

Vacation-Holiday Savings Plan



OPERATING ENGINEERS TRUST FUNDS

U.O.E. LOCAL 12 HEALTH & WELFARE / PENSION / VACATION / TRAINING

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P.O. BOX 7063, PASADENA, CALIFORNIA 91109

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To All Participants in the Vacation-Holiday Plan:

We are pleased to provide you with this Summary Plan Description booklet describing the benefits available under Vacation -Holiday Plan.

This booklet provides a summary of the Plan rules as in effect June 1, 2017, including the crediting of contributions, eligibility for benefits, and procedures for filing a claim for benefits.

This booklet is only a summary of the Plan rules. The complete rules of the Plan are contained in the Agreement and Declaration of Trust which is available upon request from the Fund Office. If there is any conflict between the information in this booklet and the Plan rules, the Plan rules will control.

For your protection, only the Board of Trustees is authorized to interpret the rules of the Plan. Official information about your rights under the Plan must be communicated to you, in writing, signed on behalf of the Board of Trustees. The Board has authorized the Fund Office to communicate with Participants on its behalf.

Please remember to keep the Fund Office informed of any change in your mailing address. This will ensure that you receive all communications. Also, please be sure to keep your beneficiary designation forms up to date.

The Vacation-Holiday Savings Plan has been providing benefits for over 50 years. We are proud of the success of the Plan and believe it will continue to provide significant benefits to Participants and their families and beneficiaries for many years to come.

Sincerely,
BOARD OF TRUSTEES

SUMMARY OF VACATION HOLIDAY PLAN PROVISIONS

Background

The Operating Engineers Vacation-Holiday Savings Plan (the Plan) was established as a result of collective bargaining between the International Union of Operating Engineers, Local Union No. 12 (the Union) and various employer associations. Contributions were first made to the Plan in 1963 and the Plan has been providing benefits to eligible Participants each year since then.

Contributions

All contributions to the Vacation Plan are made in accordance with collective bargaining agreements between the Union and participating employers. These agreements require employers to pay into the Vacation Plan at a fixed rate for each hour a Participant works or is paid.

Annual Statement

Each year in September a preliminary Vacation-Holiday statement is sent to all Participants for whom contributions have been received over the past year. The statement indicates each employer for whom the Participant worked, the number of hours worked for each employer, the contributions received for that work, and the approximate amount the Participant may expect to receive in the next annual distribution of benefits. The exact amount of the distribution is determined by the amount of contributions received less any withdrawals made during the year.

Each Participant should carefully check his records against the preliminary statement to make sure that hours have been properly reported. Incorrect or missing information should be reported to the Fund Office immediately.

PAYMENT OF VACATION-HOLIDAY SAVINGS BENEFITS

Annual Distribution

All contributions received by the Fund Office on a Participant's behalf from July 1, of one year through June 30 of the following year will be paid to the Participant on December 1, less any distributions made during the year. Benefits shall not, however, include any contributions received by the Plan later than November 1, of the year in which the benefit is paid.

No Participant is entitled to be paid interest on money held by the Plan for the Participant's account. Also, the Trustees may reduce the amounts credited to a Participant's account to pay reasonable expenses of administering the Plan.

Withdrawals

Each Participant who has funds available in his Vacation Holiday Plan account is eligible to make withdrawals upon demand prior to the December 1st annual distribution date. However, in order to allow administrative processing time for the annual distribution, no withdrawals can be made after November 1st for work periods prior to the immediately preceding July 1st.

Participants must complete a withdrawal application form which can be obtained from the Las Vegas or Pasadena Fund Offices, any Union District Office, through the mail or on the Fund's website: www.oefi.org. The completed application can be mailed or faxed to the Fund Office or dropped off in person. The Participant's signature on all Vacation Holiday Fund withdrawal applications that **are faxed or mailed in** must be notarized or witnessed by a Local 12 Business Agent. If the withdrawal application is faxed from a Local 12 District Office, it can be witnessed by the Local 12 employee assisting the Participant.

For walk-in applications brought in by the Participant to the Pasadena or Las Vegas Trust Fund Offices, a valid form of picture ID will be required. If a Participant wishes to authorize his spouse to pick up a Vacation Holiday check, the withdrawal application must be witnessed by a Business Agent or notarized and accompanied by a notarized letter authorizing the spouse to pick up the check. The authorization letter must be current-dated and signed by the Participant.

Payments Upon a Participant's Death

If a Participant dies with money remaining in his account, the money will be paid to the beneficiary designated by the Participant on the Designation of Beneficiary form approved by the Trustees. The approved Designation of Beneficiary form is available from the Fund Office, any Union District Office, through the mail or on the Plan's website: www.oefi.org.

If no beneficiary is named or if the beneficiary is deceased or cannot be located within two years after the Participant's death, the money will be paid to the Participant's surviving spouse. If there is no spouse, the money will be paid to the Participant's estate if heirs to the estate are identified. In cases where there is no beneficiary, spouse or estate with heirs, the money will be retained by the Plan.

Payments on Behalf of an Incapacitated Participant

If a Participant is unable to handle his own affairs because of mental or physical incapacity, the Trustees will make payment of the money in the Participant's account to such person or in such manner as the Trustees decide will be best for the Participant. A Participant is also entitled to make a withdrawal based on evidence satisfactory to the Trustees that he has a terminal illness.

Dues Assignment

A Participant may assign benefits from his account in the Plan to the Union for crediting to his supplemental dues account with the Union. To make this assignment, the Participant must complete the Multiple Purpose Dues Assignment-Authorization Form which is available from the Union Office. The amount of contributions in excess of the amount of the supplemental dues will be credited to the Participant's Vacation account and be available for the annual distribution and on demand withdrawal. The amount of funds attributable to supplemental dues will be remitted to the Union on behalf of the participant.

Appeals Procedure

If a Participant's claim for benefits is denied, in whole or in part, he will receive a written notice of denial from the Fund Office that will state the reason for the denial and will include the appeals procedure. The Trustees will make the final decision on every appeal.

If the Participant disagrees with the decision of the Fund Office, he may submit an appeal to the Board of Trustees within 60 days of his receipt of the denial of benefits. The appeal should be in writing and state in clear and concise terms the reason for disagreement. The appeal should be addressed to the Board of Trustees of the Vacation-Holiday Savings Trust in care of the Fund Office. The Trustees will normally review and take action on the appeal within 60 days of receipt of the appeal. If they are unable to do so, the Participant will be notified if additional time is required. In any event, the Trustees will make the final decision within 90 days after the original 60-day period has elapsed.

Checklist: Things For You To Do

Let us know where you are. Be sure to keep the Fund Office and Local 12 advised of any change of address. The Fund Office will only accept written notice of a change of address, dated and signed by the Participant. The Fund Office will not accept a telephone call change of address and will not accept a written change of address that is not signed and dated by the Participant.

Designate a Beneficiary. Be sure to keep your beneficiary designation up to date. This will ensure that any money remaining in your account upon your death will go to the person you want to receive it.

Save your records. You should save your check stubs or earnings statements you receive from every employer until you are sure you have been credited for the hours worked. You should review the annual statement you receive from the Fund Office and compare your annual distribution check against your personal records. If your records disagree with the statement or the check amount, you should notify the Fund Office as soon as possible.

Cash your check. You should cash your Vacation Plan check as soon as you receive it. Checks that are not cashed after a period of time (at least 90 days) will be voided and will be reissued upon request.

Save this booklet. Put it in a safe place. If you lose your copy, ask the Fund Office for another one.

Any Questions? Contact the Fund Office with any questions you may have about this Plan.

Operating Engineers Vacation-Holiday Savings Trust
100 Corson Street
Suite 100
Pasadena, California 91103
(866) 400-5200
Website: www.oefi.org

**Please make sure to keep
your beneficiary form
updated with the Fund office.**

Facts About Your Plan

Name and type of administration of the Plan. The name of the Plan is the Operating Engineers Vacation-Holiday Savings Trust. It is a collectively bargained, jointly-trusteed, labor- management trust.

Type of Plan. This Plan is an employee welfare benefit plan maintained for the purpose of providing benefits through a savings plan for Participants in the Plan.

Plan Identification Numbers. The Employer Identification Number (EIN) issued by the Internal Revenue Service is 95-6067144. The Plan Number is 501.

Agent for Service of Legal Process. The name and address of the agent designated for the service of legal process is:

Michael B. De Chellis
Operating Engineers Funds, Inc.
100 Corson Street
Suite 100
Pasadena, California 91103

Legal process may also be served on a Plan Trustee.

Plan Administrator. The Board of Trustees is the Plan Administrator. This means that the Board of Trustees is responsible for seeing that information regarding the Plan is reported to government agencies and disclosed to Plan Participants and beneficiaries in accordance with The Employee Retirement Income Security Act (ERISA).

Board of Trustees. The Board of Trustees consists of an equal number of employer and union representatives selected by the employers and union in accordance with the provisions of the Agreement and Declaration of Trust of the Operating Engineers Vacation-Holiday Savings Trust. If you wish to contact the Board of Trustees, you should use the following address and phone number:

Operating Engineers Vacation-Holiday Savings Trust
100 Corson Street
Suite 100
Pasadena, California 91103
(866) 400-5200

The Trustees have designated the following administrative organization to perform the routine functions and day-to-day business of the Plan:

Operating Engineers Funds, Inc.
100 Corson Street, Suite 100
Pasadena, CA 91103
(866) 400-5200

Names, Titles and Addresses of the Trustees. As of August, 2021, the Trustees of this Plan are:

Employer Trustees

Jim Ryan, AGC – San Diego Chapter, Inc.,
6212 Ferris Square San Diego, California 92121

Paul Von Berg, SCCA,
600 City Parkway West, Suite 165, Orange, CA 92868

Stanley Howard, Howard Contracting, Inc.,
12354 Carson St. Hawaiian Gardens, CA 90716

Patrick Velasquez, NCA
150 N. Durango Dr., Suite 100, Las Vegas, NV 89145

Jaimie Angus, Griffith Company,
3050 E. Birch Street Brea, CA 92821

Charles Chapman, Railworks,
12740-B Lakeland Road Santa Fe Springs, CA 90670

Ray M. Baca, ECA,
2390 E. Orangewood Ave. Suite 585, Anaheim, CA 92867

Union Trustees – I.U.O.E., LOCAL 12, 150 Corson St.,
Pasadena CA 91103

David K. Sikorski, Business Manager
Dave Garbarino, President
Ken Hunt, Vice President
Shawn Kinsey, Recording-Corresponding Secretary
Perry Hawkins, Financial Secretary
Robert Ninteman, Treasurer
Joe Rangel, Jr. District Representative

Collective Bargaining Agreements. The Plan was established, and is maintained, through collective bargaining agreements between the International Union of Operating Engineers, Local Union No. 12, and various employer associations. Contributions to this Plan are made on behalf of each Participant in accordance with these collective bargaining agreements.

The Fund Office will provide you, upon written request, a copy of any of the collective bargaining agreements. The collective bargaining agreements are also available for examination at the Fund Office.

Source of Contributions. The benefits described in this booklet are provided through employer contributions to this Plan. The amount of employer contributions is determined by the provisions of the collective bargaining agreements which require contributions to this Plan at a fixed rate per hour worked. The Fund Office will provide you, upon written request, information as to whether a particular employer is contributing to this Plan on behalf of Participants working under the collective bargaining agreement.

Trust Fund. The assets and reserves of the Plan are held in trust by the Board of Trustees.

Plan Amendment and Termination. The plan of benefits provided under the Trust is not permanent. The Board of Trustees reserves the right, in its sole discretion at any time and from time to time:

- To change or amend the Plan.
- To change or postpone the method of payment of any benefit.

The Trustees do not promise to continue the plan of benefits that is now in effect, in full or in part in the future, and any rights to future benefits are not vested. This means they can be taken away.

The Board of Trustees is authorized and has the power to:

- Decide the meaning of any doubtful or ambiguous provision of the rules of the Plan.
- Decide on a Participant's entitlement to benefits under the rules of the Plan.
- Sign agreements, write and carry out reasonable rules and regulations, and do all things necessary in the establishment, maintenance and administration of the Plan.

If the Plan is terminated, any and all money and assets remaining in the Trust, after payment of expenses, will be used to continue the benefits provided by the Plan until such money and assets have been used up.

Funding. Payments are made to the Plan by individual employers in accordance with the provisions of the collective bargaining agreements. No outside organization is involved in providing Plan benefits. Benefits are held in trust and provided by the Plan itself.

Fiscal Plan Year. The fiscal records of the Plan are kept separately for each Fiscal Plan Year. The Fiscal Plan Year begins on July 1 and ends on June 30.

The Plan's Requirements with Respect to Eligibility for Participation and Benefits. These requirements are found in Article VII of the Trust Agreement of the Operating Engineers Vacation-Holiday Savings Trust.

Circumstances Resulting in Disqualification, Ineligibility or Denial or Loss of Benefits. These rules are found in Article VII of the Trust Agreement of the Operating Engineers Vacation-Holiday Savings Trust.

Review Procedure. If your claim for benefits is denied, in whole or in part, you will receive a written explanation giving detailed reasons for the denial, specific reference to the Plan provisions on which the denial is based, a description of any additional material or information necessary for you to perfect the claim, and an explanation of why such information or material is necessary, as well as an explanation of the Plan's appeals procedure. A description of the appeals procedure appears on page 5 of this Summary.

Statement of ERISA Rights

As a Participant in the Operating Engineers Vacation-Holiday Savings 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 (the Fund Office) and at other specific locations, such as work sites and union halls, all documents governing the Plan, including insurance contracts, 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 Administrator, copies of documents governing the operation of the Plan, including insurance contracts, collective bargaining agreements and a copy of the latest annual report (Form 5500 Series). The Administrator may make a reasonable charge for the copies.

Receive a summary of the Plan's annual financial report. The Plan 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 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 benefits under the Plan or exercising your rights under ERISA.

Enforce Your Rights

If your claim for a benefit under the Plan is denied in whole or in part, you must receive a written explanation of the reason for the denial. You have the right to have the Plan review and reconsider your claim. Under ERISA, there are steps you can take to enforce the above rights. For instance, if you request materials from the Plan and do not receive them within 30 days, you may file suit in federal court. In such a case, the court may require the Plan 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 state or federal court.

If Plan fiduciaries are misusing 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 state or 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 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 with obtaining documents from the Plan, you should contact the nearest office of the Employee Benefits Security Administration (formerly known as the Pension and Welfare Benefit 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.

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