

**TOLEDO ELECTRICAL WELFARE FUND –  
EMPLOYEE RETENTION PLAN  
("SUB FUND")**

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**SUMMARY PLAN DESCRIPTION – INSIDE EMPLOYEES**

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For Changes Effective January 1, 2016

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**TOLEDO ELECTRICAL WELFARE FUND – EMPLOYEE RETENTION PLAN**  
**SUMMARY PLAN DESCRIPTION**

This document is the Summary Plan Description of the Toledo Electrical Welfare Fund – Employee Retention Plan (“ERP Plan”). The Summary Plan Description (“SPD”) is an overview of the benefits offered under the Plan as well as the rules governing Plan administration. The actual rules can be found in the Plan document and are written in technical legal language. Since this SPD is only an overview of those rules, if there is a conflict between this handbook and the Plan document, the Plan document governs. The ERP Plan is part of the Toledo Electrical Welfare Fund (“Fund”). As such, some information about the ERP Plan, such as some information about the Plan and its appeal procedures, can be found in the plan document and summary plan description for the Fund, the terms of which are hereby incorporated as required. Where there is a conflict between this SPD and the Fund’s SPD, this SPD governs.

This Plan is intended to provide you, the Participant, with supplemental unemployment benefits in the event of sustained unemployment. Credits are earned based on hours worked per month, and then “spent” to receive benefits. The Fund, under the direction of the Board of Trustees, reserves the right to amend the Plan at any time.

**Section 1.0 – Information About the Plan**

**Plan Name**

Toledo Electrical Welfare Fund  
Employee Retention Plan

**Plan Sponsor**

Board of Trustees, Toledo Electrical Welfare Fund  
727 Lime City Road, Suite 200  
P.O. Box 60408  
Rossford, Ohio 43460  
EIN: 34-4441661

**Plan Administrator**

Board of Trustees, Toledo Electrical Welfare Fund  
727 Lime City Road, Suite 200  
P.O. Box 60408  
Rossford, Ohio 43460  
EIN: 34-4441661

**Plan Year**

The Plan Year begins on January 1<sup>st</sup> and ends on December 31<sup>st</sup>.  
Plan records are maintained on that basis.

**Effective Date**

The Plan was most recently restated effective January 1, 2016.

**Administration and Funding**

Benefits under the Plan are paid from the general assets of the Fund and administered by the Fund

**Agent for Legal Process**

Toledo Electrical Welfare Fund  
727 Lime City Road, Suite 200  
P.O. Box 60408  
Rossford, Ohio 43460

<b>Board of Trustee Members (as of January 1, 2012)</b>	
Todd T. Michaelsen (Management)	Joseph E. Cousino (Labor)
Michael J. Arnold (Management)	Eric Grosswiler (Labor)
Michael L. McCormack (Management)	Shawn A. Robaszkiewicz (Labor)
Ritchie Levine (Management)	Roy B. Grosswiler (Labor)

Legal process may be made upon any plan trustee, the Plan Administrator, or the above-named Agent.

## **Section 2.0 – Earning Credits Under the Plan**

Members earn credits in the Plan through Covered Employment. Under the terms of the Plan, a Member can earn a maximum of two (2) credits for any given Work Month. If the Member works twenty-four (24) hours or more during a Work Month, the Member earns two (2) credits under the Plan. However, if the Member works less than twenty-four (24) hours during a Work Month, but at least one (1) hour, the Participant will receive one (1) credit under the Plan.

**TIP:** Work Months are based on the reporting period established by the Collective Bargaining Agreement and do not necessarily correspond with the calendar month. Please refer to I.B.E.W. Local No. 8 Pocket Memo for a description of the Benefit Reporting Periods.

In order to begin receiving benefits under the Plan, a Member must first accumulate twelve (12) credits in the Plan. An individual only needs to reach this threshold once. After a Member accumulates twelve (12) credits under the Plan, he or she can begin drawing benefits once the other eligibility rules are satisfied.

**EX:** A Member begins working in Covered Employment and accumulates fourteen (14) credits under the Plan. Thereafter, the Member is laid-off through no fault of his own and signs the Local No. 8 Out-of-Work List. The Member receives seven (7) ERP Payments while unemployed. The Member then returns to Covered Employment and earns two (2) additional credits before being laid-off again and signing the Local No. 8 Out-of-Work List. Even though the Member has less than twelve (12) credits (in this scenario the Member has 9), the Member can begin drawing ERP benefits after the second lay-off.

The maximum amount of credits a Member may hold in his or her bank is fifty-two (52).

A Member may also accrue credits while working outside of Local No 8's jurisdiction through reciprocity contributions. Incoming health and welfare reciprocity dollars are prioritized in the following manner:

- 1) Paying for Health Insurance
- 2) Satisfying VEBA/SFBB Contributions;
- 3) Earning Credits under the ERP

If the Funds Office receives contributions sufficient to satisfy Health and Welfare and VEBA/SFBB Contributions (Nos. 1 and 2 above), any remaining contributions are converted to credits in the following manner:

- 1) Dollar amount per hour above Health and Welfare and VEBA/SFBB
- 2) Times the number of reciprocity hours remitted
- 3) Divided by the current ERP hourly contribution (\$1.20/hour)
- 4) Equals hours worked for the credit formula

The current Health and Welfare contribution rate under the Local No. 8 Inside Agreement is \$12.13 per hour. The breakdown is as follows: \$9.93 H&W; \$1.00 VEBA/SFBB; \$1.20 ERP.

**Ex:** Member works outside the Local 8 jurisdiction and has Health and Welfare contributions reciprocated back to Local 8. The Health and Welfare contribution rate for the other jurisdiction is \$11.87 per hour. The Member works 159 hours during the reporting period.

- 1)  $\$11.87 - \$10.93 = \$0.94$
- 2)  $0.94 \times 159 \text{ hours} = 149.46$
- 3)  $149.46 \div 1.20 = 124.5 \text{ hours}$

The Member would receive two (2) ERP credits for the hours worked during this reporting period.

**Ex:** The Member works outside of the Local 8 jurisdiction and has Health and Welfare contributions reciprocated back to Local 8. The Health and Welfare contribution rate for the other jurisdiction is \$10.50 per hour. The Member works 200 hours during the reporting period. The Member would not receive any ERP credits since the total Health Welfare Contribution is less than \$10.93 (Local No. 8 H&W plus VEBA/SFBB Rates).

### **Section 3.0 – ERP Eligibility**

Once a Member has accumulated twelve (12) credits in the Plan and is involuntarily unemployed (i.e., clean lay-off), the Member may file an ERP Claim so long as he or she is entitled to State Unemployment Benefits and has signed the Local No. 8 Out-of-Work List.

If you are ineligible for State Unemployment Benefits, you could still be eligible for ERP Benefits. For example, if you have exhausted your State Unemployment Benefits, were not sufficiently employed to become entitled to State Unemployment Benefits, or have earned other compensation that disqualifies you from State Unemployment Benefits, you may still be eligible for ERP benefits so long as you were involuntarily terminated and have signed the Local No. 8 Out-of-Work List.

**TIP:** If you are ineligible for State Unemployment Benefits but wish to file an ERP Claim, contact the Funds Office for additional information. You may be required to submit additional supporting documentation.

However, you will be ineligible for ERP benefits under any of the following circumstances:

- 1) You quit or were terminated for cause;
- 2) You are working outside of Local 8's jurisdiction within the electrical industry;
- 3) You are working in the electrical industry for an employer who is not signatory to the Collective Bargaining Agreement;
- 4) You are on a scheduled vacation or are on medical/disability leave;
- 5) You have received disability benefits; or
- 6) You have retired or received a termination of employment distribution from the Pension Plan (not including the 6 Month Special Separation of Service Distribution)

Furthermore, if you Roll the Book, you are not eligible for ERP benefits unless you were working outside of Local No. 8's jurisdiction for an employer subject to reciprocity when you rolled. To be eligible for benefits after having rolled the Local No. 8 Out-of-Work List (and before accepting another referral) you must meet the following three (3) requirements:

- 1) You were employed outside of Local No. 8's jurisdiction when you Rolled the Book;
- 2) You can provide proof (such as pay stubs) that you were employed by a qualifying employer out of the jurisdiction when you rolled; and
- 3) You are currently on the Local No. 8 Out-of-Work List

**Section 4.0 – Filing an ERP Claim**


In order to be eligible to receive benefits, a Member must have received a clean lay-off and be registered on the Local No. 8 Out-of-Work List. The Member must also submit an application with the Funds Office. Applications can be submitted either online (at [www.electricalfunds.org](http://www.electricalfunds.org)) or at the benefits office.

The benefit week runs from Monday through Sunday. Applications are accepted beginning from Wednesday of the week you are unemployed to the end of the day the preceding Monday. No applications are accepted on Tuesday and the Funds Office does not hold applications for future payments.

No benefits will be paid without a timely application. No retroactive payments will be made for weeks a Member was laid off, but failed to file an application.

**Ex:** Filing an Application in March 2016

March 2016						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 No Apps	2	3	4	5
6	7	8 No Apps	9	10 Member Laid Off	11	12
13	14	15 No Apps	16	17	18	19
20	21	22 No Apps	23	24	25 Payment Date	26
27	28	29 No Apps	30	31		



A Member is laid-off on Thursday March 10, 2016 after working steady the previous two (2) months. The benefit week runs from Monday through Sunday.



- 1) Since the Member worked more than two (2) days during the period beginning Monday March 7<sup>th</sup> and ending Sunday March 13<sup>th</sup>, the Member is not eligible for an ERP Payment for that Week.
- 2) However, the Member can file for the following benefit week, beginning Monday March 14<sup>th</sup> and ending Sunday March 20<sup>th</sup>.
- 3) The Member must submit an application by Monday March 21<sup>st</sup> in order to be eligible for benefits during the period running March 14<sup>th</sup> and ending Monday March 20<sup>th</sup>.
- 4) The earliest the Member can submit an application for this benefit week would be Thursday March 10<sup>th</sup>.

Payments are made via direct deposit on the Friday following the close of the benefit week.

**Ex:** A Member applies for ERP benefits for the benefit week beginning Monday March 14<sup>th</sup> and ending Sunday March 20<sup>th</sup>. If the Member satisfies the Plan's eligibility rules, the Member will receive an ERP Payment on Friday March 25<sup>th</sup>.

### **Section 5.0 – ERP Waiting Week**

Effective January 20, 2016, a one (1) week waiting period has been instituted in the Plan. This means you must have been unemployed for at least one (1) week before you are eligible to receive ERP benefits. The 1-week waiting period is based on a rolling fifty-two (52) week look-back period.

The look-back period is measured from the date of the ERP application. In other words, the Plan will look back fifty-two (52) weeks from the date of your ERP application to determine whether you have been subject to the 1-week waiting period. If you have not been subject to the waiting week within this period, the 1-week waiting period will apply. If you have already experienced a waiting week, then you will not be subjected to a second.

Similar to State Unemployment Benefits, Members should submit an ERP Application each week, including any applicable waiting week.

Any week in which a call for work goes to Book 2 of the Local 8 Out-of-Work list will not count as a waiting week.

## **Section 6.0 – ERP Plan Payments**

Benefits are paid on a weekly basis at an amount equal to eighteen percent (18%) of the base wage at 40 hours per week. The “base wage” is the current Journeyman Inside Wireman’s Rate, or the applicable percentage based on apprentice classification.

## **Section 7.0 – Temporary Suspension (Book 2 Calls)**

If the Local No. 8 referral office fills calls from Book 2 of the Local 8 Out-of-Work list, the ERP benefit is suspended for that week. No one is eligible for payments unless he or she is on Book 2 or is an apprentice. Further, no one will receive credit for a waiting week in any week a call goes to Book 2, unless that Member is on Book 2 or is an apprentice.

## **Section 8.0 – Powers of Plan Administrator**

The Plan Administrator is empowered and authorized to make rules and regulations as well as determine or resolve all questions that may arise as to the eligibility, benefits, status, and rights of any person claiming benefits under the Plan. The Plan Administrator has the exclusive right, power and authority, in its sole and absolute discretion, to construe and interpret the Plan and to correct any defect, omissions, or inconsistencies in the Plan. Further, the Plan Administrator may delegate any of its authority under the Plan to any person, committee of persons, or entity as the Plan Administrator determines. The decision of the Plan Administrator shall be final, conclusive, and binding on all persons in connection with the Plan, and all such decisions shall be given deference unless they are arbitrary and capricious.

## **Section 9.0 – Amendment, Termination, Suspension**

While it is expected that this Plan will continue forever, circumstances may arise that require this Plan, or any component, to be amended, temporarily suspended, or even terminated. Therefore, the Board of Trustees for the Plan reserve the right to amend, modify, suspend, or terminate this Plan or any component of this Plan at any time. If action is taken which results in the termination of coverage under the Plan, any claims incurred prior to such action will be paid. To the extent allowed by law, claims incurred on or after such action will not be paid.

## **Section 10.0 – Recovery of Overpayment**

If a Member mistakenly receives ERP benefits and was not eligible for the payments, the Plan reserves the right to request a refund of the erroneous payments. If a Member refuses to reimburse the Plan for benefits for which the Member was ineligible, the Plan reserves the right to treat the overpayment as an advance payment of future benefits and to offset the amount against any future payments due from the Plan. In addition, the Plan reserves the right to offset any future benefits from the Supplemental Fringe Benefit Fund or Health & Welfare Plan in the event a Member refuses to reimburse the Plan for ineligible benefits. In the event that a Member receives an overpayment or other benefits for which he or she was ineligible from the Supplemental Fringe Benefit Fund or Health & Welfare Plan, that Member's benefits under this Plan may be retained to offset the benefits received under those plans.

## **Section 11.0 – Employee Retirement Income Security Act of 1974 (ERISA)**

Statement of Participant Rights – As a Participant in the Toledo Electrical Welfare Benefit Plan, you are entitled to certain rights and protections under the Employee Retirement Income Security Act of 1974 (“ERISA”). ERISA provides all Plan Participants with the right to:

- 1) 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 any insurance contracts or collective bargaining agreements, as well as 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.
- 2) Obtain upon written request to the Plan Administrator, copies of the documents governing the operation of the Plan, including any insurance contracts or collective bargaining agreements, as well as a copy of the latest annual report (Form 5500 Series) and updated summary plan description. The Plan Administrator may charge a reasonable fee for such copies.
- 3) Continue health care coverage for yourself, spouse or dependents if there is a loss of coverage under the Plan as a result of a Qualifying Event. You or

your dependents may have to pay for such coverage. Please review Section 8.2 for a better description of COBRA continuation coverage.

- 4) Reduction or elimination of exclusionary periods of coverage for preexisting conditions under your group health plan if you have creditable coverage from another plan. You should be provided a certificate of creditable coverage, free of charge, from your group health plan or health insurance issuer when you lose coverage under the plan, when you become entitled to elect COBRA continuation coverage, when your COBRA continuation coverage ceases (if you request it before losing coverage), or if you request it up to twenty-four (24) months after losing coverage.

Enforce your Rights – 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 thirty (30) days, you may file suit in Federal court. In such a case, the court may require the Plan Administrator to provide the materials and pay you up to one-hundred and ten dollars (\$110) per day until you receive the materials, unless the materials were not sent because of reasons beyond the control of the Plan 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 medical child support order, you may file suit in 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 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. However, if you lose, the court may order you to pay these costs and fees, for example, if it finds your claim frivolous.

Prudent Action by Plan Fiduciaries – In addition to creating rights for Plan participants, ERISA imposes duties upon the people who are responsible for the operation of an 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. If your claim for a welfare benefit 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.

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 your rights under ERISA, 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 Inquires, 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.