



CEMENT MASONS AND PLASTERERS LOCAL 797 BENEFIT FUNDS

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SUMMARY OF MATERIAL MODIFICATIONS to the Cement Masons and Plasterers Joint Pension Trust

May 2019

To: All Participants of the Cement Masons and Plasterers Joint Pension Trust

From: The Board of Trustees

This document is a Summary of Material Modifications intended to notify you of the important changes made to the Cement Masons and Plasterers Joint Pension Trust benefit plan (“Pension Plan” or “Plan”), since the Summary Plan Description (“Summary”) was last distributed to you.

Adverse Benefit Determination Decision Concerning Disability

The Board of Trustees has added language to the Pension Plan SPD regarding any adverse benefit decision concerning a disability benefit claim or distribution (“Adverse Disability Decision”). When this is the case, an explanation of the Adverse Disability Decision, including the views and determination of any health care professionals and vocational experts, will be provided. If the Adverse Disability Decision is based on medical necessity, experimental treatment or other exclusions, an explanation of the scientific or clinical judgment used in the Adverse Disability Decision, or a responsive statement, will be provided to you upon request.

The information related to any Adverse Disability Decision or claim denial will be provided in a culturally and linguistically appropriate manner upon your request, including availability of a verbal customer assistance program, when applicable.

Appeal of any Adverse Disability Decision or a claim denial must be filed within 60 days of the notice of denial, or within 180 days of a general adverse notice from the Pension Plan. You may submit written records you wish to be reviewed. If your appeal or claim involves a medical judgment, a health care professional trained in the relevant field will be consulted.

You have the right to appeal any Adverse Disability Decision. With regard to Disability Benefits, an Adverse Disability Decision also means any rescission (a cancellation or discontinuance) of your Disability Coverage.

With regard to Adverse Disability Decision only, the claimant may seek court review of a claim denial based on failure to exhaust administrative remedies under this Plan, if the Plan failed to comply with the claim procedure requirements, unless the violation is only a minor error.

Distribution of Benefits for Missing Participants or Beneficiaries

The Board of Trustees has also added language in the Pension Plan SPD regarding distribution of Plan Benefits to missing Participants or Beneficiaries. On occasion, Participants, who are eligible for required minimum distributions under the Internal Revenue Code (IRC), fail to apply for Plan Benefits or respond to Benefit Notices sent to them by the Plan. The Trustees will take reasonable steps to search for and locate such missing Participants or Beneficiaries.

The following steps are in place to locate missing Participants or Beneficiaries (and reasonable expenses for such steps may be charged to the applicable account(s)):

- The Benefit Notice will be sent both by First Class and Certified US Mail.
- The Plan will make reasonable use of internet search tools.
- Related benefit plans and employer records will be checked.
- The Plan will make reasonable efforts to contact the Designated Beneficiary.
- Additional search steps may be appropriately used, depending on the cost of further search efforts.

Nevada adopted the Uniform Unclaimed Property Act, which requires that persons in possession of abandoned personal property belonging to another remit the property to the State Treasurer. The Plan Trustees may continue to administer missing Participant account balances or hand them over to the State. Based upon Internal Revenue Service and Department of Labor Guidance, or if deemed pre-empted by ERISA, when a Participant or Beneficiary cannot be found, the Plan will administer and/or distribute the Benefits of the missing Participant or Beneficiary. The Trustees may first consider distributing missing Participant or Beneficiary Benefits directly into individual retirement accounts or annuities (“IRA”) in the name of the missing Participant or Beneficiary. If the Plan does not select an IRA, the Trustees may classify such unclaimed benefits as “Trust Assets” under a continuing administration duty through the Plan, and will be transferred to a “Terminated Participants Fund”. Under no circumstances will the missing Participant or Beneficiary Account Benefits (if deposited to the Terminated Participants Fund) be remitted to the State of Nevada.

Whenever conflicting information regarding the identity or eligibility of a Participant, Spouse or Beneficiary is submitted to the Board of Trustees or the Plan Administrator, the Administrator will require that the applicable party provide competent information or proof to resolve the conflicting information. If not resolved, the Administrator will perform an investigation of relevant information from such lawful sources as may be deemed reasonable to secure clarifying proof.

Please contact the Pension Plan Administrative Office at the following address or telephone number, if you have any questions concerning this Summary, the Pension Plan or your coverage: BeneSys, Inc., 8311 W. Sunset Road, Suite 250, Las Vegas, NV 89113, telephone number (702) 415-2190.

This document has been uploaded and is available on the participant website at www.opcmia797benefits.org