

**Service Employees 32BJ North
Legal Services Fund**

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New Rochelle, NY 10801
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**Service Employees 32BJ North
Legal Services Fund
Summary Plan Description**

Effective Date, October 1, 2009

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LEGAL SERVICES FUND

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140 Huguenot Street
New Rochelle, NY 10801
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The Service Employees 32BJ North Legal Services Fund is administered by a joint Board of Trustees consisting of Union Trustees and Employer Trustees with equal voting power.

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IMPORTANT NOTICE

This booklet is the Summary Plan Description (“SPD”) of the plan of benefits (“the Plan”) of the Service Employees 32BJ North Legal Services Fund (“the Fund”). Your rights to benefits can only be determined under the Plan, as interpreted by the Fund’s Board of Trustees (“the Board”). You should refer to this booklet when you need information about your Plan benefits. In addition, the Board reserves the right, in its sole and absolute discretion, to amend the Plan at any time. You will be notified of any material changes to the Plan, as required by law.

- Save this booklet – put it in a safe place. If you lose a copy, you can ask the Fund Office to provide you with another copy.
- If you change your name or address – notify the Fund Office immediately so your records are up-to-date.
- Throughout this booklet, the words “you” and “your” refer to Participants whose employment makes them eligible for Plan benefits. The word “dependent” refers to a family member of a Participant who is eligible for Plan benefits.
- This booklet describes the provisions of the Plan in effect as of October 1, 2009 unless specified otherwise.
- In the event there is any conflict between the terms and conditions for Plan benefits as set forth in this booklet and any advice you receive from a Fund employee, your employer or a union representative, the terms and conditions set forth in this booklet shall control.

Definitions

Certain words have specific meanings with respect to the Plan. These words are capitalized throughout this SPD.

- **Participant** as used throughout this SPD refers to an individual who is employed by a Contributing Employer in an occupation for which contributions are required to the Fund and who satisfies the requirements for participation as described in this SPD.
- **Contributing Employer** as used throughout this SPD refers to an employer that is required to make contributions to the fund on behalf of its covered employees under the terms of a collective bargaining agreement with the SEIU Local 32BJ or under another written agreement with the Fund’s Board of Trustees.
- **Covered Employment** as used throughout this SPD means work in a classification for which your employer is required to make contributions to the Fund.

ELIGIBILITY AND PARTICIPATION

When You Are Eligible

Eligibility for benefits under the Plan depends upon the collective bargaining agreement or other written agreement that covers your work. Unless specified otherwise in your collective bargaining agreement or other written agreement, eligibility is as follows.

Your employer will be required to begin making contributions to the Fund on your behalf when you have completed 90 consecutive days of full-time Covered Employment with the same employer. For this purpose, Covered Employment includes certain leaves of absence for which contributions are due under your collective bargaining agreement. If you have any questions regarding your eligibility, please contact the Fund Office. Except as otherwise provided on page 7 (see Special Rules for Seasonal Employees), your coverage begins on the 1st day of the month following the date on which your employer is required to make contributions to the Fund on your behalf, provided that you have returned your completed enrollment form to the Fund Office.

Once you are initially eligible for benefits, you remain eligible as long as you are working in Covered Employment or unless your benefits are terminated for any reason described in this SPD. You are considered to be in Covered Employment:

- during periods of active work
- during paid vacations
- while on jury duty
- while collecting workers' compensation or short-term disability benefits from an employer for the period employer contributions are required, up to 26 weeks from the last date worked.

When You Are No Longer Eligible

Your eligibility under the Plan ends:

- on the last day of the month in which you no longer work in Covered Employment, including transfer to a job classification outside the jurisdiction of the collective bargaining agreement, layoff, leave of absence, retirement or unpaid vacation
- the earlier of when you have completed 26 weeks of workers' compensation or short-term disability, for a period during which employer contributions were required, or when you have exhausted your benefits under workers' compensation or short-term disability for a period during which employer contributions were required
- on the date when your employer terminates its participation in the Plan, or
- on the date the Plan is terminated.

In addition, the Board reserves the right in its sole discretion to terminate your eligibility if your employer becomes seriously delinquent in its contributions to the Fund as determined by the Board of Trustees based on the facts and circumstances.

Special Rules for Seasonal Employees

Because of different work schedules and different employer contribution schedules, the applicable collective bargaining agreement may provide special rules for seasonal employees. If you are a seasonal employee, consult your collective bargaining agreement or call the Fund Office for more information regarding your eligibility.

Dependent Eligibility

As long as you are eligible for benefits under the Plan, your dependents are eligible for benefits, as described in this SPD, provided they meet the definition of “dependent” under the Plan as described on the following two pages.

Dependency	Requirements
Lawful spouse	The person to whom you are legally married under the laws of the state in which you live, unless you and your spouse are legally separated pursuant to either a separation decree or separation agreement. If you are legally separated, your spouse is not eligible for coverage under the Plan.
Children	<p>The child:</p> <ul style="list-style-type: none"> • is not married; • has the same principal residence as the Participant for more than one-half of the calendar year. However, a child who does not have the same principal residence as the Participant for more than one-half of the year will nevertheless be eligible for dependent coverage if: <ul style="list-style-type: none"> – the child receives one-half of his or her support from parents who are divorced or legally separated under a decree of divorce or separation; separated under the terms of a separation agreement; or have lived apart at all times for the last six months of the year; OR – if the Participant was never married to his dependent child’s other parent, the child lives with his custodial parent and the child is claimed as a dependent on the Participants tax return; AND – one or both of the child’s parents have custody of the child for more than one-half of the year; and • is dependent on the Participant for over one-half of his or her support during the calendar year. However, a child who is not dependent on the Participant for over one-half of his or her support during the calendar year will nevertheless be eligible for dependent coverage if: <ul style="list-style-type: none"> – the child receives one-half of his or her support from parents who are divorced or legally separated under a decree of divorce or separation; separated under the terms of a separation agreement; or have lived apart at all times for the last six months of the year; AND – one or both of the child’s parents have custody of the child for more than one-half of the year; <p>AND</p> <ul style="list-style-type: none"> • has not attained age 19 <p>AND</p> <ul style="list-style-type: none"> • has one of the following relationships to the Participant: <ul style="list-style-type: none"> – your biological child – your adopted* child or a child placed with you in anticipation of adoption – your stepchild – eligible foster children (a child placed with you by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction) – your sibling – your step-sibling – a descendent of any of the above.

* Your adopted dependent child will be covered from the date that child is adopted or “placed for adoption” with you, whichever is earlier (but not before you become eligible), if you enroll the child within 30 days after the earlier of placement or adoption. A child is placed for adoption with you on the date you first become legally obligated to provide full or partial support of the child whom you plan to adopt. However, if a child is placed for adoption with you, but the adoption does not become final, that child’s coverage will end as of the date you no longer have a legal obligation to support that child.

Your dependents remain eligible for benefits as long as you remain eligible, except for the following:

- Your *spouse's* eligibility ends on the date of your legal separation or divorce.
- Your *child's* eligibility ends on the date your child marries or no longer satisfies the rules regarding residence or financial dependency that are described on page 8, or on the date your child reaches age 19.
- Your dependent's eligibility for coverage ends on the date your dependent commences work in Covered Employment and becomes eligible for coverage under the Plan as a Participant.
- Eligibility of a spouse and dependent children ends on the date of your death.

Note that:

- To be eligible for benefits, a dependent must live in the United States, Canada or Mexico unless he or she is a United States citizen (except for immigration matters).
- A child is not considered a dependent under the Plan if he or she is in the military or similar forces of any country.

How to Enroll

Coverage under the Plan is not automatic. If you are covered by the Service Employees 32BJ North Health Benefit Fund (North Health Fund), successful completion of the Health Fund enrollment form will be sufficient to provide coverage for you and your dependents. If you are not covered by the North Health Fund, you will have to provide evidence of employment and dependent eligibility before coverage begins. Legal services cannot be provided until enrollment information is provided to the satisfaction of the Fund. The Fund may periodically require proof of continued eligibility for you or a dependent. Failure to provide such information could result in a loss of coverage. Contact the Fund Office for information or a copy of the enrollment form.

How To Use The Legal Services Fund

If you wish to consult a lawyer for benefits provided by the Legal Services Fund, call or visit the Fund Office, at:

Service Employees 32BJ North Legal Services Fund
140 Huguenot Street
New Rochelle, New York 10801
Telephone 1-914-637-7000

Attorneys retained by the Legal Services Fund will provide you with legal services. There is no fee to be paid by any Participant in order to entitle him/her to the benefits of the Fund. Your relationship with the attorney will be that of attorney and client. No member of the Legal Services Fund, or any Trustees of the Legal Services Fund, can interfere with this relationship.

You are not required to use the benefits provided by the Legal Services Fund. You are free at all times to hire your own attorneys, but the Fund will not pay any costs associated with a privately retained attorney. The Legal Services Fund will not absorb or be responsible for any part of the fees or charges of attorneys other than the Fund designated attorney.

Court Costs – The Legal Services Fund covers only legal fees paid to an attorney on your behalf under the Plan. You and your dependents shall be required to pay all fees and costs including court costs (i.e. filing fees) required before the case starts, and all additional costs as necessary. The Legal Services Fund shall be permitted to withdraw from your representation or refuse to provide legal service benefits if you fail to make the required payments, to the extent permitted by law.

You are also free at any time to discontinue the services of the Fund's attorney and, if you so desire, to secure the services of another attorney. **However, in such an event the Legal Services Fund will not be responsible for nor absorb any part of the fees or charges of such other attorneys.**

Lawyers are governed by a Model Rules of Professional Conduct that states that they cannot represent clients who make unreasonable demands including, but not limited to, requests for representation in court when, in the judgment of the Trustee based on a recommendation from your attorney, to participate would be tantamount to a frivolous action or defense. The Legal Services Fund can only represent you if you cooperate with your attorney and do not make unnecessary or unreasonable demands. Cooperation includes, but is not limited to, providing a lawyer with documents required by law or court rules. If you persist in making unreasonable demands or in being uncooperative, or do not provide

necessary documentation (e.g. tax returns, bank statements, documenting evidence, etc.) your attorney may, at the discretion of the Board of Trustees, withdraw from the case, to the extent permitted by law. If you disagree with the decision to withdraw, you may file an appeal with the Fund's Board of Trustees subcommittee (as described on pages 20–21). In such cases, you are free to secure your own attorney; however, the Legal Services Fund will not be responsible for any of the fees or charges of your attorney.

How to Obtain Covered Legal Services

In order to obtain legal services described in the Plan, contact the Fund Office.

Participant vs. Participant

In instances where two Participants are involved in the same controversy or proceeding as adversaries (and both Participants would have the right to the benefit under the rules of the Fund), each Participant will be provided with an attorney.

WHAT THE PLAN COVERS

The benefits of the Legal Services Fund are divided into four categories: General, Civil, Immigration and Criminal Matters. Contact the Fund Office at 1-914-637-7000 to discuss your case and see if it is a covered matter.

GENERAL LEGAL MATTERS BENEFITS

This section describes the Fund's General Legal Benefits that involve any general questions that you may have regarding your legal rights, unless it is specifically excluded under the Plan.

Consultation

This benefit provides you and your eligible dependents with an opportunity to consult with an attorney for up to three one-hour sessions each calendar year per family concerning any covered matter that is not excluded under this Plan. This means, for example, that if your dependent spouse receives three consultations in one calendar year, no additional consultation benefits are available to you or your dependents in that same year. The Consultation Benefit does not involve representation by counsel.

Who is Eligible? – All Participants and dependents.

Document Review

This benefit provides review and interpretation by an attorney of legal documents, such as guarantees, warranties, installment purchase agreements, insurance policies and court papers.

The following documents are **not** included in the Document Review Benefit:

- Tax Returns
- Residential leases
- Work that is being prepared by other attorneys at the time of your Document Review appointment.

The Document Review Benefit provides review and interpretation of documents; it does not involve representation by counsel.

Who is Eligible? – All Participants and dependents.

REPRESENTATION IN CIVIL MATTERS

This section describes the Civil Legal Benefits available under the Plan. In addition to the Last Will and Testament benefit, you and your dependents are each entitled up to three of the following Civil Legal Benefits each year.

- Last Will and Testament (available in addition to the three types of covered matters)
- Adoption
- Guardianship
- Change of Name
- Real Estate
- Uncontested Divorce
- Legal Separation Agreement
- Annulment Proceeding
- Family Court
- Consumer Debt Defense
- Personal Bankruptcy
- Consumer Matters (Faulty Goods or Services)
- Administrative Agency Benefit

For example, if the Legal Services Fund represents you in purchasing a home and changing your name, you would be entitled to representation in one other matter from the above case types in any single calendar year. In the next year you would again be entitled to representation in three of the listed types of matters, even if your case started in the prior year was still ongoing.

Last Will and Testament

This benefit is available in addition to the three covered matters per calendar year and provides you and your spouse with the opportunity, once every two years, to have a simple Last Will and Testament prepared and executed under the supervision of an attorney. (Simple Wills do not include trusts or tax planning). This benefit also includes preparation/execution of a Living Will, Health Care Proxy and Power of Attorney.

Who is Eligible? – All Participants and dependent spouses.

Adoption

This benefit provides legal representation of you, and your spouse if a joint petition, in adoption proceedings. This benefit does not include payment of any fees or expenses (such as adoption agency fees) and is limited to those services normally rendered by an attorney to formalize an adoption. After all arrangements have been agreed upon, the attorney will prepare all petitions and accompanying papers and will appear in court with the parties in support of the adoption, if required.

Who is Eligible? – All Participants and spouses, if a joint petition.

Guardianship

A Fund lawyer will represent you (but not your dependent) in your application to be appointed a guardian of the person and/or property of a spouse, child or parent, except where there are assets as in the proceeds of a personal injury case, (for example, an infant's compromise proceeding).

Who is Eligible? – All Participants.

Change Of Name

An attorney will provide legal advice and representation in the change of name procedure. The attorney will file all appropriate papers and represent you in the change of name process.

Who is Eligible? – All Participants and dependents.

Real Estate

This benefit provides legal representation for the purchase, sale or refinancing of a one or two family home, cooperative or condominium apartment, provided that you do not own another home, cooperative or condominium apartment and you and your family will reside there.

This benefit does not include residential problems that involve title searches or Title Insurance, appraisal value, seller misrepresentation or post-closing matters.

It also does not include problems relating to any Board of Management or Homeowner Association. However, the Legal Services Fund may give advice and consultation under the Consultation Benefit with respect to related matters as long as they are not excluded from coverage under the General Exclusions Rule (see pages 18–19).

Who is Eligible? – This benefit is available to the Participant only.

Uncontested Divorce

This benefit provides legal representation for you to initiate a divorce action which is uncontested by your spouse. Coverage includes all steps of the legal process necessary to obtain an uncontested divorce such as the preparation of the Summons, Complaint, Note of Issue, Judgment and supporting papers, as well as Entry of Judgment.

You will be required to pay court expenses, the current cost of which is approximately three hundred and forty-five dollars (\$345) and Process Server fees of approximately one hundred and fifty dollars (\$150), if a process server is required. These costs are subject to change at any time.

If the action becomes contested by your spouse, you can continue to use your fund attorney, but you will be required to pay all legal fees. The Plan will not cover any of these costs.

Who is Eligible? – This benefit is available to the Participant only.

Legal Separation Agreement

This benefit provides legal representation in the preparation and negotiation of a separation agreement, where the parties both consent to enter into such an agreement.

Who is Eligible? – This benefit is available to the Participant only.

Annulment Proceeding

This benefit provides legal representation for all steps of the legal process involved in obtaining an uncontested annulment.

Who is Eligible? – This benefit is available to the Participant only.

Family Court

This benefit provides legal representation for all necessary legal services in cases involving support, child custody, visitation rights and paternity matters.

The Fund will also provide you with representation in any case in which you are charged with a Family Offense Order of Protection proceeding, or on charges that you may have violated such Family Offense Order of Protection. Neglect, Abuse, Criminal and Person in Need of Supervision (PINS) proceedings are not covered benefits. The Family Court Benefit is only available to you. Dependents are not covered.

Who is Eligible? – This benefit is available to the Participant only.

Consumer Debt Defense

This benefit provides legal representation for the defense of a lawsuit or proceeding brought in connection with a debt arising from the purchase of goods or services or arising from a loan of monies from a commercial bank or lender, where a legally valid defense exists.

Who is Eligible? – All Participants and dependents.

Personal Bankruptcy

This benefit provides legal representation in the preparation of a U.S. Bankruptcy Court petition under Chapter 7. This benefit shall not be available to you or your spouse if the case would involve the discharge or reorganization of debts arising out of a commercial undertaking. You and/or your spouse must pay all Bankruptcy Court filing fees and other required costs in advance of obtaining this benefit.

Who is Eligible? – All Participants and dependent spouses.

Consumer (Faulty Goods or Services)

This benefit provides legal representation in a case involving a complaint about faulty goods or services where the amount in controversy exceeds the jurisdictional limits of the Small Claims Court. If the amount in controversy is less than the amount that can be sued for in Small Claims Court, an attorney will advise you under the Fund's consultation benefits as to your rights and what steps you might take yourself, but will not represent you in Small Claims Court.

The Fund will not commence a lawsuit under this benefit. This benefit provides you or your dependent with an attorney to advise you of your rights and what steps to take to assert these rights.

Who is Eligible? – All Participants and dependents.

Administrative Agency Benefit

This benefit provides legal representation for up to and including the hearing stage of a proceeding involving a claim for benefits against certain governmental agencies where there is sufficient evidence to support your claim for benefits. The following types of claims are included in this benefit:

- Social Security Administration Benefits such as Supplemental Security Income (SSI), Disability, Survivors or Retirement Benefits
- Food Stamps
- Veterans Administration Benefits for service and non-service connected disabilities or death benefits
- School Suspension Benefit

Who is Eligible? – All Participants and dependents.

In addition, the fund will provide an initial consultation for claims involving Medicaid or Medicare Benefits. However, you must hire your own attorney at your own expense to handle your case, beyond the initial consultation.

IMMIGRATION MATTERS

This section describes the Immigration Benefits available under the Plan. The benefit includes consultations and Naturalization Petitions. There is no limitation as to the number of times this benefit can be used.

Consultation

This benefit provides you and your dependents with consultation in immigration matters such as application for Green Card (Adjustment of Status), Relative Petitions, Deportation cases and Asylum Petitions. An attorney will offer assistance and guidance in how to handle a particular matter, but this benefit does not include actual legal representation.

Who is Eligible? – All Participants and dependents.

Naturalization Petition

The benefit provides you and your eligible dependents with completion and preparation of the naturalization application.

Who is Eligible? – All Participants and dependents.

REPRESENTATION IN CRIMINAL MATTERS

This section describes the Criminal Benefit available under the Plan. This benefit is not subject to the three matters per calendar year limitation under the Civil Legal Benefit, but has a separate limit of one case per family per calendar year.

Misdemeanor Defense

A misdemeanor is defined as a crime that is punishable by less than one year in jail. This does not mean that all misdemeanors carry a mandatory jail sentence.

This benefit provides representation at all stages of your misdemeanor case, starting with the first calendared court appearance through a trial if necessary. Representation does not include representation on an appeal to the Appellate Court.

This benefit also includes cases involving charges of driving while intoxicated.

An attorney will provide a full legal defense up to and including trial in a misdemeanor prosecuted under the penal laws of either New York, New Jersey, Connecticut, or your state of primary residence. The benefit does not include representation in felony matters, in non-penal law criminal cases, in a case regarding any work-related incidents, or in any phase of post-trial or appellate practice. The misdemeanor defense benefit is limited to one case per year per family.

Who is Eligible? – All Participants and dependents.

GENERAL EXCLUSIONS

All legal services that have not been so described in this SPD as covered services are excluded from the Fund's Plan of benefits.

However, in order to guide you in the utilization of the Fund's benefits, this section lists specifically, but without limitation, particular exclusions of the Plan:

1. Any controversy, dispute or proceeding with or against your employer or your employer's agents or officers. Coverage is not available in any criminal or civil matter that is related to or arises out of employment with a Contributing Employer;
2. Any controversy, dispute or proceeding directed against Local 32BJ Service Employees International Union or any of their affiliated bodies, e.g., the benefit funds, or any of the officers, agents or attorneys of the Service Employees International Union or its Local 32BJ affiliated bodies;
3. Any controversy, dispute or proceeding in which the Legal Services Fund would be prohibited from defraying the cost of legal services by any provisions of law;
4. Any controversy, action or proceeding in which representation on a contingent fee basis is normally and customarily available or where the fee is payable by virtue of statute or by order of Court;
5. Class actions or interventions or amicus curiae activities. Two or more parties may not pool or combine their benefits for the purpose of making a claim in which they have a mutual interest;
6. Any matter concerning the payment of income tax including, but not limited to, preparation or filing of income tax returns;
7. Claims for services or advice when such activity involves application of the same service or advice previously obtained in connection with the same problem and previously claimed for under the Plan;
8. Services provided by an attorney who is not admitted to a bar of a state in which legal services are covered under this Plan, as described in subsection 14 on page 19;
9. Appellate matters;

10. Services, fees or expenses in connection with any business venture or other matters in which, for Federal Income Tax purposes, the cost of legal services would normally constitute a business expense or capital investment;
11. Court costs and/or filing fees, fines, sanctions, or penalties in any amount;
12. Any controversy, action, proceeding or dispute for which legal services are available through insurance or through any governmental agency or attorney (Federal, State or Local);
13. Any controversy, dispute or proceeding in which you or your dependent retained an attorney prior to your eligibility to receive benefits under the Plan;
14. Any controversy, dispute, proceeding or matter that must be litigated or otherwise handled outside the states of New York, New Jersey, Connecticut or the state of the primary residence of the Participant or dependent, if not New York, New Jersey or Connecticut. For questions regarding whether legal services will be covered in a particular location, please contact the Fund office;
15. Review of any document requiring knowledge of laws outside of the state in which legal services are covered under the Plan as described in subsection 14, above;
16. Contested Proceedings for Adoption, Guardianship, Divorce, Legal Separation and Annulment Benefits. In these cases, you must consent to the withdrawal of the Legal Services Fund from representation in the action, proceeding or matter unless the Cooperating Attorney is retained by you (at your own cost) as provided in the Plan and shall obtain private counsel with thirty days of written notice from the Legal Services Fund;
17. In any case where representation of both you and/or your dependent would constitute a conflict of interest, there shall be no legal coverage available to the dependent; coverage is available to you only;
18. Small Claims and Justice Court civil proceedings beyond an office consultation as described on page 11;
19. Any landlord-tenant matters, including the review of real estate leases.

APPEALING DENIED CLAIMS

If your claim for a Legal Services Fund benefit is denied, in whole or in part, you will receive a written notice of the denial within 90 days. Special circumstances may require up to an additional 90 days, in which case you will be notified of the delay and the expected date of a decision within the initial 90-day period. The notice will describe the specific reason or reasons for the denial, the Plan provisions on which the denial is based, any additional information or material that you might need to provide in order to support your application and an explanation of why it is necessary, and the Plan's review procedures.

You may file an appeal of any denial of a claim for Legal Services Fund benefits within 180 days of the date you receive the denial notice. You or your representative may review pertinent documents and other materials relevant to your claim (regardless of whether they were submitted with your original claim) and submit issues, comments, documents and other information relating to the claim. If you request it, you will be provided with access to, or copies of all documents, records or other information relevant to your appeal, free of charge.

Please note that if you are not satisfied with the outcome of a court decision, the decision is not appealable to the Board of Trustees Appeals Committee. However, it may be appealable in the applicable court of law.

How to File an Appeal

Within 180 days after you receive notice that your claim has been denied, write to the **Board of Trustees Appeals Committee** c/o:

Service Employees 32BJ North Legal Services Fund
140 Huguenot Street
New Rochelle, NY 10801

If you do not request a review of the denial within this 180-day period, you will be considered to have waived your right to a review of the denial.

You must file an appeal with the Committee and follow the process completely before you can bring an action in court. Failure to do so may prevent you from having any legal remedy.

How the Review Process Works Once You File an Appeal

The Appeals Committee will consider your appeal and give you its decision after reviewing all necessary and relevant evidence. The Appeals Committee will give you a full and fair review of the decision denying your application, based upon all comments, documents, records and other information that you submit, without regard to whether that information was submitted or considered in connection with the initial benefit determination.

The Appeals Committee will make its decision on your appeal at the next regularly scheduled Appeals Committee meeting after receipt of the appeal. However, if your request for review is received within 30 days of the next regularly scheduled meeting, your appeal will be considered at the second regularly scheduled meeting following receipt of your appeal. In special circumstances, a delay until the third regularly scheduled meeting following receipt of your request for review may be necessary. You will be advised in writing in advance if this extension will be necessary. Once the Committee makes a decision on your appeal, you will be notified of the decision as soon as possible, but no later than five days after the decision has been reached.

If your claim is denied on appeal, in whole or in part, the notice will state the specific reason or reasons for the decision, the Plan provisions on which the decision is based, and a statement that you are entitled to receive, upon request and free of charge, reasonable access to, and copies of, all documents and other information relevant to the claim. The notice will also state that you have a right to bring a civil action under Section 502(a) of ERISA to review the adverse decision on appeal.

All decisions on appeal will be final and binding on all parties, subject only to your right to bring a civil action under Section 502(a) of ERISA after you have exhausted the Plan's appeal procedures. No individual may file a lawsuit until these procedures have been exhausted.

In addition, no lawsuit may be started more than three years after the date on which the applicable appeal was denied.

If you have any questions about the appeals process, please contact the Fund Office.

GENERAL INFORMATION

Mailing Address

It is important that you notify the Fund Office whenever your address changes. (In addition, if you have a pending matter with the Legal Services Fund, you must also notify the Legal Services Fund of any name or address change.) You are considered unreachable if a letter sent to you by first-class mail to your last known address is returned.

Employer Contributions

The Fund receives contributions in accordance with collective bargaining agreements between the Bronx Realty Advisory Board and Boiler Service Maintenance & Repair Employees Association of NY, Inc., or various independent employers, and your union. These collective bargaining agreements provide that employers contribute to the Fund on behalf of each covered employee. Employers that are parties to such collective bargaining agreements may also participate in the Fund on behalf of non-collectively bargained employees if approved by the Trustees by signing a participation agreement.

The Fund Office will provide you, upon written request, with information as to whether a particular employer is contributing to the Fund on behalf of Participants.

How Benefits May Be Reduced, Delayed or Lost

There are certain situations under which benefits may be reduced, delayed or lost. Most of these circumstances are explained throughout this booklet, but benefits also may be affected if you do not:

- furnish the information required for the provision of legal services under the Plan
- cooperate with your Fund lawyer (see pages 10 – 11 for more information) or
- have a current address on file with the Fund Office.

You should also be aware that Plan benefits are not available to dependents who lose their eligibility. Knowingly claiming benefits for someone who is not eligible is considered fraud and could subject you to criminal prosecution.

If the Plan mistakenly pays more than you or a dependent are eligible for, or pays benefits that were not permitted under the Plan, the Fund may seek any permissible remedy allowed by law to recover benefits paid in error.

Compliance with Federal Law

The Plan is governed by regulations and rulings of the Internal Revenue Service, the Department of Labor and other applicable laws. The Plan will always be construed to comply with these regulations, rulings and laws. Generally, Federal law takes precedence over state law.

Plan Amendment or Termination

The Board intends to continue the Plan indefinitely, but reserves the right to amend or terminate it in its sole discretion. If the Plan is terminated or otherwise amended, it will not affect your right to receive reimbursement for eligible expenses you have incurred prior to termination or amendment.

Upon a full termination of the Plan, Plan assets will be allocated to provide benefits in accordance with the applicable provisions of the Trust Agreement and Federal law.

Keep in mind that the benefits provided under the Plan are not vested. Therefore, at any time the Board can end or amend benefits, in its sole and absolute discretion.

Plan Administration

Benefits are provided from the Fund's assets. Those assets are accumulated under the provisions of the Trust Agreement and are held in a Trust Fund for the purpose of providing benefits to covered Participants and eligible dependents and defraying reasonable administrative expenses.

The Plan is administered by the Board of Trustees in accordance with an Agreement and Declaration of Trust. The Board has the exclusive right, power and authority, in its sole and absolute discretion, to administer, apply and interpret the Plan, and to decide all matters arising in connection with the operation or administration of the Plan.

Without limiting the generality of the foregoing, the Board and/or its duly appointed subcommittee thereof, shall have the sole and absolute discretionary authority to:

- take all actions and make all decisions 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 the terms of the Plan
- decide questions, including legal or factual questions, relating to the calculation and payment of benefits under the Plan
- resolve and/or clarify any ambiguities, inconsistencies and omissions arising under the Plan, as described in this SPD and the Trust Agreement
- rule on any benefit exclusions, and
- determine the standard of proof required in any case.

All determinations and interpretations made by the Board shall be final and binding upon all Participants, and dependents.

The Board has delegated certain administrative and operational functions to the Fund’s staff and to the Appeals Committee. Most of your day-to-day questions about your benefits can be answered by the Fund Office staff. If you wish to contact the Board, please write to:

Board of Trustees
Service Employees 32BJ North Legal Services Fund
140 Huguenot Street
New Rochelle, NY 10801

Statement of Rights under the Employee Retirement Income Security Act of 1974 as Amended

As a Participant in the Service Employees 32BJ North Legal Services Fund, 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:

- Examine, without charge, at the Fund Office, all documents governing the Plan, including collective bargaining agreements, participation 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 (“EBSA”).

- Obtain, upon written request to the Fund Office, copies of documents governing the operation of the Plan, including collective bargaining agreements, participation agreements, copies of the latest annual report (Form 5500 series) and an updated Summary Plan Description.
- Receive a summary of the Plan’s annual financial report. The Board is required by law to furnish each Participant with a copy of this summary annual report.

In addition to creating rights for Plan Participants, ERISA imposes duties upon the people who are responsible for the operation of the 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 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 after you have exhausted the Plan’s appeals procedure (see pages 20–21). You may not file a lawsuit until you have followed the appeal procedures described on pages 20–21. 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. If you lose, the court may order you to pay these costs and fees, for example, if it finds your claim is frivolous.

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 EBSA, U.S. Department of Labor, listed in your telephone directory, or:

**Division of Technical Assistance and Inquiries
Employee Benefits Security Administration (EBSA)
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 EBSA or by visiting the Department of Labor’s website: <http://www.dol.gov>.

PLAN FACTS

This Summary Plan Description is the formal plan document for the Legal Services Fund.

Plan Name: Service Employees 32BJ North Legal Services Fund

Employer Identification Number: 13-3122838

Plan Number: 501

Plan Year: January 1 – December 31

Type of Plan: Welfare Plan

Funding of Benefits and Type of Administration

All contributions to the Fund are made by Contributing Employers under the Plan in accordance with their collective bargaining agreements or other written agreements.

Plan Sponsor and Administrator

The Plan is administered by a joint Board of Trustees consisting of Union Trustees and Employer Trustees. The Board may be contacted at:

**Board of Trustees
Service Employees 32BJ North Legal Services Fund
140 Huguenot Street
New Rochelle, NY 10801**

Participating Employers

The Fund Office will provide you, upon written request, with information as to whether a particular employer is contributing to the Fund on behalf of its employees, as well as the address of such employer. Additionally, a complete list of employers that contribute to the Fund and unions sponsoring the Plan may be obtained upon written request to the Fund Office and is available for examination at the Fund Office.

To contact the Legal Services Fund, call:

1-914-637-7000

or write to:

**Service Employees 32BJ North Legal Services Fund
140 Huguenot Street
New Rochelle, NY 10801**

Agent for Service of Legal Process

The Board has been designated as the agent for the service of legal process. Legal process may be served at the Fund Office or on any members of the Board.

UNION TRUSTEES

Kyle Bragg
SEIU Local 32BJ
101 Avenue of the Americas
New York, NY 10013

Judy Padow, Esq.
SEIU Local 32BJ
101 Avenue of the Americas
New York, NY 10013

EMPLOYER TRUSTEES

Eugene S. Reisman, Esq.
Novick, Edelstein, Lubell, Reisman,
Wasserman & Leventhal, P.C.
733 Yonkers Avenue
Yonkers, NY 10704

Richard Berger
New York Boiler, Inc.
5885 Preston Court
Brooklyn, NY 11234

TRANSLATION NOTICE

This booklet contains a summary in English of your Plan rights and benefits under the Service Employees 32BJ North Legal Services Fund. If you have difficulty understanding any part of this booklet, contact the Legal Services Fund in writing at:

Service Employees 32BJ North Legal Services Fund
140 Huguenot Street
New Rochelle, NY 10801

You may also call the fund at 914-637-7000 for assistance. The office hours are from 8:00 a.m. to 4:00 p.m., Monday through Friday. You may also visit <http://32bjnorthfunds.com/>.

Este folleto contiene un resumen en inglés de sus derechos y beneficios con el Building Service 32BJ North Legal Services Fund. Si tiene alguna dificultad para entender cualquier parte de este folleto, contacte por escrito al Legal Services Fund a la dirección siguiente:

Service Employees 32BJ North Legal Services Fund
140 Huguenot Street
New Rochelle, NY 10801

También puede llamar al Fondo al 914-637-7000 para obtener asistencia. El horario de oficina es de 8:00 a.m. a 4:00 p.m., de lunes a viernes También puede visitar <http://32bjnorthfunds.com/>.

Niniejsza broszura zawiera krótkie omówienie w języku angielskim przysługujących Państwu praw i świadczeń wynikających z Waszego planu Service Employees 32BJ North Legal Services Fund. Jeśli będziecie mieć Państwo kłopoty ze zrozumieniem któregoś fragmentu tej broszury, proszę skontaktować się pisemnie z Funduszem Usług Prawnych:

Service Employees 32BJ North Legal Services Fund
140 Huguenot Street
New Rochelle, NY 10801

Możecie się Państwo również bezpośrednio kontaktować się z Funduszem pod numerem telefonu: 914-637-7000. Godziny urzędowania: od 8:00 do 4:00 po południu, od poniedziałku do piątku. Możecie Państwo także odwiedzić stronę internetową: <http://32bjnorthfunds.com/>.

Kjo broshurë përmban një përmbledhje në anglisht të të drejtave dhe të përfitimeve të Planit tuaj sipas Fondit Verior të Shërbimeve Ligjore 32BJ të Punonjësve të Shërbimit (Service Employees 32BJ North Legal Services Fund). Në qoftë se keni ndonjë vështirësi për të kuptuar ndonjë pjesë të kësaj broshure, kontaktoni me shkrim Fondin e Shërbimeve Ligjore te:

Service Employees 32BJ North Legal Services Fund
140 Huguenot Street
New Rochelle, NY 10801

Gjithashtu mund të telefononi Fondin për ndihmë në numrin 914-637-7000. Orari i zyrës është të hënën deri në premten nga ora 8:00 paradite deri në 4:00 pasdite. Gjithashtu mund të vizitoni faqen <http://32bjnorthfunds.com/>.