

Industry And Local 338
Welfare Fund
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Minutes of the Special Meeting of the Board of Trustees

Held on February 16, 2017
Via
Conference Call

The following Trustees were present:

UNION TRUSTEES

Lori Polesel
Barry Russell

EMPLOYER TRUSTEES

Chris Palmer

Also present were:

Alicia Cochran – Associated Administrators, LLC
Brian Davis – Associated Administrators, LLC
Elizabeth O’Leary, Esq. – Kauff McGuire & Margolis LLP

I. CALL TO ORDER

The meeting was called to order at 12:34 p.m.

II. TRUSTEE RESIGNATION

Ms. Cochran reported that a Trustee resignation letter was received from Ms. Jo Ellen Vavasour noting her resignation as of January 1, 2017. She reported that Ms. Vavasour advised that her employment with the College of New Rochelle would be ending on December 31, 2016 and, at that time, she would no longer be affiliated with a participating employer. The Trustees directed Ms. Cochran to send letters to Culinart, Inc., Paraco Gas Corporation, and Mondelez Global, LLC regarding the Employer Trustee vacancy. Trustee Palmer said he would reach out to Paraco who may be interested in nominating an Employer Trustee.

III. PARTICIPANT ISSUE

Ms. Cochran discussed a participant issue that was brought to the Administrative Manager's attention by Trustee Russell in which a participant was having difficulty with the processing of a medical claim. She said that the Fund's records showed that the claim was pended for additional information related to other insurance, hence causing a delay in the processing of the claim. Ms. Cochran said once the other insurance information was received from the participant, the claim was processed and a call was made to the participant regarding the updated status of the claim.

IV. REQUEST TO WAIVE COVERAGE

Ms. Cochran reported that a letter was received from L.P. Transportation requesting that an employee be permitted to waive coverage. She said that the Fund had received similar requests in prior years and that waiving coverage is not permissible under the Fund. Ms. O'Leary added that the pertinent collective bargaining agreement provides that the Employer may obtain alternative health coverage for its employees, subject to certain conditions, but that it does not provide for individual opt outs of coverage. The Trustees directed Ms. Cochran to send a letter to the employer denying the request in accordance with the Fund's rules.

V. COUNSEL REPORT (Legal Services Agreement)

Ms. O'Leary reported that she performed significantly less work for the Welfare Fund in 2016 than she has in prior years and she proposed changing from an annual retainer to an hourly rate (\$400 for partners/counsel, \$325 for associates and \$125 for paralegals), subject to an annual cap (with certain carve outs). She noted that the proposed rates are less than her regular hourly rates. The Trustees requested that Ms. O'Leary distribute the proposed changes in writing for consideration. Ms. O'Leary said she would send a redlined agreement to the Trustees with the proposed changes

VI. NEXT MEETING DATE/ADJOURNMENT

The next regular meeting of the Board of Trustees is scheduled for Thursday, March 30, 2017. With no further business to come before the Board, the meeting was adjourned at 12:57 p.m.

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee