

# The Scholarship Program

of the Food Employers Labor Relations Association and  
United Food and Commercial Workers Health and Welfare Fund



**Summary Plan Description  
August 2014**

**THE SCHOLARSHIP PROGRAM OF THE  
FOOD EMPLOYERS LABOR RELATIONS ASSOCIATION  
AND UNITED FOOD AND COMMERCIAL WORKERS  
HEALTH AND WELFARE FUND**

**Administrative Manager**  
Associated Administrators, LLC

**Fund Office**  
911 Ridgebrook Road  
Sparks, Maryland 21152-9451  
(410) 683-6500

**Fund Office**  
4301 Garden City Drive, Suite 201  
Landover, Maryland 20785-6102  
(301) 459-3020 or (800) 638-2972

**Hours**  
8:30 a.m. to 4:30 p.m., Monday through Friday

**Website**  
[www.associated-admin.com](http://www.associated-admin.com)

**THE SCHOLARSHIP PROGRAM OF THE  
FOOD EMPLOYERS LABOR RELATIONS ASSOCIATION  
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**SUMMARY PLAN DESCRIPTION**

**TABLE OF CONTENTS**

	<b>Page</b>
Highlights of the UFCW & FELRA Scholarship Program.....	2
Introduction.....	2
Who Is Eligible for Scholarship Awards.....	3
Scholarship Awards.....	5
How Scholarship Award Recipients Are Selected.....	6
Steps To Apply for A Scholarship Award.....	6
Exclusions And Limitations.....	8
Notice About Income Tax Liability.....	9
Important Information About The Plan.....	9
Board of Trustees.....	12
Repaying The Fund/Overpayment of Benefits.....	13
Claims And Appeals Procedures.....	14
Your ERISA Rights.....	18
Definitions.....	21

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**SUMMARY PLAN DESCRIPTION**

**HIGHLIGHTS OF THE UFCW & FELRA SCHOLARSHIP PROGRAM**

The UFCW and FELRA Scholarship Program is designed to help eligible recipients by:

- Enhancing your knowledge.
- Opening the door to new opportunities.
- Making your future, and your dependents' future, brighter through education.

Let the Scholarship Program help you or your dependent earn a degree or certification and find new opportunities for prosperity and success.

Capitalized terms in this Summary Plan Description ("SPD") are defined in the Definitions Section on page 21.

**INTRODUCTION**

The Trustees of the FELRA & UFCW Health and Welfare Fund take great pride in providing the Scholarship Program.

The Scholarship Program is designed to recognize Participants and their eligible dependents with outstanding academic, technical or

vocational potential or achievement, dedicated community service and a high degree of personal accomplishment.

## **WHO IS ELIGIBLE FOR SCHOLARSHIP AWARDS**

### **A. Participants' Eligibility**

You are eligible to submit a Preliminary Scholarship Application between September 1<sup>st</sup> and December 31<sup>st</sup> for a Scholarship Award for the next academic year if you are an Active employee as of December 31<sup>st</sup> of the Application Year and you have completed at least one uninterrupted Year of Service as of December 31<sup>st</sup> of the Application Year, except as otherwise described in this SPD. If the Fund receives your Preliminary Scholarship Application, postmarked by December 31<sup>st</sup> and your eligibility is confirmed, the Fund will mail you a formal application that must be completed and returned to the Fund Office, postmarked no later than March 1<sup>st</sup>.

If you are selected for a Scholarship Award by the Board of Trustees, you must be Actively employed by an Employer during the month the Award is granted in order to receive it.

Retirees and their dependents are not eligible for this benefit.

### **B. Dependents' Eligibility**

Your dependent spouse and children are eligible to submit a Preliminary Scholarship Application between September 1<sup>st</sup> and December 31<sup>st</sup> for a Scholarship Award for the next academic year if, as of December 31<sup>st</sup> of the Application Year:

1. You are an Active employee, and have completed at least one uninterrupted Year of Service; and
2. Your dependent child is under the age of 24, is unmarried and is your dependent for federal income tax purposes.

Your eligible dependent children include your biological children, legally adopted children, a child placed with you for adoption or a stepchild principally supported by you.

If your dependent does not have medical coverage through the Food Employers Labor Relations Association & United Food and Commercial Workers Health and Welfare Fund, please include a copy of a marriage certificate (if spouse), or birth certificate or custody order (if child) with the Preliminary Scholarship Application.

If the Fund receives your dependent's Preliminary Scholarship Application postmarked by December 31<sup>st</sup>, and the applicant is eligible, the Fund will mail your dependent a formal application that must be completed and returned to the Fund Office, postmarked no later than March 1<sup>st</sup>.

If your dependent is selected for a Scholarship Award by the Board of Trustees, you must be Actively employed by an Employer during the month the Award is granted in order for your dependent to receive it.

Employees of the Local Unions and Associated Administrators, LLC and their children and spouses are not eligible to participate in the Scholarship Program. The Trustees of the FELRA and UFCW Health and Welfare Fund, and their children and spouses also are not eligible to participate.

## **SCHOLARSHIP AWARDS**

You or your dependents, if eligible, can apply for a Scholarship Award to pursue undergraduate college or university degree programs or post-high school technical or vocational training at the following types of accredited institutions:

- Public and private colleges and universities,
- Community colleges,
- Trade and technical schools, or
- Vocational schools.

Scholarship Awards are available only to applicants who will be full-time students as of the beginning of the school year in the fall after the Award is received. The institution must be accredited in accordance with state and local licensing and accreditation requirements. The Scholarship Award will cover tuition, but not housing expenses, books or other incidental fees.

Each year, the number of Scholarship Awards and the amount(s) of individual Scholarship Awards will be determined in advance by the Board of Trustees based on the amount of funds available.

The Scholarships are awarded in the late spring and summer preceding the start of the school year.

The Scholarship Award is valid for the academic year immediately following receipt of the Scholarship Award by the applicant, and is non-renewable. Thus an Award recipient will not be eligible to receive another Scholarship Award from the UFCW & FELRA Scholarship Program in the future.

Awards are paid directly to the school to which the recipient has been admitted, as necessary to cover tuition expenses.

## HOW SCHOLARSHIP AWARD RECIPIENTS ARE SELECTED

The Board of Trustees, in its discretion, will select recipients of the Scholarship Awards on the basis of the following criteria:

- Academic record,
- Standardized test scores,
- Class rank,
- Leadership record,
- Community service and volunteer activities, and
- Personal achievement.

The Board of Trustees also may, in its discretion, take into account the Local Union and Employer of each Applicant (or of the parent or spouse of each Applicant in the case of dependent Applicants) in an effort to ensure that Award recipients reflect a cross-section of the Unions and Employers participating in the Scholarship Program.

## STEPS TO APPLY FOR A SCHOLARSHIP AWARD

### **Step 1 – Complete The Preliminary Scholarship Application**

The Preliminary Scholarship Application form is available annually in the September issue of the ***For Your Benefit*** newsletter, in your Union newsletter, at the Fund Office, at your Local Union, or by logging on to [www.associated-admin.com](http://www.associated-admin.com). On the left side of the page, click on “Your Benefits” and select “FELRA and UFCW” if you are a Giant or Safeway employee. On the FELRA homepage, under “Downloads (Forms),” you can print the Preliminary Scholarship Application. If you are a Shoppers Food Warehouse employee, click on “Your Benefits” and select “UFCW and



Participating Employers.” Under Downloads (Forms), you can print the Preliminary Scholarship Application.

This form must be completed and returned to the Fund Office postmarked by December 31<sup>st</sup> of the Application Year in order for the applicant to receive a Formal Scholarship Application.

## **Step 2 – Complete The Formal Scholarship Application**

The Formal Scholarship Application must be completed by the applicant and his or her school counselor and by the Participant, if different from the applicant. Follow the instructions in the Formal Scholarship Application carefully and complete all sections.

Both the Participant and the Applicant, if different, must sign and date the form. Mail the form to the Fund Office, with all documents requested in the Application instructions, including your official transcripts and a personal statement.

## **Determination of Eligibility for Scholarship Awards**

The eligibility of a Participant or a Participant’s dependent to apply for a Scholarship Award will be determined when the Formal Scholarship Application and attachments are received in the Fund Office. Only the applications of persons who meet the eligibility requirements will be presented to the Board of Trustees for review. If it is determined that you (or your dependent) are not eligible to apply for a Scholarship Award, you will be notified within 90 days (or 180 days in special circumstances) of the date the Fund receives your Formal Application.

## Application Deadlines

In order for you or your dependent to be considered for a Scholarship Award, the completed Preliminary Scholarship Application Form must be postmarked no later than December 31<sup>st</sup> of the Application Year, and the completed Formal Scholarship Application, along with all related documentation referenced in the application, must be postmarked no later than the following March 1<sup>st</sup>. Scholarship Awards are made in the late spring and summer, immediately preceding the school year to which the Award will apply. **Late applications, incomplete applications and those missing required documentation may not be accepted.**

## EXCLUSIONS AND LIMITATIONS

- The Scholarship Award will not be payable directly to the Award recipient. Instead, it will be paid directly to the educational institution the recipient will be attending and used only for tuition.
- The Scholarship Award will pay only that portion of the tuition that exceeds any other financial aid the Award recipient also is receiving, such as public or private financial assistance, fellowships, scholarships or grants.
- Scholarship Awards may not be used to cover registration fees, student body fees, activity fees, books, supplies, equipment, tools, meals, lodging, parking or transportation.
- Scholarship Awards may not be used to cover course work toward post-graduate degrees, such as a Master's degree. They are applicable only to undergraduate course work, technical training and vocational training.

- Scholarship Awards may not be used for courses at any institution outside the United States except exchange student programs.
- Scholarship Awards may not be used for courses at any institution that does not meet the applicable state and local licensing and accreditation requirements.

## **NOTICE ABOUT INCOME TAX LIABILITY**

### **Scholarship Awards**

Scholarship Awards to Participants or their dependents are considered to be income to the Participants in the year in which the Awards are paid by the Fund. The Fund will report such income to state and federal agencies as required by law. **The Participant will receive a W-2 Wage and Tax Statement which reflects this income.** You should check with your own tax advisors to determine how you should report these payments.

## **IMPORTANT INFORMATION ABOUT THE PLAN**

The information presented in this section is important because it:

- Will help you understand how the Scholarship Program is administered on your behalf.
- Will inform you of your rights as guaranteed by the Employee Retirement Income Security Act of 1974, as amended (“ERISA”). ERISA regulates the funding and administration of this employee benefit plan.

**Plan Name:**

Food Employers Labor Relations Association and United Food and Commercial Workers Health and Welfare Fund.

**Type of Plan:**

This is a welfare plan. It provides benefits to participants and their dependents who satisfy the Plan's eligibility requirements.

**Plan Sponsor:**

Board of Trustees of the Food Employers Labor Relations Association and United Food and Commercial Workers Health and Welfare Fund, 911 Ridgebrook Road, Sparks, MD 21152-9451, (410) 683-6500.

**Employer Identification Number:** 52 – 1036978

**Plan Number:** 501

**Plan Year and Fiscal Year:** January 1 through December 31

**Plan Administrator:**

The Plan is administered by the Board of Trustees, with the assistance of an administrative manager. The Board of Trustees also employs other personnel, including consultants, attorneys and accountants. All Plan benefits are provided directly from the Fund.

**Type of Administration:** Contract Administration – The Board of Trustees has contracted with Associated Administrators, LLC to provide administrative management services.

**Agent for Service of Legal Process:**

Associated Administrators, LLC, or any Trustee at this address: Food Employers Labor Relations Association and United Food and Commercial Workers Health and Welfare Fund, 911 Ridgebrook Road, Sparks, MD 21152-9451.

**Plan Records:**

Plan records are maintained on a Plan Year basis and are kept at the Fund Office at the previously listed address.

**Plan Finances:**

The benefits provided under the Plan are funded by Employer contributions.

**Funding Medium:**

All assets are held in trust by the Board of Trustees in a custodian bank. Benefits are paid from the accumulated assets of the Trust.

**Collective Bargaining Agreements:**

The Plan is maintained in accordance with collective bargaining agreements between various employers and Locals 27 and 400 of the United Food and Commercial Workers Union. Any participant or beneficiary may, upon written request to the Fund Office, obtain information as to whether or not a particular union or employer is a party to the Plan and, if so, obtain its address. Participants and dependents may obtain a copy of any collective bargaining agreement applicable to their benefits upon written request to the Fund Office. The documents are also available for examination by participants and dependents at the Fund Office.

**BOARD OF TRUSTEES  
FELRA & UFCW HEALTH AND WELFARE FUND**

**Union Trustees**

**Secretary:**

Mark Federici, President  
UFCW Local 400  
4301 Garden City Drive  
Landover, MD 20785

Michael Boyle  
UFCW Local 400  
4301 Garden City Drive  
Landover, MD 20785

Jason Chorpensing  
UFCW Local 27  
21 West Road, Second Floor  
Towson, MD 21204

Eric Masten, Secretary-Treasurer  
UFCW Local 27  
3 Mason Drive  
Selbyville, DE 19975

**Employer Trustees**

**Chairman:**

Jason Paradis  
Stop and Shop Supermarkets  
1385 Hancock Street  
Quincy, MA 02169

Jeffrey Champion  
Dir. of Labor Relations, Eastern Div.  
Safeway, Inc.  
4551 Forbes Blvd.  
Lanham, MD 20706

Frank Stegman  
Vice President of Labor Relations  
Safeway, Inc.  
4551 Forbes Blvd.  
Lanham, MD 20706

David White  
Giant Food, LLC  
8301 Professional Place, Suite 115  
Landover, MD 20785

## **REPAYING THE FUND/OVERPAYMENT OF BENEFITS**

If the Fund pays benefits in error, for example if the Fund pays you or your dependent more benefits than you are entitled to, the Fund shall be entitled to recover such benefits. The Fund may recover any overpaid benefits by pursuing legal action against the party on whose behalf the benefits were paid. By accepting benefits under the terms of this Plan, you and your dependents agree to waive any applicable statute of limitations defense available to you and your dependents regarding the enforcement of any of the Fund's rights to reimbursement.

The Fund shall have a constructive trust, lien and/or an equitable lien by agreement in favor of the Fund on any overpaid benefits received by you, your dependent or a representative of you or your dependent (including an attorney) that is due to the Fund under this Section, and any such amount shall be deemed to be held in trust by you or your dependent for the benefit of the Fund until paid to the Fund. By accepting benefits from the Fund, you and your dependent consent and agree that a constructive trust, lien, and/or equitable lien by agreement in favor of the Fund exists with regard to any overpayment of benefits, and in accordance with that constructive trust, lien, and/or equitable lien by agreement, you and your dependent agree to cooperate with the Fund in reimbursing it for all of its costs and expenses related to the collection of those benefits.

In the event you, or if applicable, your dependent or beneficiary, fail to reimburse the Fund and the Fund is required to pursue legal action against you or your dependent or beneficiary to obtain repayment of the benefits, you or your dependent or beneficiary shall pay all costs and expenses, including attorneys' fees and costs, incurred by the Fund in connection with the collection of

any amounts owed the Fund or the enforcement of any of the Fund's rights to reimbursement. You or your dependent or beneficiary shall also be required to pay interest at the rate determined by the Trustees from time to time from the date you become obligated to repay the Fund through the date that the Fund is paid the full amount owed.

### **CLAIMS AND APPEALS PROCEDURE**

If it is determined that you or your dependent are not eligible to receive a Scholarship Award, you will receive written notice from the Fund within 90 days (or 180 days under special circumstances) of the date the Fund received your Formal Application.

The notice will provide:

1. the specific reason or reasons for denial,
2. reference to specific Plan provisions on which the denial is based,
3. a description of any additional material or information necessary to perfect the claim and an explanation of why such material or information is necessary,
4. an explanation of the Plan's claims review procedures and the time limits applicable to such procedures,
5. a statement of your right to bring a civil action under Section 502(a) of ERISA following a denial of your appeal, and
6. If an internal rule, guideline, protocol, or other similar criterion was relied upon in denying your claim, a statement that the specific rule, guideline, protocol, or other similar criterion was relied upon in denying the claim and that a copy of that rule, guideline, protocol, or other similar criterion will be provided free of charge upon request.



You may name a representative to act on your behalf during the claims process. To do so, you must notify the Fund in writing of the representative's name, address, and telephone number and authorize the Fund to release information to your representative. Please contact the Fund Office for a form to designate a representative. The Fund does not impose any charges or costs to review a claim or appeal; however, regardless of the outcome of an appeal, neither the Board of Trustees nor the Fund will be responsible for paying any expenses that you might incur during the course of an appeal.

If your claim is denied in whole or in part, you are not required to appeal the decision. However, you must exhaust your administrative remedies by appealing the denial before you have a right to bring an action in federal court. Failure to exhaust these administrative remedies will result in the loss of your right to file suit.

### **Right To Appeal**

If it is determined that you or your dependent are not eligible to receive a Scholarship Award, you (or your authorized representative) may request a review by writing to the Board of Trustees within 60 days from the date you receive the denial. Pursuant to your right to appeal, you will have the right 1) to submit written comments, documents, records, and other information relating to your claim for benefits; and 2) upon request, to have reasonable access to, and free copies of, all documents, records, and other information relevant to your claim for benefits. In making a decision on review, the Board of Trustees or a committee of the Board of Trustees will review and consider all comments, documents, records, and all other

information submitted by you or your duly authorized representative, without regard to whether such information was submitted or considered in the initial claim determination. In reviewing your claim, the Board of Trustees will not automatically presume that the Fund's initial decision was correct, but will independently review your appeal.

While you may appeal a determination that you or your dependent are not **eligible** for a Scholarship Award, you may not appeal the decision to award or not award a Scholarship to an eligible applicant. All Scholarship Awards are determined in the discretion of the Board of Trustees and there is no right to a review of the determination.

The Board of Trustees, in making decisions on appeal, will apply the terms of the Plan and any applicable guidelines, rules and schedules, and will periodically verify that determinations are made in accordance with such documents, and where appropriate, applied consistently with respect to similarly situated claimants. Additionally, the Trustees will take into account all information you submit in making decisions on claims and on appeal.

The Board of Trustees or a committee of the Board of Trustees will hear your appeal at their next scheduled quarterly meeting following receipt of your appeal, unless your appeal was received by the Fund within 30 days of the date of the meeting. In that case, your appeal will be reviewed at the second quarterly meeting following receipt of the appeal. If special circumstances require an extension of the time for review by the Trustees, you will be notified in writing of the circumstances and the date on which a decision is expected. In no event will a decision be made later than the third quarterly meeting after receipt of your appeal.

The Trustees will send you a written notice of their decision (whether approved or denied) within five days of the decision.

If the Board of Trustees has denied your appeal, the notice will provide 1) the specific reason or reasons for the denial; 2) references to specific Plan provisions on which the denial is based; 3) a statement 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 for benefits; and (4) a statement of your right to bring an action under Section 502(a) of ERISA. In addition, the notice will state that, if an internal rule, guideline, protocol, or other similar criterion was relied upon in denying your appeal, a copy of the rule, guideline, protocol, or other similar criterion will be provided free of charge upon request.

If your claim is denied, in whole or in part, you are not required to appeal the decision. However, before you can file suit under Section 502(a) of the Employee Retirement Income Security Act ("ERISA") on your claim for benefits, you must exhaust your administrative remedies by appealing the denial to the Board of Trustees. Failure to exhaust these administrative remedies will result in the loss of your right to file suit. If you wish to file suit after receiving a denial of your appeal, you must do so within three years of the date the Trustees denied your appeal. For all other actions, you must file suit within three years of the date on which the violation of Plan terms is alleged to have occurred. Additionally, if you wish to file suit against the Plan or the Trustees, you must file suit in the United States District Court for the District of Maryland. These rules apply to you and your dependents. The above paragraph applies to all litigation against the Fund, including litigation in which the Fund is named as a third party defendant.

The Board of Trustees has the power and sole discretion to interpret, apply, construe and amend the provisions of the Plan and make all factual determinations regarding the construction, interpretation and application of the Plan. The decision of the Board of Trustees is final and binding.

### **YOUR ERISA RIGHTS**

As a participant in the benefit programs of the FELRA & UFCW Health and Welfare Fund, you are entitled to certain rights and protections under the Employee Retirement Income Security Act of 1974, as amended (ERISA). The Board of Trustees complies fully with this law and encourages you to first seek assistance from the Fund Office when you have questions or problems that involve the Plan.

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 Employee Benefits Security 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 welfare benefit or exercising your rights under ERISA.

### **Enforce Your Rights**

If your claim for a 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. However, if you have a denied claim, you must appeal the decision within the plan's time limits before you can bring suit. 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 the 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.

## DEFINITIONS

**Active:** Actually performing each of the material duties of your occupation and being at work at the usual and customary place of business of an Employer in a job covered by the Collective Bargaining Agreement between your Union and your Employer.

**Application Year:** The year in which the applicant files his or her preliminary application with the Fund.

**Employer:** An employer that makes contributions to the Scholarship Program on behalf of its participating employees pursuant to its collective bargaining agreement.

**Participant:** An Active employee of an Employer who satisfies the rules for eligibility.

**Union:** United Food and Commercial Workers Locals 27 and 400.

**Year of Service:** A period of 12 months of elapsed time during which you are Actively employed by an Employer in a bargaining unit position without either a termination of employment for any reason or a transfer to a non-bargaining unit position or a position with an employer that did not make contributions to the Fund. A termination of employment will be ignored if an employee terminates employment with one Employer and begins working for another Employer within 30 days.

**This booklet is a summary of the Scholarship Program maintained by the FELRA and UFCW Health and Welfare Fund. In case of any differences between this booklet and any the FELRA and UFCW Health and Welfare Plan document, the Plan document will control.**

The Trustees have the power to interpret, apply and construe the terms of the Scholarship Program and make factual determinations regarding its construction, interpretation and application. Further, the Trustees may amend the rules and benefit levels at any time and may terminate this program. If the Trustees terminate the Program, your rights and the distribution of assets will be determined under the terms of the Trust and applicable law. Participants and beneficiaries have no vested rights to the benefits described in this booklet upon termination. Any decision made by the Trustees is binding upon Employers, employees, participants, beneficiaries and all other persons who may be involved with, or affected by, the Plan. You will be notified of any Summary of Material Modifications (changes) to the Summary Plan Description (SPD) as required by federal law.



# Notes

# Notes

