

**INTERNATIONAL UNION OF OPERATING ENGINEERS  
LOCAL 25 MARINE DIVISION  
VACATION PLAN  
461 State Route 33  
Millstone Township, New Jersey 08535  
(800) 548-6662**

**S U M M A R Y   P L A N   D E S C R I P T I O N**

**Effective April 1, 2014**

**PLAN NAME:**

International Union of Operating Engineers Local 25 Marine Division  
Vacation Plan  
461 State Route 33  
Millstone Township, New Jersey 08535

**PLAN SPONSOR:**

Board of Trustees of the International Union of Operating Engineers  
Local 25 Marine Division  
Vacation Plan  
461 State Route 33  
Millstone Township, New Jersey 08535

A complete list of the employers participating in the Plan may be obtained by participants and beneficiaries upon written request to the Plan Administrator.

**PLAN ADMINISTRATOR:**

Board of Trustees of the International Union of Operating Engineers  
Local 25 Marine Division  
Vacation Plan  
461 State Route 33  
Millstone Township, New Jersey 08535

**EMPLOYER IDENTIFICATION NUMBER OF PLAN ADMINISTRATOR:**

13-6112548

**PLAN NUMBER:**           501

**PLAN YEAR ENDS:**     December 31

**AGENT FOR SERVICE OF LEGAL PROCESS:**

Larry H. Schleyer, Administrator  
International Union of Operating Engineers Local 25 Marine Division  
Vacation Plan  
461 State Route 33  
Millstone Township, New Jersey 08535

Service of legal process may be made on a Plan Trustee or the Plan Administrator.

## **TYPE OF PLAN**

Self-insured multiemployer employee welfare benefit plan maintained pursuant to one or more collective bargaining agreements. A copy of any such collective bargaining agreement may be obtained by participants and beneficiaries upon written request to the Joint Board of Trustees, and is available for examination by participants and beneficiaries.

## **FUNDING METHOD AND TYPE OF ADMINISTRATION**

The Vacation Plan was created as a result of collective bargaining between the union and certain contributing employers. The Plan is financed entirely by employer contributions and investments thereon for the purpose of providing vacation benefits to eligible participants.

## **PLAN OFFICE TELEPHONE NUMBER**

(800) 548-6662

## TABLE OF CONTENTS

INTRODUCTION .....	v
PLAN BENEFITS .....	1
How Do You Earn Vacation Benefits?.....	1
How Do You Qualify for Vacation Benefits? .....	1
Benefits for Pensioners or Beneficiaries of Deceased Members .....	1
How To Determine Your Vacation Pay.....	2
How Do You Become Eligible for Increased Benefits? .....	2
How to Calculate Your Vacation Benefits .....	3
Maximum Vacation Benefits .....	3
When May You Apply For Vacation Benefits .....	3
Claim Procedures - How to File An Application For Vacation Pay.....	4
Claim Procedures - Review of Claim Denial: .....	5
STATEMENT OF ERISA RIGHTS.....	7

## BOARD OF TRUSTEES AND OTHER INFORMATION

The Members of the Board of Trustees of the International Union of Operating Engineers, Local 25, Marine Division Vacation Plan as of April 1, 2014 are:

### EMPLOYER TRUSTEES

Stephen Newton, Co-Chair  
Norfolk Dredging Co..  
P.O. Box 1706  
Chesapeake, VA 23320

Christine Schuver  
Great Lakes Dredge & Dock Co.  
2122 York Road  
Oak Brook, IL 60523

Patrick J. Whelan  
Weeks Marine, Inc.  
4 Commerce Drive, 2 Floor  
Cranford, NJ 07016

### UNION TRUSTEES

Scott Winter, Co-Chair  
IUOE Marine Division Local 25  
463 Highway 33 East  
Millstone Township, NJ 08535

Paul J. Abell  
IUOE Marine Division Local 25  
12610 Henderson Road  
Tampa, FL 33625

Michael J. Curry  
IUOE Marine Division Local 25  
463 Highway 33 East  
Millstone Township, NJ 08535

### EMPLOYER ALTERNATE TRUSTEES

Michael D. Ernst  
Weeks Marine, Inc.  
Inwood Bus. Park, 304 Gaille Dr.  
Covington, LA 70433

Steven O'Hara *\*effective 4/21/2014*  
Great Lakes Dredge & Dock Co.  
2122 York Road  
Oak Brook, IL 60523

Guilford D. Ware, Jr.  
Norfolk Dredging Co.  
P.O. Box 1706  
Chesapeake, VA 23327

### UNION ALTERNATE TRUSTEES

Anthony J. Gonsiewski, Jr.  
IUOE Marine Division Local 25  
463 Highway 33 East  
Millstone Township, NJ 08535

Scott Reeves  
IUOE Marine Division Local 25  
463 Highway 33 East  
Millstone Township, NJ 08535

John A. Zappala  
IUOE Marine Division Local 25  
463 Highway 33 East  
Millstone Township, NJ 08535

## **Name and Addresses of Professionals Aiding in the Administration of the Plan:**

### AUDITOR

Buchbinder Tunick and Company  
One Penn Plaza, Suite 5335  
New York, NY 10119

### COUNSEL

Cohen Weiss and Simon LLP  
330 West 42<sup>nd</sup> Street  
New York, NY 10036

## INTRODUCTION

The Local 25 Vacation Plan was created on February 6, 1963 as a result of Collective Bargaining between the Union and employers in the Dredging Industry. It is financed by employer contributions and investments thereon. Members do not contribute to the Plan.

Employees first began earning Vacation Plan benefits for employment which began on and after October 1, 1962. Employees can accrue hours towards Vacation Plan benefits during the period October 1 to September 30. This period is called the Plan's *fiscal year*.

The Local 25 Vacation Plan is an industry-wide multiemployer Plan. An employee may accrue hours for Vacation Plan benefits by combining his hours worked in covered employment with several contributing employers during any one fiscal year, provided that the employer's collective bargaining agreement requires that contributions be made on the employee's behalf to the Vacation Plan and the employee meets the minimum requirements explained later in this booklet.

The following pages provide a general description of the benefits and most important provisions of the I.U.O.E. Marine Division Local 25 Vacation Plan. Nothing in this description is meant to interpret, extend or change in any way the terms of the Plan as expressed in the Plan's governing plan document. Accordingly, your rights under the Plan can only be determined by the Plan document, which is available for inspection at the Plan's Office or any office of the Union. Copies are also available upon written request to the Joint Board of Trustees.

The Vacation Plan is self-insured Fund administered by a joint union-industry Board of Trustees, who serve without compensation. The day-to-day operations of the Plan are administered by a full-time administrator and his staff.

The Board of Trustees is composed of three Trustees selected by the Union and three Trustees selected by the Employers, along with their alternates.

The Plan's requirements with respect to eligibility for Plan benefits are set forth in this booklet, as are the procedures for filing an application for benefits and appealing a claim that has been denied.

# PLAN BENEFITS

## How Do You Earn Vacation Benefits?

You can earn vacation benefits by performing work covered by a Collective Bargaining Agreement between an employer and the Union, provided that the Agreement requires that contributions be made on your behalf to the Vacation Plan. This employment is called *covered employment*.

## How Do You Qualify for Vacation Benefits?

**Participants who first worked in covered employment for a contributing employer prior to October 1, 2005** must work at least **500 hours** in covered employment during a fiscal year in order to qualify for Vacation Plan benefits.

As explained earlier, the Plan's fiscal year is the period between any **October 1 and September 30**. As an example, if you are an employee who became employed in covered employment on January 15, 2005, you must work at least 500 hours in covered employment prior to the end of that fiscal year, which is September 30, 2005.

**Participants who first worked in covered employment for a contributing employer on or after October 1, 2005** must work a minimum of **1,000 hours** in covered employment in a fiscal year in order to qualify for Vacation Plan benefits. Accordingly, if you are an employee who becomes employed in covered employment for the first time on January 15, 2014, you must work at least 1,000 hours in covered employment prior to the end of that fiscal year, which is September 30, 2014.

If you do not work at least 500 hours of covered employment during a fiscal year (1,000 hours for employees who first worked in covered employment for a contributing employer on or after October 1, 2005), you will not be eligible for any Vacation Plan benefits during that fiscal year, unless you die or retire before the end of the fiscal year (see page 1 at bottom of page for more details).

If you work less than 500 hours in covered employment during a fiscal year (1,000 hours for employees who first worked in covered employment for a contributing employer on or after October 1, 2005), you may not carry the hours over into the next fiscal year. The hours you accrued are forfeited. You must start over during the next fiscal year and accumulate at least 500 hours (1,000 hours for employees who first worked in covered employment for a contributing employer on or after October 1, 2005) during that fiscal year in order to be eligible for benefits.

## Benefits for Pensioners or Beneficiaries of Deceased Members

If you are a Participant in the Vacation Plan and you retire from the IUOE Central Pension Fund, you will be eligible to collect any unclaimed Vacation Plan benefits accrued but not received in the fiscal year in which you retired even if you did not work at least 500 hours in covered employment in that fiscal year (1,000 hours for employees who first worked in covered employment for a contributing employer on or after October 1, 2005).

In the event a Participant dies, his or her beneficiary designated under the Local 25 Medical Plan will be eligible to receive any unclaimed Vacation Plan benefits even though he or she had not worked at least 500 hours in covered employment (1,000 hours for employees who first worked in covered

employment for a contributing employer on or after October 1, 2005).

## **How To Determine Your Vacation Pay**

The amount of your Vacation Plan pay depends on two factors. On a monthly basis, each company is required to submit to the Plan Office a report which itemizes each employee's name, Social Security Number, total hours worked, and straight time wages earned. This is a record of your actual employment which is maintained on a fiscal year basis.

Besides your actual employment record as determined from your employer's reports, the amount of your Vacation Plan benefits depends upon the length of service in covered employment.

The following schedule of vacation benefits is currently in effect for a maximum of 2,000 hours of covered employment *for participants who first worked in covered employment before October 1, 2005*:

- The benefit for an employee who has been employed in covered employment for less than 5 years shall be **68 hours**.
- The benefit for an employee who has been employed in covered employment for at least five years but less than ten years shall be **144 hours**.
- The benefit for an employee who has been employed in covered employment for at least ten years but less than fifteen years shall be **220 hours**.
- The benefit for an employee who has been employed in covered employment for at least fifteen years but less than twenty years shall be **236 hours**.
- The benefit for an employee who has been employed in covered employment for at least twenty or more years shall be **296 hours**.

The following schedule of vacation benefits is currently in effect for a maximum of 2,000 hours of covered employment *for participants who first worked in covered employment on or after October 1, 2005*:

- The benefit for an employee who has been employed in covered employment for less than 5 years shall be **48 hours**.
- The benefit for an employee who has been employed in covered employment for at least five years but less than ten years shall be **144 hours**.
- The benefit for an employee who has been employed in covered employment for at least ten years but less than fifteen years shall be **220 hours**.
- The benefit for an employee who has been employed in covered employment for at least fifteen years but less than twenty years shall be **236 hours**.
- The benefit for an employee who has been employed in covered employment for at least twenty or more years shall be **296 hours**.

## **How Do You Become Eligible for Increased Benefits?**

In order to gain seniority for determining your category of Vacation Plan benefits, you must actually be working in covered employment. In some instances, you may not be employed in covered employment for an indefinite period of time for various reasons. If you are temporarily out of covered employment, you do not gain seniority until you return to covered employment.

The only exception to this rule is that you will receive employment credit for military service provided you were employed in covered employment prior to your military service and make yourself available for reemployment within 120 days from your date of discharge or separation from military service.

## **How to Calculate Your Vacation Benefits**

After you file for Vacation Plan benefits, you will receive a check from the Plan Office along with an explanation of how your benefits were determined.

The Plan Office explanation will indicate your length of service status, the total number of hours worked during each fiscal year, and the number of hours of Vacation Plan benefits you received. The following are some examples of this calculation

**Example 1:** Suppose you are an employee who has accumulated 2,000 hours of covered employment and you earned \$18.00 an hour and have less than five years of service. As of October 1, your benefits would be calculated as follows.

### **Multiply 2,000 hours by .034**

This equals 68 which is the number of hours of vacation pay you are to receive. Then multiply 68 by \$18.00 (your hourly rate). This equals \$1,224.00. Your gross vacation pay would be \$1,224.00. From this amount, the Plan Office must deduct Social Security taxes and Federal Withholding Taxes.

**Example 2:** Suppose you are an employee who has accumulated 1,500 hours of covered employment, earning \$18.00 an hour and have over 20 years length of service. Your benefits would be calculated as follows:

### **Multiply 1,500 hours by .148**

This equals 222 which is the number of vacation hours you are to receive. Then multiply 222 by \$18.00 your hourly rate. This equals \$3,996.00 which is the amount of your gross vacation pay. All deductions noted above will be made.

The average rate of pay during the period of employment for which vacation credited were earned in the particular fiscal year shall be used as the basis for calculating the Vacation Plan benefit payable for that fiscal year.

## **Maximum Vacation Benefits**

You may receive benefits based on a maximum of 2,000 hours of covered employment during fiscal year. You may work more than 2,000 hours during fiscal year, but your Vacation Plan benefits are based on a maximum of 2,000 hours.

Any hours worked in excess of 2,000 hours during one fiscal year may not be carried forward to the next fiscal year.

## **When May You Apply For Vacation Benefits**

You may apply for Vacation Plan benefits at any time after you complete the minimum 500 hours of covered employment (1,000 for employees who first worked in covered employment for a contributing



employer on or after October 1, 2005) during one fiscal year. You may not wish to file a claim for Vacation Plan benefits, however, until after the end of a fiscal year so that you may receive your maximum benefits in one check.

You may wait a maximum of two fiscal years before submitting a claim for Vacation Plan benefits. However, you will lose your Vacation Plan benefits if you fail to submit an application after two fiscal years.

As an example, this means an employee who becomes eligible for Vacation Plan benefits during the fiscal year ended September 30, 2013 must file for these benefits prior to September 30, 2015.

## **Claim Procedures - How to File An Application For Vacation Pay**

Applications for Vacation Plan benefits may be obtained from your employer, shop steward, local union representative, one of the Union's branch offices, or the Vacation Plan Office at 461 State Route 33, Millstone Township, New Jersey 08535.

Be sure to fill out your application as accurately as possible. Print your name and address, social security number and fill out the section on withholding exemptions. Be certain to sign where it says "signature of applicant." Fill in your employment record for the past three months. This is necessary so that you may receive the full amount of vacation benefits to which you are entitled.

If you do not list your most recent employment, the Plan office will only be able to provide you with benefits based on records in the Plan Office at that time. Records in the Plan Office will be checked to give you full credit for your employment before the dates listed on your application. When your application is completed, give it to your Union Representative or Union Shop Steward. The Union Representative or Shop Steward will go over it with you and forward it to the Vacation Plan Office for processing.

### **Reminder**

**You should submit an application for Vacation Plan benefits when you are ready to retire to ensure that you collect all benefits that may be payable from the Vacation Plan.**

**Also, if you are planning a trip away from home, file your application well ahead of time, so you will receive your benefit check before you leave.**

Under federal law, the Plan must render a decision on your claim for benefits within 90 days after receiving your completed claim form. However, if special circumstances require an extension of the 90-day review period, the Plan will notify you in writing before the expiration of the 90-day review period. Upon such notification, the Plan will have an additional 90 days to review your claim. If you receive no response by the end of the 90-day period, your claim is considered to have been denied.

If your claim is denied, you will receive written notification of: (i) the specific reason or reasons for the denial; (ii) the specific plan provisions upon which the denial is based, (iii) a description of any additional material or information necessary for you to perfect

your claim, and an explanation of why such material is necessary, and (iv) appropriate information concerning the steps to be taken if you wish to submit your claim for review.

### **Claim Procedures - Review of Claim Denial:**

If your claim for Vacation Plan benefits is denied in full or in part, you are entitled to a full and fair review of the denial of a claim by the Joint Board of Trustees of the Vacation Plan. The procedure for such review is as follows:

1. Submit a request for review to the Joint Board of Trustees. The request must be in writing and made within (60) days of receipt of written notice of denial. Please send your request to the Vacation Plan, 461 State Route 33, Millstone Township, NJ 08535 Attention: Vacation Plan Administrator.
2. The claimant may review pertinent documents and submit issues and comments in writing.
3. The Joint Board of Trustees will make a decision upon review within 60 days of receipt of the request, unless special circumstances require an extension of time for processing, in which case the time shall not be later than 120 days after such receipt. The decision on review will be in writing, will include the specific reasons for the decision and specific references to the pertinent plan provision on which the decision is based, and will be furnished to the claimant.

You must appeal an adverse decision if you wish to preserve your right to challenge the decision in court. You cannot file a lawsuit to challenge a denied claim for benefits until after you go through the appeal process described herein.

The Joint Board of Trustees will render its decision on your appeal no later than the date of their next meeting, unless special circumstances exist. If, however, your letter of appeal was sent to the Joint Board of Trustees within 30 days of their next scheduled meeting, the Joint Board of Trustees will render its decision no later than the second meeting following its receipt of your letter of appeal.

If special circumstances exist that require a further extension of time, the Joint Board of Trustees will render its decision no later than the date of its third meeting following their receipt of your letter of appeal. If such special circumstances exist, the Joint Board of Trustees will notify you of the need for an extension prior to the time the extension period begins.

The decision on appeal will be in writing, and will include specific reasons for the decision, and specific references to the pertinent Plan provisions on which the decision is based.

The Trustees shall be the sole judges of the standard of proof required in any case. In the application and interpretation of any of the provisions of this Plan, the decisions of the Joint Board of Trustees shall be final and binding on all parties. Without limiting the generality of the foregoing, the Trustees shall have the sole and absolute discretionary authority to take all actions and make all decision with respect to the eligibility for and the amount of benefits payable under the Plan; formulate, interpret and apply rules, regulations and policies necessary to administer the Plan in accordance with its terms; decide questions, including legal and factual questions, relating to the payment of

benefits under the Plan; resolve and/or clarify any ambiguities, inconsistencies and omissions arising under the summary plan description or other Plan documents; process and approve or deny benefit claims; and decide all matters arising in connection with the operation or administration of the Plan. The decision of the Joint Board of Trustees or its designated committee shall be given deference in all courts of law to the greatest extent allowed by applicable law.

For further information about your Vacation Plan benefits, call or write the Plan Office:

**International Union of Operating Engineers  
Local 25 Marine Division Vacation Plan  
461 State Route 33  
Millstone Township, New Jersey 08535  
Tel: (800)548-6662**

# STATEMENT OF ERISA RIGHTS

As a participant in the International Union of Operating Engineers Local 25 Vacation 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

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 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 and Security Administration.
2. 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.
3. 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, may fire you or otherwise discriminate against you in any way to prevent you from obtaining a vacation benefit or exercising your rights under ERISA.

## Enforce Your Rights

If your claim, for a vacation benefit is denied 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 materials 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 \$110.00 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. If it should happen that plan fiduciaries misuse the Plan's money, or if you are discriminated against for asserting your rights, 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. If you lose, the court may

order you to pay these costs and fees, for example if it finds your claims 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 Area 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, DC 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 or visiting [www.dol.gov/ebsa](http://www.dol.gov/ebsa).