industry, CA 91745

Northern California PPC/Restoration Contractors
Association, Inc.
1482 67th Street
Emeryville, CA 94608

Employee accounts are presently maintained by BeneSys Administrators. The Plan's assets are in the custody of the Operating Engineers Federal Credit Union.

II. BENEFITS

ELIGIBILITY:

This Plan covers employees working in covered employment in positions for which contributions are required to be made to this Plan by employers signatory to a collective bargaining agreement with Bricklayers and Allied Crafts Local Union No. 3, I.U. of B.A.C.

PARTICIPANT ACCOUNTS:

Each participant may elect, under procedures established by the Board of Trustees, to receive a distribution of benefits from the Fund. An account may be established by any participant at the Operating Engineers Federal Credit Union ("Credit Union"), to which the participant may elect to have his or her Plan benefits distributed under procedures adopted by the Board of Trustees. Participants who do not elect to open and maintain an account with the Credit Union may request a distribution of benefits directly from the Fund at periodic intervals determined by the Board of Trustees. For more information about requesting a distribution from the Fund, please contact BeneSys Administrators.

FORFEITURE:

Each year, the Board of Trustees shall authorize a review of payments made to the Fund under collective bargaining agreements and other written agreements, and other amounts deposited into the Fund's general account. Any monies which have been held unclaimed for three years in the Fund's general account shall be forfeited, following reasonable efforts, as the Board, in its discretion, undertakes to locate the participant entitled to receive such benefits. In light of the cost of location efforts, the unclaimed monies of a Participant will be reduced by an amount set by the Board of Trustees based on the average costs incurred by the Fund for location efforts.

A Participant or beneficiary may make a request for a distribution of benefits that have been forfeited under the terms of the Plan, in which case he or she shall receive the amount of his or her undistributed benefits at the time of the forfeiture, without interest.

DEATH:

In the event of the death of any Participant, all monies held in the deceased Participant's account shall, upon presentation of a death certificate issued by a

governmental agency, be paid over to the Participant's designated beneficiary. If no beneficiary is designated, the Participant's benefits shall be paid in accordance with the following order of priority, each to the exclusion of the others:

- (a) to the Participant's spouse or domestic partner;
- (b) to the Participant's children, in equal parts;
- (c) to the Participant's parents, in equal parts; or
- (d) to the participant's siblings, in equal parts.

All monies held in a deceased Participant's account at the time of death that are not distributed under this provision, and that remain unclaimed after three years of the date of the Participant's death, shall be forfeited in accordance with the "FORFEITURE" section, and shall remain subject to recovery by any beneficiary of the deceased Participant entitled to such monies as outlined in the "FORFEITURE" section.

III. CLAIMS AND APPEALS PROCEDURES

1. The following claims and appeals procedures shall apply to all matters within the discretion of the Board of Trustees, including claims and appeals regarding eligibility, type, amount or duration of benefits under the Plan.
2. The procedures specified in this section shall be the sole and exclusive procedures available to any individual who is adversely affected by any action of the Trustees or any other Plan fiduciary. The Board of Trustees reserves full discretionary authority to interpret Plan language and to decide all claims or disputes regarding right, type, amount or duration of benefits, or claim to any payment from this Trust. The decision of the Board of Trustees on any matter within its discretion shall be final and binding on all parties.
3. A participant, or beneficiary of a participant (hereinafter "claimant") may initiate a claim for benefits provided under the Plan using forms and procedures adopted by the Board of Trustees. An authorized representative may submit a claim on behalf of a claimant.
4. Any claimant whose claim for benefits is wholly or partially denied will be notified in writing by the Trust Fund's administration office within 90 days after receipt of the claim, unless special circumstances require an extension of time for processing the claim, in which case the claimant will be notified in writing of the extension within 90 days. The notice will inform the claimant of the reason for the denial, and of the section(s) of the Plan on which the denial is based. If applicable, the notice will

inform the claimant of any additional information needed in order to process the claim, and explain why the additional information is necessary. The notice will also explain: 1) the right to appeal the denial of the claim, 2) the Plan's appeal procedures and applicable time limits, and 3) the claimant's right to bring a civil action under ERISA Section 502(a).

5. Upon receiving a notice of denial of a claim, the claimant may submit a written appeal. An appeal must be sent to the Trust Fund's administration office not more than 60 days after the claimant receives written notice of the denial of his or her claim. Failure to file an appeal within 60 days will waive the claimant's right to appeal, and the initial decision of the Trust or Trustees will be final and binding.
6. A written appeal must clearly state each reason why the claimant feels that the denial was in error. Copies of any documents supporting the appeal must be included. The claimant may examine and/or request copies of any document in possession of the Trust or Trustees which is relevant to the claim.
7. If an appeal is timely submitted at least 30 days prior to the date of the next quarterly Board of Trustees meeting, the matter will be placed on the agenda of the next quarterly meeting of the Board of Trustees. The Trust Fund's administration office will notify the claimant of the time and place of the meeting. The claimant may submit written material in support of his or her claim. If there is no quarterly meeting scheduled, or if a timely appeal is received less than 30 days prior to the next quarterly meeting, the appeal will be determined within 60 days of receipt of the appeal. The decision on appeal of the Board of Trustees shall be final and binding on all parties.
8. The Trust's administration office will notify the claimant in writing of the Board's determination on appeal within 5 days of the date on which the determination is made, if the appeal is considered during a quarterly meeting, and if not, within 60 days of receipt of the appeal. The notice will inform the claimant of the reason for the denial, and of the section(s) of the Plan on which the denial is based. The notice will also explain: 1) the right to receive, upon request and free of charge, access to and copies of documents relevant to the claim, 2) that the decision of the Board of Trustees is final and binding on all parties, and 3) the claimant's right to bring a civil action under ERISA Section 502(a).
9. A civil action related to a claim for benefits must be filed within one year from the date on which the Board of Trustees provides notice that the claimant's appeal has been denied, regardless of any state or federal statutes establishing provisions relating to limitations of actions.

IV. YOUR RIGHTS UNDER ERISA

As a participant in the Bricklayers Local No. 3 Vacation and Holiday 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 are entitled to:

Receive Information About Your Plan and Benefits

Examine, without charge, at the Plan Administration Office and at other specified locations, such as worksites and union halls, all documents governing the plan, including 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 Employee Benefits Security Administration.

Obtain, upon written request to the Plan Administration Office, copies of documents governing the operation of the plan, including collective bargaining agreements, and copies of the latest annual report (Form 5500 Series) and updated summary plan description. The Administration Office may make a reasonable charge for the copies.

Receive a summary of the plan's annual financial report. The Plan Administration Office 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 and holiday benefit or exercising your rights under ERISA.

Enforce Your Rights

If your claim for a vacation and holiday 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 Administration Office. 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, which is the San Francisco Regional Office, EBSA, San Francisco Regional Office, 90 Seventh Street, Suite 11-300, San Francisco, CA 94103, Telephone: (415) 625-2481, 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.