

SUPPLEMENTAL UNEMPLOYMENT BENEFIT FUND OF THE ELECTRICAL INDUSTRY

LOCAL 701 SUB FUND



SUMMARY PLAN DESCRIPTION

- 2014 Edition -

TABLE OF CONTENTS

INTRODUCTION	1
DEFINITIONS.....	2
ELIGIBILITY FOR SUB FUND BENEFITS	3
1. When You Are Unemployed.....	3
2. When You Are Called to Jury Duty.....	4
APPLYING FOR SUB FUND BENEFITS	4
PAYMENT OF SUB FUND BENEFITS	5
Benefit Amount	5
Collecting Your Benefits.....	5
Exclusions and Limitations	5
CLAIM DENIALS	6
CLAIM APPEALS.....	6
GENERAL PLAN PROVISIONS	7
YOUR RIGHTS UNDER ERISA	8
INFORMATION ABOUT YOUR PLAN	10

INTRODUCTION

The Trustees of the I.B.E.W. Local 701 Supplemental Unemployment Benefits Fund (“SUB Fund”) are pleased to present you with this revised Summary Plan Description booklet (SPD) which describes the eligibility rules and benefits available to you from the SUB Fund.

The purpose of the SUB Fund is to supplement the unemployment benefits you receive when you are unable to work.

ABOUT THIS BOOK - This book is intended to give you an accurate summary of the benefits and provisions of your Plan. The Plan Document and the Trust Agreement, which you can read at the Fund Office, contain a detailed description of the rules, regulations, benefits and provisions of your Plan. If any discrepancy exists between this book and the Plan documents, the provisions of the Plan documents will govern. Only the full Board of Trustees is authorized to interpret the Plan described in this book. Its interpretation will be final and binding on all persons dealing with the Plan or claiming a benefit from the Plan. If a decision of the Trustees is challenged in court, it is the intention of the parties that such decision is to be upheld unless it is determined to be arbitrary or capricious. No agent, representative, officer or other person from the union or an employer has the authority to speak for the Trustees or to act contrary to the written terms of the governing Plan documents. If you have questions about eligibility or claims, only the Fund Office is authorized to answer these questions for the Trustees. Matters that are not clear, or which need interpreting, will be referred to the Trustees.

HOW THE SUB FUND IS FUNDED - Participating employers are required to make contributions to the SUB Fund in accordance with the terms of the collective bargaining agreements and participation agreements.

DEFINITIONS

ADMINISTRATIVE MANAGER - The administrative staff maintained by the Trustees that is responsible for carrying out the Trustees' policy decisions, recordkeeping, accounting and payment of benefits, subject to the terms of the Plan Document.

ASSOCIATION - The DuPage Division, Northeastern Illinois Chapter of the National Electrical Contractor's Association.

CONTRIBUTIONS; EMPLOYER CONTRIBUTIONS - Payments required to be made by employers to the Trust Fund in accordance with applicable collective bargaining agreements or other written agreements.

EMPLOYEE - Any person on whose account an employer is, or has been, required to make contributions to the Fund, or who is eligible for benefits from the SUB Fund. The term "employee" does not include a proprietor, a partner of an employer partnership, an officer of a corporate employer, or a stockholder of a corporate employer (including a beneficial owner of stock). However, the term does include an owner-in-fact.

EMPLOYER - Any of the following: 1) the member companies of the Association; 2) other electrical contractors in the geographical area of the Fund who are required by an agreement with the Union to make contributions to the Fund; 3) other employers who employ individuals who are performing tasks falling within the jurisdiction of the Union who employ such employees on a temporary or seasonal basis and who agree with the Union to make contributions to the Fund, provided that such employers have been approved by the Trustees to make contributions for such employment; and 4) the Union for the purpose of making contributions for its employees.

PLAN - The Plan of SUB Fund benefits provided by the I.B.E.W. Local 701 Supplemental Unemployment Benefit Fund of the Electrical Industry as described in this booklet.

TRUST AGREEMENT - The Agreement and Declaration of Trust establishing the I.B.E.W. Local 701 Supplemental Unemployment Benefit Fund of the Electrical Industry, including any amendments thereto.

TRUST FUND; FUND - The I.B.E.W. Local 701 Supplemental Unemployment Benefit Fund of the Electrical Industry, often referred to in this booklet as the "SUB Fund."

TRUSTEES - The Board of Trustees of the I.B.E.W. Local 701 Supplemental Unemployment Benefit Fund of the Electrical Industry.

UNION - Local Union 701 of the International Brotherhood of Electrical Workers.

ELIGIBILITY FOR SUB FUND BENEFITS

1. WHEN YOU ARE UNEMPLOYED

To be eligible for SUB Fund benefits due to unemployment you must meet the following requirements:

A. **Eligible for Welfare Benefits** - You must be eligible for benefits from the I.B.E.W. Local No. 701 Welfare Fund (your medical plan) for the period of time you are claiming a benefit from the SUB Fund. This includes eligibility through active employment, short-hours self-payments or COBRA.

B. **Unemployed and Available for Work** - You must be unemployed and be available for work during the time for which SUB Fund benefits are claimed.

“Unemployed” means receiving weekly unemployment benefits from any State Department of Labor, Division of Unemployment during the week in question.

“Available for work” means that during a given day you are registered upon and have bid on at least one job call on your priority out of work list per day. Your “priority out of work list” will be determined by your classification and the Long Call Book for which you are eligible to register.

But, even if you have registered on the out-of-work list, and have bid or you are entitled to state unemployment benefits, you will NOT be considered “available for work” during any day for which:

- 1) Benefits are paid or payable to you by the I.B.E.W. 701 Pension Plan or any other pension plan of the Union or the International Brotherhood of Electrical Workers;
- 2) Weekly Loss of Time Benefits are paid by I.B.E.W. Local No. 701 Welfare Fund or from workers compensation;
- 3) Retirement or disability benefits are paid or payable by the Social Security Administration; or
- 4) You left the geographical area of the Fund (DuPage County) for employment in the electrical industry in another I.B.E.W. Local jurisdiction.

C. **Application** - You must complete and submit an application for SUB Fund benefits to the Fund’s Administrative Manager within 90 days after the end of the week for which benefits are claimed.

D. **Documentation** - You must present proof from your state unemployment agency that you received unemployment benefits for the week for which benefits are claimed. If you apply for benefits or pick up your benefit check in person, you must show photo identification.

2. WHEN YOU ARE CALLED TO JURY DUTY

To be eligible for SUB Fund benefits due to jury duty you must meet the following requirements:

- A. You must be eligible for benefits from the I.B.E.W. Local No. 701 Welfare Fund (your medical plan) for the days you are on jury duty.
- B. You must NOT be receiving SUB Fund benefits for unemployment for those same days.
- C. You must NOT be receiving Weekly Loss of Time Benefits from the I.B.E.W. Local No. 701 Welfare Fund, or disability benefits from the I.B.E.W. Pension Plan, Social Security Administration or workers compensation, for the days/week for which SUB Fund jury duty benefits are claimed.
- D. You must complete and submit an application for SUB Fund benefits to the Fund's Administrative Manager within 90 days after the end of the week for which benefits are claimed.
- E. You must present written documentation of your days of jury service from the court that issued your summons.

APPLYING FOR SUB FUND BENEFITS

You should apply for your SUB Fund benefits as soon as you become unemployed. SUB Fund benefit applications are available:

- For download at www.ibew701fbo.com, under the SUB Fund tab, or
- By calling (630) 393-1701 prompt #3 to request an application, or
- In person at the Fund Office.

Your completed application and proof from your State Unemployment agency showing that you received unemployment benefits for the weeks listed on your application; or if you were off work because of jury duty, written documentation from the court showing the days you served, may be returned to the Fund Office in person, by mail, fax to (630) 393-3615 or email to info@ibew701fbo.com.

You can obtain information from your State Unemployment agency by visiting the State Unemployment office in person, or by visiting their website. For the State of Illinois Department of Employment security, logon on to: <https://benefits.ides.illinois.gov>. Once you create your account, you can obtain your proof of benefit payment. Please note: a bank statement showing a deposit from your State Unemployment agency is not sufficient, because it does not show the weeks for which you received unemployment benefits.

The Administrative Manager will make a determination of your eligibility when your application is received. If the Administrative Manager is unable to make a determination at that time, the Administrative Manager will make the decision within 30 days, unless special circumstances require additional time. In such cases, you will be notified of his decision by mail.

PAYMENT OF SUB FUND BENEFITS

BENEFIT AMOUNT

SUB Fund benefit amounts are determined by the Trustees and may be changed at any time in their sole discretion.

UNEMPLOYMENT - When you are unemployed, benefits are paid at the rate of **\$20 per day**. Benefits are limited to 130 days per year and to 260 days for your lifetime.

JURY DUTY - When you miss work due to jury duty, the benefit amount is **\$50 per day**, up to a maximum of 5 days in a calendar year.

HOLIDAYS - Benefits are not paid for holidays on which work is customarily not performed by electrical contractors in DuPage County.

REDUCTION FOR PART-TIME WORK -If your state unemployment compensation for a particular week is reduced due to the receipt of wages for less than full-time work, the normal SUB Fund benefit will be reduced by the same proportion that your state unemployment compensation was reduced.

COURT ACTION - The Plan contains provisions designed to protect SUB Fund benefits from any form of assignment or alienation, including subrogation (see "Non-Alienation of Benefits" on page 10). However, you should be aware that a court may choose to attach the benefits pursuant to an appropriate judgment which the Trustees may be required to honor.

WITHHOLDING TAX - Your SUB Fund benefits are considered taxable income for the year in which they are received. As required by Federal law, income taxes will be withheld and you will receive a W-2 form for Federal income tax reporting purposes.

SUSPENSION OF BENEFITS BY THE TRUSTEES - The Trustees may elect to suspend payment of all SUB Fund benefits under the Plan in their sole discretion.

COLLECTING YOUR BENEFITS

If your SUB Fund claim is approved, it will be processed within 7 business days.

The first payment you receive will be for all benefits due for days prior to the date of payment. If additional payments are due, they will be made weekly upon receipt of application and proof of unemployment benefits.

EXCLUSIONS AND LIMITATIONS

No SUB Fund payments will be made for any period of time for which:

1. You do not meet the eligibility requirements described previously; or
2. SUB Fund benefit payments are suspended by the Trustees; or
3. The SUB Fund is terminated by the Trustees, or
4. You have exhausted the benefit limit.

If you receive a payment to which you were not entitled, your SUB Fund benefits will be suspended until the Plan has been repaid.

CLAIM DENIALS

If your claim for SUB Fund benefits is denied by the Administrative Manager, the Administrative Manager will provide you with a notice stating the reason or reasons for the denial, the pertinent parts of the Plan Document and/or Trust Agreement upon which denial is based, a description of the materials or information necessary to perfect your claim, with an explanation of the necessity for such information, a detailed explanation of the SUB Fund appeals procedure, and a statement of your right to bring a civil action under section 502(a) of ERISA. If applicable, the notice will give the specific internal rule, guideline, protocol or similar criterion the Administrative Manager relied on to make the decision. If the claim denial occurs at the time of your in-person application, the Administrative Manager, if possible, will attempt to provide you with this notice at that time. If this is not possible, or if the denial occurs later, the notice will be provided to you, either in person or by mail, as soon as possible, within the time frames described in the "Applying for SUB Fund Benefits" section. An extension may be necessary due to matters beyond the control of the Fund. You will be notified prior to the expiration of the normal approval/denial time period if an extension is needed. If an extension is needed, it will not last more than 30 days. (A second 30-day extension may be needed in special circumstances beyond the Fund's control).

CLAIM APPEALS

If you want the Trustees to review your claim after a denial of benefits, you or your designated representative should deliver to the Administrative Manager in person, or by registered or certified mail, a short written statement requesting an appeal. Deliver your appeal to:

Board of Trustees
I.B.E.W. Local 701 Supplemental Unemployment
Benefit (SUB) Fund Office
28600 Bella Vista Parkway, Suite 1110
Warrenville, IL 60555

You should attach any additional information that you think will help a favorable decision to be made on your claim.

The appeal must be made within 180 days after the date the denial was mailed to you to.

The Trustees will conduct a full and fair review of all the material submitted with your claim, the action taken by the Administrative Manager, the additional information you have provided, and the reasons you believe the claim should be paid. The review will: (1) be conducted by an appropriate named fiduciary who is neither the party who made the initial adverse determination, nor the subordinate of such party; (2) not afford deference to the initial adverse benefit determination; and (3) take into account all comments, documents, records and other information submitted by you, without regard to whether such information was

previously submitted or relied upon in the initial determination. You have the right, upon request and free of charge, to have copies of all documents, records and other information relevant to your claim for benefits.

You may authorize a representative to act on your behalf, although the Trustees will request verification that an individual has been so authorized.

A review and determination of your claim will be made no later than the date of the Trustees meeting that immediately follows receipt of a request for review, unless the request for review is filed within 30 days preceding the date of such meeting. In such case, a determination may be made by no later than the date of the second meeting. If special circumstances (such as the need to hold a hearing) require a further extension of time for processing, a determination will be rendered not later than the third Trustees meeting. Before the start of the extension, you will be notified in writing of the extension, including a description of the special circumstances and the date as of which the determination will be made. After a decision has been made, you will be informed in writing of the Trustees' decision, normally within 5 calendar days of the review. When you receive the decision on your appeal, it will contain the reasons for the decision and specific references to the particular Plan provisions upon which the decision was based.

GENERAL PLAN PROVISIONS

TRUSTEE AUTHORITY - The Trustees have the right to determine all questions arising in the administration, interpretation and application of the SUB Fund, including questions of eligibility. The Trustees also have the power and authority to decide all questions or controversies arising in any manner, between any parties, in connection with the Trust Fund or the operation thereof, whether as to any claim for benefits, or as to the construction and meaning of the rules and language of the Plan. All such decisions require the use of the fullest measure of discretion available under law. Decisions of the Trustees (or, where appropriate, decisions of those acting for the Trustees) in such matters are final and binding on all persons dealing with the Fund or claiming a benefit from the Plan. If a decision of the Trustees or those acting for the Trustees is challenged in court, it is the intention of the parties to the Trust that such decision is to be upheld unless it is determined to be arbitrary or capricious.

AMENDMENTS AND CHANGES - The Trustees have the legal right to change the Plan, subject to any applicable collective bargaining agreement. Although the Trustees hope to maintain the present level of benefits, and to improve upon them if possible, a primary concern of the Trustees is to protect the financial soundness of the SUB Fund at all times. To do so may require Plan changes from time to time. Changes in the Plan may also be required in order to preserve the Fund's tax-exempt status under Internal Revenue Service rules and regulations. These rules and regulations may change and, as a result, the Trustees may find it necessary to change Plan provisions so that the Trust Fund does not lose its tax-exempt status.

DISCONTINUATION OR TERMINATION OF THE FUND - The SUB Fund may be discontinued or terminated under certain circumstances, for example if future collective bargaining agreements and participation agreements don't require employer contributions to the Fund. In such event, the Trustees shall:

1. Make provision for the payment from the Fund of obligations of the Fund; and
2. Distribute the balance of the available assets in the Fund in any manner which will, in the opinion of the Trustees, best effectuate the purpose of the Fund; provided, however, that no part of the corpus or income of said Fund shall be used for, or be diverted to, purposes other than for the exclusive benefit of the employees, their families, beneficiaries, or dependents; the administrative expenses of the Fund; or for other payments in accordance with the provisions of the Fund. Under no circumstances shall any portion of the corpus or income of the Fund, directly or indirectly, revert or accrue to the benefit of any contributing employer or Union.

TAX-EXEMPT STATUS OF THE FUND - Your SUB Fund is classified by the Internal Revenue Service as a Section 501(c) (9) tax-exempt Trust. This means that the employers' contributions to the Trust are tax deductible and are not included as part of your income. Also, investment earnings on Fund assets are excluded as taxable income of the Trust since they are specifically set aside for the purpose of providing benefits to participants. Obviously such tax exemption works to the benefit of both employers and employees. In effect, it means that money that otherwise might be payable as taxes can be used to purchase benefits and to cover administrative expenses. The Trustees are well aware of these advantages and will take whatever steps are necessary to keep your Plan a tax-exempt Trust under Internal Revenue Service rules.

BENEFITS ARE NOT VESTED - No employee or any person claiming a benefit from this Fund shall have any right, title or interest in or to the Trust Fund or any property of the Trust Fund, except as may be specifically determined by the Trustees and required by ERISA or the Internal Revenue Code.

NON-ALIENATION OF BENEFITS - No SUB Fund benefits shall be subject in any manner to alienation, sale, transfer, assignment, pledge, attachment or encumbrance of any kind, and any attempt to do so will be void. The Fund shall not in any manner be liable for, or subject to, the debts or liability of any employee entitled to benefits. If an employee shall attempt to, or shall, alienate, sell, transfer, assign, pledge or otherwise encumber his benefits, or if by bankruptcy or other reason such benefits would devolve upon anyone else, the Trustees in their sole discretion may terminate the employee's interest in such benefits, and hold or apply them to or for his dependent in a manner the Trustees may deem proper.

YOUR RIGHTS UNDER ERISA

As a participant in the I.B.E.W. Local 701 Supplemental Unemployment Benefit Fund of the Electrical Industry, you are entitled to certain rights and protections under the Employee Retirement Income Security Act of 1974 as amended (ERISA). ERISA provides that all Plan participants are entitled to:

RECEIVE INFORMATION ABOUT YOUR PLAN AND BENEFITS

- Examine, without charge, at the Administrative Manager'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 Pension and Welfare Benefit Administration.
- Obtain, upon written request to the Administrative Manager, 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.
- 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 SUB Fund 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 Administrative Manager 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 medical child support order, you may file suit in Federal court. If you believe that Plan fiduciaries misuse the Plan's money, or if you believe 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. If you have any questions about your Plan, you should contact the Fund 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 Administrative Manager, you should contact the nearest office of the Pension and

Welfare Benefits Administration, U.S. Department of Labor, listed in your telephone directory or the Division of Technical Assistance and Inquiries, Pension and Welfare Benefits 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 Pension and Welfare Benefits Administration.

HOW TO READ OR GET PLAN MATERIAL - You can read the material listed in the previous section by making an appointment at the Fund Office during normal business hours. This same information can be made available for your examination at certain locations other than the Fund Office. The Fund Office will inform you of these locations and tell you how to make an appointment to examine this material at these locations. Also, copies of the material will be mailed to you if you send a written request to the Fund Office. There may be a small charge for copying some of the material. Before requesting material, call the Fund Office to find out the cost. If a charge is made, your check must be attached to your written request for the material.

INFORMATION ABOUT YOUR PLAN

NAME OF PLAN - The name of the Plan is the I.B.E.W. Local 701 Supplemental Unemployment Benefit Fund of the Electrical Industry.

TYPE OF PLAN - This Plan is a welfare plan providing supplemental unemployment benefits administered and maintained by the Board of Trustees.

NAME AND ADDRESS OF THE ADMINISTRATIVE MANAGER - The Administrative Manager selected by the Trustees is:

Administrative Manager
The I.B.E.W. Local 701 Supplemental Unemployment
Benefit (SUB) Fund Office
28600 Bella Vista Parkway, Suite 1110
Warrenville, IL 60555
(630) 393-1701 prompt #3

ADDRESS OF THE BOARD OF TRUSTEES - The Board of Trustees' office is:

I.B.E.W. Local 701 Supplemental Unemployment
Benefit (SUB) Board of Trustees
28600 Bella Vista Parkway, Suite 1110
Warrenville, IL 60555
(630) 393-1701 prompt #3

PLAN YEAR - The financial records of this Plan are based on a fiscal year that begins June 1 and ends May 31.

SOURCE OF INCOME; METHOD OF FUNDING - Sources of Trust Fund income include employer contributions and investment earnings. All employer contri-

butions are paid to the Trust Fund subject to provisions in the collective bargaining agreements or non-bargaining participation agreements between the Union and an employer association, or for those employers who are not members of, or represented by, the association, individual collective bargaining agreements with the Union.

All benefits payable under the Plan are self-funded and paid directly from the accumulated assets of the Trust Fund. A portion of Fund assets are also allocated for reserves to meet future liabilities and carry out the objectives of the Plan.

NAMES AND ADDRESSES OF THE BOARD OF TRUSTEES - As of February 1, 2014, the Trustees of the Fund are:

For the Union:

Mr. Frank Furco
Business Manager
IBEW Local 701
28600 Bella Vista Parkway
Suite 1000
Warrenville, IL 60555

Mr. Robert Panatera
IBEW Local 701 Funds
28600 Bella Vista Parkway
Suite 1110
Warrenville, IL 60555

Mr. William C. Drew
IBEW Local 701
28600 Bella Vista Parkway
Suite 1000
Warrenville, IL 60555

Mr. John McDonnell
IBEW Local 701 Funds
28600 Bella Vista Parkway
Suite 1110
Warrenville, IL 60555

Mr. Anthony Giunti
IBEW Local 701
28600 Bella Vista Parkway
Suite 1000
Warrenville, IL 60555

For the Employers:

Ms. Sharon Cattaneo
Cattaneo Electric Company
8171 S. Lemont Road
Darien, IL 60561

Mr. Kevin P. Connelly
Connelly Electric
40 S Addison Road
Suite 100
Addison, IL 60101

Mr. Brian Haug
Continental Electrical Construction
Company
815 Commerce Drive
Suite 100
Oak Brook, IL 60523

Mr. Anthony Mulizio
Preferred Electrical Construction Corp.
55 N. Garden Avenue
Roselle, IL 60172

Mr. Dan Fitzgibbons
Gibson Electric & Technology Solutions
3100 Wood Creek Drive
Downers Gove, IL 60515

PARTIES TO THE COLLECTIVE BARGAINING AGREEMENTS - The Fund is established and maintained under the terms of collective bargaining agreements. These agreements set forth the conditions under which participating employers are required to contribute to the Fund. The parties to the collective bargaining agreements are the DuPage Division, Northeastern Illinois Chapter National Electrical Contractors Association, and International Brotherhood of Electrical Workers Local 701

PLAN IDENTIFICATION NUMBERS - The Internal Revenue Service Identification Number (EIN) issued to the Plan is 36-4166378. The Plan Number (PN) is 501.

AGENT FOR SERVICE OF LEGAL PROCESS - Fund Counsel to the Board of Trustees is the Fund's agent for service of legal process. Accordingly, if legal disputes involving the Plan arise, any legal documents should be served upon Fund Counsel whose name and address is shown below:

Hugh B. Arnold, Esq.
ARNOLD AND KADJAN
203 N. LaSalle Street, Suite 1650
Chicago, IL 60601