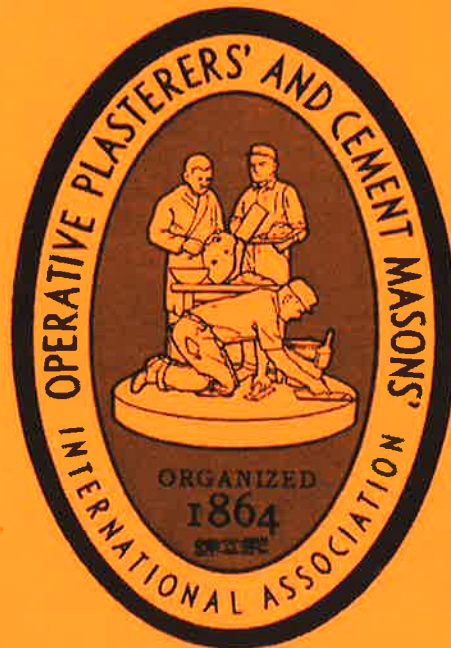


# CEMENT MASONS AND PLASTERERS

## VACATION SAVINGS PLAN TRUST

AMENDED AND RESTATED  
SUMMARY PLAN DESCRIPTION AND  
RULES AND REGULATIONS

November 1, 2014



**BOARD OF TRUSTEES**

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Thomas Pfundstein  
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**Union Trustees**

Marc Leavitt  
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Kevin Edner

**FUND ADMINISTRATOR**

BeneSys Administrators

**AUDITOR**

Berry & Company, CPA's, Ltd.

**LEGAL COUNSEL**

Brownstein Hyatt Farber Schreck, LLP

**A MESSAGE FROM THE BOARD OF TRUSTEES  
OF THE  
CEMENT MASONS & PLASTERERS  
VACATION SAVINGS PLAN TRUST**

To All Vacation Plan Participants:

We are happy to provide you with this booklet which provides information concerning the Cement Masons & Plasterers Vacation Savings Plan Trust and your benefits under the Trust. In this booklet, we try to explain all aspects of the Vacation Trust as clearly as possible. If you have questions after reading this booklet, please write to BeneSys Administrators for answers.

Please remember that, for your protection, only the full Board of Trustees is authorized to interpret the Vacation Trust's Rules. Information you may receive from the Union, Employers, their representatives or others should be regarded as unofficial and not binding on the Trust or its Board. For any information or opinion concerning your rights under the Vacation Trust to be official, it must be communicated to you in writing and signed on behalf of the full Board of Trustees. Further, if there are any discrepancies between the Summary Plan Description and the Rules and Regulations of the Vacation Trust included in this booklet, the Rules and Regulations govern.

**Please be sure to promptly inform BeneSys Administrators of any changes in your mailing address and other contact information. It is your sole responsibility to do so. Otherwise, you may not receive important communications from the Trust.**

Sincerely yours,

BOARD OF TRUSTEES

## **CEMENT MASONS & PLASTERERS VACATION SAVINGS PLAN TRUST**

### **AMENDED AND RESTATED SUMMARY PLAN DESCRIPTION AND RULES AND REGULATIONS**

#### **A. SUMMARY OF THE VACATION TRUST**

1. Contributions are made to the Vacation Trust by participating employers on behalf of each employee covered by a Local 797 collective bargaining agreement. The Vacation Trust's Administrator receives and accounts for the vacation contributions for each employee.
2. Vacation contributions are pooled and invested. Investment earnings are applied to offset the costs of operating the Vacation Trust. Investment earnings not applied or reserved to pay operating costs are credited to each employee on a pro rata basis. Investment losses are applied to each employee on a pro rata basis. Operating costs are first deducted on a pro rata basis from investment earnings and, if necessary, from contributions. Operating costs, investment losses and other deductions from an employee payout are regularly calculated and applied.
3. Each year, on June 1 and December 1, or the closest administratively feasible date, each employee's accumulated vacation contribution monies are paid to him or her. The monies included in the June 1 payout are those for the work months of October, November, and December of the prior year through work month March of the current year. The monies included in the December 1 payout are those for the work months of April through September of the current year. Contributions received late will be delayed until the next payout. There will be no supplemental checks written to the employee to cover vacation contributions received late from an employer.
4. Each semiannual payout is printed on a check and mailed to eligible employees or deposited with a financial institution. No application is required.
5. There are no emergency draws.
6. In the event an employee fails to deposit, cash a vacation check or otherwise collect vacation monies within 90 days from the date the check is issued or sent to him or her, deposit is made or vacation monies are otherwise made available for him or her to collect, the monies credited to the employee's account for that distribution period shall revert to the Trust. The Trust will take reasonable steps to locate a person who has not collected such vacation monies. Any costs to take such steps shall be deducted from such person's benefit amount. After reasonable steps to locate have been taken and 24 months have passed and vacation monies still have not been claimed or collected, those monies will be deemed permanently forfeited to the Trust and will be used by the Trust for such purposes as the Trust deems appropriate, including payment of Trust expenses.
7. If an employee executes a Dues Authorization, then the amount specified in the

Master Labor Agreement (or such other applicable labor agreement to which the Union is a party) shall be paid as Dues from the employee's vacation contributions to the Cement Masons and Plasterers Local No. 797 monthly. An employee who has not executed such an Authorization may request in writing partial vacation distributions, up to the Dues amounts, at such times as Dues are remitted to the Union hereunder, Rule A(3) above notwithstanding.

The employee may revoke his or her Dues Authorization by writing to the Vacation Trust Fund, within 30 days prior to the expiration of the Master Labor Agreement (or such other applicable labor agreement to which the Union is a party), or within 1 year after the date the employee signed his or her Authorization, whichever is sooner. The employee may terminate his or her Dues Authorization by giving written notice to the Trustees and the Union, not more than 20 days and not less than 10 days prior to the expiration of each one-year period.

If the employee does not revoke it, the Authorization will automatically renew from year to year.

8. In the event of the death of an employee who has accumulated monies in his or her vacation account, upon submission of necessary proof of death or other documents as required by the Board of Trustees and upon execution of such documents as are determined necessary by the Board, said monies will be disbursed to the person or persons designated as beneficiary in the records of the Cement Masons and Plasterers Health and Welfare Fund. If no beneficiary has been designated or no designated beneficiary has survived the Employee, distribution of monies in the Employee's Vacation Account shall be made in the following order of preference:
  - a. The surviving spouse.
  - b. The surviving children in equal shares.
  - c. The surviving parents in equal shares.
  - d. The surviving brothers or sisters in equal shares.
  - e. The estate.
9. Remedies available under the Plan for the redress of claims which are denied in whole or in part, including provisions required by Section 503 of the Employee Retirement Income Security Act of 1974 are as follows: A claim is a written application or demand for benefits. Every claim must be in writing and filed in the office of the Administrator.

The Administrator shall give written notice to a person who files a claim which is denied in whole or in part. The notice shall be given within 90 days of the filing of the claim unless special circumstances exist which require more time to process the claim in which event an additional 90 days may be utilized for processing. Notice that additional time is required shall be given to the claimant within the initial 90

days describing the special circumstances, together with the date on which the Trustees expect to render a decision.

The notice denying all or part of a claim shall state the following:

- a. The specific reason for denial;
- b. Specific reference to the pertinent Vacation Trust or Plan provisions on which the denial is based;
- c. A description of any additional information which may be needed to clarify or perfect the claim and an explanation of why such information is necessary; and
- d. An explanation of the procedure to obtain a review of the denial.

Any person whose claim has been denied may request the Board of Trustees to review the denial by filing a written request for review in the office of the Administrator within 60 days of receipt of written notification of denial. The claimant may examine documents pertinent to the review and may submit written issues and comments to the Trustees.

The Board of Trustees shall review the denial and communicate its decision in writing to the claimant within 60 days of receipt of the request for review. If the Trustees confirm the denial in whole or in part, they shall set forth the reason for their decision and make specific reference to the Vacation Trust or Plan provisions on which the decision is based. If special circumstances exist which require additional time for review, the decision shall be rendered within 120 days after receipt of the request for review. Notice that additional time is required shall be given to the claimant within the initial 60 days describing the special circumstances, together with the date on which the Trustees expect to render their decision on review.

10. You are responsible to notify the Administrator if your address changes. If you fail to keep your correct address current by promptly notifying the Administrator of any changes or corrections to your address, you may not receive your vacation check and/or important communications about your benefits.
11. These rules supersede all prior rules.

**B. INFORMATION REQUIRED BY THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974, AS AMENDED**

**1. The Name and Type of Administration of the Plan:**

The name of the Plan is the Cement Mason and Plasterers Vacation Savings Plan Trust. It is a Collectively Bargained, Joint-Trusteed Labor-Management Trust that provides welfare benefits and consists of four Union trustees and four Employer trustees. Each side may have one alternate trustee.

2. **Internal Revenue Service Plan Identification Number:**

88-6010565

3. **Name and address of the person designated as agent for the service of legal process on behalf of the Board of Trustees:**

BeneSys Administrators  
4240 W. Flamingo Road, Suite 200  
Las Vegas, NV 89103

or

Andrew S. Brignone, Esq.  
Brownstein Hyatt Farber Schreck, LLP  
100 North City Parkway, Suite 1600  
Las Vegas, NV 89106

Service of legal process may also be made on any Trustee.

4. **Name and address of the Administrator:**

The Trustees listed in No. 5 below are the administrators of the Vacation Trust. The Trustees have engaged a third party administrator named below to perform the routine administration of the Plan.

BeneSys Administrators  
4240 W. Flamingo Road, Suite 200  
Las Vegas, NV 89103  
(702) 415-2180

5. **Name and address of any Trustee or Trustees:**

**Employer Trustees**

Thomas Pfundstein  
Southern Nevada Chapter, PDCA  
1701 Whitney Mesa Dr., Suite 104  
Henderson, NV 89014

Robert Campbell  
Western Wall & Ceiling Association  
6280 S. Valley View Blvd., Suite 610  
Las Vegas, NV 89118

**Union Trustees**

Marc Leavitt  
Plasterers & Cement Masons Local 797  
4231 West Oquendo Road  
Las Vegas, NV 89118

Paul Benigno  
Plasterers & Cement Masons Local 797  
4231 West Oquendo Road  
Las Vegas, NV 89118

Brady Stevens  
Nevada Contractor's Association, MMC  
6600 Amelia Earhart Ct., #B  
Las Vegas, NV 89119

Lloyd Martin  
Plasterers & Cement Masons Local 797  
4231 West Oquendo Road  
Las Vegas, NV 89118

Kim Christensen  
Associated General Contractors  
Sahara Concrete  
4265 S. Arville Street  
Las Vegas, NV 89103

Kevin Edner  
Plasterers & Cement Masons Local 797  
4231 West Oquendo Road  
Las Vegas, NV 89118

Mel Tousseau (Alternate)  
United Building Contractors  
150 N. Durango Drive, Suite 100  
Las Vegas, NV 89145

**6. Collective Bargaining Agreement:**

The plan is maintained pursuant to a collective bargaining agreement, a copy of which may be obtained by participating employees and beneficiaries upon written request to the Administrator, and is available for examination by participating employees and beneficiaries at the Administrator's office. A complete list of the employers and employee organizations sponsoring the Vacation Trust may be obtained by participating employees and beneficiaries upon written request to the Administrator, and is available for examination by participating employees and beneficiaries at the Administrator's office. Participating employees and beneficiaries may receive from the Administrator, upon written request, information as to whether a particular employer or employee organization is a sponsor of the Vacation Trust and, if the employer or employee organization is a Vacation Trust sponsor, the sponsor's address.

**7. The Plan's requirements respecting eligibility for participation and benefits:**

An employee for whom a contributing employer has made contributions is eligible for participation and benefits.

**8. Description of circumstances which may result in disqualification, ineligibility or denial or loss of benefits:**

Failure of employer to pay the required vacation contributions monies to the Trust may result in loss or delay in payment of vacation monies to employees. Failure of the employee to deposit or cash a vacation check or otherwise claim vacation monies under this plan within 90 days from the date of availability of (semiannual distribution) vacation monies to the employee results in the monies reverting to the Trust.



9. **Source of financing of the Plan and identity of any organization through which benefits are provided:**

The source of financing of the Plan is solely payments made to the Trust by employers as obligated by the provisions of the applicable Collective Bargaining Agreement. Benefits are provided directly by the Trust and are not paid through any other organization.

10. **Record Keeping Period and Fiscal Year:**

The Plan's fiscal year ends on June 30<sup>th</sup>. Plan years run from July 1 through June 30.

11. **Appeals Procedure:**

Rule 9 of the Rules and Regulations (Section A, above) describes the steps to take if you believe your benefits have not been paid correctly and how to appeal a decision of the Trustees.

12. **Plan Termination Provisions:**

In the event the Trustees terminate the Vacation Trust, the assets remaining in the Trust after providing for administrative expenses shall be allocated pro rata to current participants.

13. **Statement of ERISA Rights:**

As a participant in the Cement Masons and Plasterers Vacation Savings Plan Trust 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 Administrator's 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 Administrator, 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 Administrator may make a reasonable charge for the copies.

Obtain a statement telling you the amount of benefits the Vacation Trust has on your behalf. This statement must be requested in writing and is not required to be given more than once a year. The Trust must provide the statement free of charge.

Receive a summary of the plan's annual financial report. The 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 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 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 a 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 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 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.

**Translation Assistance Notice:**

You may obtain assistance in Spanish if you do not understand English and have questions about the benefits or the rules of the Trust. Contact the Administrator to find out how to obtain such help.

USTED PUEDE OBTENER INFORMACIÓN EN ESPAÑOL, SI NO ENTIENDE INGLÉS, ACERCA DE LOS BENEFICIOS Y REGLAS DEL PLAN. PONGASE EN CONTACTO CON LA OFICINA, Y PREGUNTE PARA QUE LE AYUDEN.

The Trustees reserve the right to amend, modify or discontinue all or part of this Plan whenever, in their judgment, conditions so warrant.

The above Rules and Regulations are hereby adopted as revised in their entirety to read as set forth in the Amended and Restated Summary Plan Description and Rules and Regulations for the Cement Masons and Plasterers Vacation Savings Plan Trust effective November 1, 2014.

  
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Marc Leavitt, Co-Chairman

  
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Thomas Pfundstein, Co-Chairman

