

**OREGON-WASHINGTON CARPENTERS-EMPLOYERS  
VACATION SAVINGS TRUST FUND**

**SUMMARY PLAN DESCRIPTION**

**Revised January 1, 2006**

To All Participants:

We are pleased to provide you with this revised booklet that describes your Vacation Savings Plan. The Vacation Savings booklet was previously included in the Health and Welfare Trust booklet. This booklet includes all changes made through January 1, 2006.

This booklet is a summary of the legal plan document set forth in the Trust Agreement, and the Trust Agreement is available for your review at the Administrator's Office. This booklet should be kept with your other important papers so that you can refer to it as needed.

If you have any questions concerning the Plan, you should contact the Administrator.

Sincerely yours,

BOARD OF TRUSTEES

Este folleto contiene un resumen, en inglés, de los derechos y beneficios de cada empleado según el plan Oregon-Washington Carpenters-Employers Vacation Savings Trust Fund. Si tiene alguna dificultad en entender cualquier parte del folleto, póngase en contacto con el American Benefit Plan Administrators, Inc., at 541 N.E. 20th Avenue, #108, Portland, Oregon 97232. Las horas de oficina son de las 8:30 am a las 5:00 pm, de lunes a viernes, inclusive. También puede llamar a la oficina del administrador del plan al 800-888-0346 para ayuda.

This booklet contains a summary, in English, of your plan rights and benefits under the Oregon-Washington Carpenters-Employers Vacation Savings Trust Fund. If you have difficulty understanding any part of this booklet, contact American Benefit Plan Administrators, Inc., at 541 N.E. 20th Avenue, #108, Portland, Oregon 97232. Office hours are from 8:30 am to 5:00 pm, Monday through Friday. You may also call the plan administrator's office at 800-888-0346 for assistance.

**OREGON-WASHINGTON CARPENTERS-EMPLOYERS  
VACATION SAVINGS TRUST FUND**

**541 N.E. 20th Avenue, #108  
Portland, Oregon 97232  
(503) 222-9603**

**Toll Free: 1-800-888-0346**

**January 1, 2006**

**BOARD OF TRUSTEES**

**Employer Trustees**

Kevin Spellman, Secretary-Treasurer

David J. Lay

Dee Burch

Micheal Roberts

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Vaughn Grubaugh

**Employee Trustees**

Robert Hansen, Chairman

Pete Savage

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**ADMINISTRATOR:**

American Benefit Plan Administrators, Inc.

**LEGAL COUNSEL:**

Miller Nash LLP, and  
Brownstein, Rask, Sweeney,  
Kerr, Grimm, DeSylvia & Hay LLP

**AUDITOR:**

Lockitch, Clements & Rice, P.S.

*ONLY THE FULL BOARD OF TRUSTEES IS AUTHORIZED TO INTERPRET THE PLAN OF BENEFITS DESCRIBED IN THIS BOOKLET. NO EMPLOYER, NOR THE UNION, NOR ANY REPRESENTATIVE OF EITHER, IS AUTHORIZED TO INTERPRET THIS PLAN - NOR CAN SUCH PERSON ACT AS AN AGENT OF THE BOARD OF TRUSTEES.*

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# VACATION SAVINGS TRUST FUND

## SUMMARY PLAN DESCRIPTION

### *HIGHLIGHTS*

This summary describes the Vacation Savings Plan as of January 1, 2006. The summary is in general terms only and all statements are subject to the detailed terms and conditions established in the Trust Agreement. A copy of the Trust Agreement is available from the Administrator. See item 3 of the Basic Information section for the Administrator's address.

### *CONTRIBUTIONS TO THE FUND*

Each employer contributes to the Vacation Savings Trust Fund on behalf of each covered employee as provided in the collective bargaining agreement. Participants and beneficiaries may receive from the Administrator, upon written request, information as to whether a particular employer or employee organization is a sponsor of the Plan and, if the employer or employee organization is a Plan sponsor, the sponsor's address.

### *PLAN YEAR*

September 1 through August 31 is the Trust Fund's Plan Year. August 31 is the end of the year for purposes of maintaining the Trust Fund's fiscal records.

### *PAYMENT DATES*

Employees can choose between an annual distribution, a semiannual distribution, or a quarterly distribution. Elections can only be made on the form provided by the Administrator. An employee may elect or change a distribution option only once each Plan Year beginning on any future date an employee chooses. A new employee during the Plan Year has 30 days after notice from the Administrator in which to elect a distribution method. If no election is filed, then the annual distribution method will apply. Once a distribution option is in effect, it continues until changed by the employee.

**The distribution methods described below are the only ones permitted by the Trust Agreement. Distributions are not made for any other reason, such as not for hardship or moving out of the Trust's area.**

#### *Annual Method*

Under the annual method, contributions received by the Trust Fund by September 25 for hours worked by a covered employee before September 1 of that year and any allocable earnings will be paid to the employee between the following December 1 and December 15.

Delinquent contributions received after September 25 for hours worked before September 1 of that year will be paid out at the time of the next quarterly distribution, if they are received in time to be included in that distribution.

### ***Midyear Option on Annual Method***

In addition to the annual distribution described above, the Board of Trustees may authorize a special midyear distribution between July 1 and July 15 to those employees who apply for it. This midyear option has not been authorized since the semiannual option, described below, was put into effect. Any special mid-year distribution will include the amounts that would have been distributed under the semiannual distribution method discussed below. The application must be made in writing to the Administrator by April 1 of that year. Requests postmarked after April 1 will not be considered.

### ***Semiannual Method***

Under the semiannual method, contributions received by the Trust Fund during the following periods for hours worked by a covered employee before the following dates will be paid to the employee as follows:

- **First Half:** September, October, November, December, January, and February hours worked and contributions for pre-March delinquent hours which can reasonably be included, paid out between the following July 1 and July 15; and
- **Second Half:** March, April, May, June, July, and August hours worked and contributions for pre-September delinquent hours which can reasonably be included, paid out between the following December 1 and December 15.

The Trustees may delay the distribution if needed to earn additional income to pay Trust Fund expenses.

The statement at the end of the quarterly method discussion below regarding the potential for no earnings allocation applies to a lesser degree to the semiannual method. Any earnings allocated to employees electing the semiannual distribution method will be paid at the time of the second half distribution.

### ***Quarterly Method***

Under the quarterly method, contributions received by the Trust Fund during the following periods for hours worked by a covered employee before the following dates will be paid to the employee as follows:

- **First Quarter:** September, October, and November hours worked and contributions for pre-December delinquent hours which can reasonably be included, paid out between the following April 1 and April 15;

- **Second Quarter:** December, January, and February hours worked and contributions for pre-March delinquent hours which can reasonably be included, paid out between the following July 1 and July 15;
- **Third Quarter:** March, April, and May hours worked and contributions for pre-June delinquent hours which can reasonably be included, paid out between the following October 1 and October 15; and
- **Fourth Quarter:** June, July, and August hours worked and contributions for pre-September delinquent hours which can reasonably be included, paid out between the following December 1 and December 15.

The Trustees may delay distributions if needed to earn additional income to pay Trust Fund expenses.

Any earnings allocated to employees electing the quarterly distribution method will be paid at the time of the fourth quarter distribution. Employees electing the quarterly method should not anticipate any earnings allocation. The quarterly method significantly reduces the Trust Fund's earnings because it has the money for a shorter period of time.

### ***Additional Distribution***

In addition to the distributions under the other methods, an employee may request in writing at any time to receive one additional distribution in each September 1 through August 31 Plan Year. The distribution may be for an amount up to an employee's account balance, but it will not include any earnings allocated to an employee. The distribution is subject to a charge for the administrative costs of doing the distribution.

### ***Deposit in Credit Union***

An employee may instruct the Administrator in writing to directly deposit all of the employee's distribution to the employee's account in the credit union in which employees are eligible to establish accounts, presently the IBEW and United Workers Federal Credit Union. An employee must have an account in that credit union to elect this deposit option.

## ***CASHING OF BENEFIT CHECKS***

The recipient should cash vacation benefit checks as soon as possible after payment is made.

## ***APPLICATION FOR BENEFITS***

Except for the once a year, additional distribution, no application is necessary for a covered employee to receive vacation benefits. All vacation benefits will be mailed directly to each employee's address as stated on the employee's enrollment card or will be deposited directly in the employee's credit union account if elected. The distribution date of an employee's vacation benefits depends on the distribution method that applies to the employee.

If the Trust Fund is unable to make a benefit distribution to an employee because of the lack of a correct address or for any other reason, that amount will be paid to the person entitled thereto upon written application to the Board of Trustees within four years after September 25 of the year in which that amount was initially distributable (assuming contributions had been made when due). The written application must be on the form provided by the Administrator. If the relevant amount is not withdrawn in that four-year period or the employee does not cash the check during that period, the employee will be considered to have contributed that amount to the cost of maintaining the Vacation Savings Plan and any issued check will be void.

In the event of the employee's death, the employee's vacation benefits will be paid within 60 days after receipt of proof of death to the employee's designated beneficiary. If there is no beneficiary named or surviving, the beneficiary is the employee's named beneficiary under the Health and Welfare Trust Fund or, if none, is the person or persons entitled thereto by law. Each employee should designate a beneficiary to receive his/her benefits in the event of death. The employee may change his/her beneficiary at any time by signing and filing a new designation. The forms are available from the Administrator.

An application for benefits because of the death of an employee must be filed, together with a certified copy of the death certificate, with the Administrator no later than the end of the month immediately following the calendar year in which the employee dies. If an application is not filed by that date, the amount will be considered contributed to the Vacation Savings Plan, and the beneficiary will have no further rights to the benefits.

### ***CLAIMS FOR UNPAID BENEFITS***

Vacation benefits will be paid to each employee only to the extent that contributions have been received by the Trust Fund for the employee as reflected in each employee's vacation account. In the event the amount of the vacation account does not agree with the amount of benefits the employee or beneficiary believes he/she has coming, the employee or beneficiary or his/her representative ("claimant") should file a written benefit claim with the Board of Trustees.

Upon receipt of this claim, the Administrator will check the vacation benefits paid the employee against the amounts claimed. If the employers have not contributed all amounts due, collection efforts will be made. Amounts collected will be paid as indicated above.

If the claim is wholly or partially denied, the claimant will be given written or electronic notice of the denial within 90 days after receipt of the claim, unless special circumstances require an extension of time for processing the claim. The claimant will be notified of an extension within 90 days of the date the claim was filed. The notice will indicate the special circumstances and the date by which a decision is expected. The extension will not exceed 90 days from the end of the initial response period.

The notice will indicate the specific reason or reasons for denial, the Plan provision(s) involved, an explanation of the claims review procedure described below, a description of any additional material or information necessary to complete the claim, and a statement of the claimant's right to bring a civil action under the Employee Retirement Income Security Act of 1974, as amended ("ERISA").

If the claim is denied in whole or in part, the claimant has the right to request the Board of Trustees to review the claim. Such request must be in writing and must be made by personal delivery or mailing to the Board of Trustees within 60 days after the claimant is advised of the action of the Board of Trustees. If the written request for review is not made within such 60-day period, the claimant waives any right to review. You also lose the right to sue in state or federal court, as discussed in item 6 of the Basic Information section.

The Board of Trustees will then conduct a review at which the claimant may present his or her position. In doing so, the claimant may review all pertinent documents, if any, supporting the claim and may submit written information relating to the claim. The information submitted will be taken into account in the review process even if it was not considered in deciding the initial claim. The claimant will also be provided, on request and free of charge, reasonable access to, and copies of, all information relevant to the claim.

The Board of Trustees will issue a written or electronic decision within 60 days after the date on which review is requested. If special circumstances require an extension of time for processing, a decision will be made and furnished to the claimant not later than 120 days after review is requested. If an extension is required, the claimant will be notified within 60 days after review is requested. The notice will indicate the special circumstances and the date by which a decision is expected.

The decision will include the reasons for the decision and the Plan provisions on which it is based. The decision will also inform the claimant of the claimant's right to request information relevant to the claim and to bring a civil action under ERISA. A copy of the decision will be furnished to the claimant.

Any further review, judicial or otherwise, will be based on the record considered by the Board of Trustees and is limited to whether the Board of Trustees acted arbitrarily or capriciously in the exercise of its discretion.

## ***QUESTIONS AND ANSWERS***

- 1. How is the Vacation Savings Trust Fund administered?*** A Board of Trustees comprised of up to six employee and six employer representatives administers the Vacation Savings Trust Fund with the assistance of the Administrator under the provisions of the Trust Agreement, which set forth the rules and regulations adopted for the Trust Fund's operation.
- 2. When can vacation savings benefits be paid?*** Under the annual method, vacation savings benefits are paid between December 1 and December 15 of each year. Late contributions will be paid at the time of the next quarterly distribution method by which the late contributions are received in time to be included.

Under the semiannual method, six months of vacation savings benefits are paid between the first and fifteenth of July and December. Under the quarterly method, quarterly vacation savings benefits are paid between the first and fifteenth of the following months: April, July, October, and December.

In addition to the methods described above and upon written application, an employee may receive one additional distribution in each Plan Year of an amount up to an employee's account balance, but the distribution will not include any earnings allocated to an employee. No additional distributions are permitted, such as for hardship or moving out of the Trust's area.

3. ***What period will be included in my vacation savings benefit?*** Under the annual method, contributions credited to each employee for work performed between September 1 of any year through the last day of August of the following year are included in the vacation savings benefit issued between December 1 and December 15 of each year.

Under the semiannual method, contributions received from September through February are paid in July and contributions received from March through August are paid in December.

Under the quarterly method, contributions received from September through November are paid in April, from December through February are paid in July, from March through May are paid in October, and from June through August are paid in December.

4. ***How do I obtain my vacation savings benefit?*** Your benefit will be mailed to you at the address shown on your enrollment card or will be deposited in your credit union account as you elect.

The vacation savings benefit will be payable, upon application within 60 days after the receipt of proof of death, to the beneficiary named by you. If there is no beneficiary named or surviving, the beneficiary is the beneficiary named under the Health and Welfare Trust Fund or, if none, the person or persons entitled thereto by law.

5. ***What happens if an employer fails to contribute for work performed by me?*** You will receive only those amounts actually paid by your employer to the Trust Fund. The Board of Trustees will take such legal action as is prudent to collect from an employer unpaid contributions plus interest and damages. Your share of such contributions will then be credited to your account.

6. ***Are income taxes paid on vacation savings benefits?*** The contributions to the Vacation Savings Trust Fund are included in taxable income before receipt by the employee. The contributions are included in the gross payroll reported by your employer to federal and state income tax departments, at which time the necessary withholdings and other income tax deductions should be made. Trust Fund earnings and missing employee forfeited contributions paid to you are also taxable income to you.

7. ***How are the expenses for operating the Vacation Savings Trust Fund paid?*** Expenses for the operation of the Vacation Savings Trust Fund are paid out of interest income and other income such as forfeited accounts. A fee for administrative expenses may also be deducted from your vacation account. Distribution of accounts can be delayed until the Trust Fund has enough earnings to pay expenses.

## ***BASIC INFORMATION***

### ***1. Plan information:***

Name - Oregon-Washington Carpenters-Employers Vacation Savings Trust Fund

Plan Number - 501

Collectively Bargained, Joint-Trusteed Labor Management Trust

### ***2. Name and address of the person designated as agent for the service of legal process:***

Chairman of the Board of Trustees at the address shown in item 3 below. Service of legal process may also be made on the Board of Trustees or any Trustee under item 4 below.

### ***3. Information regarding the Plan Sponsor and Administrator:***

Board of Trustees  
Oregon-Washington Carpenters-Employers  
Vacation Savings Trust Fund  
541 N.E. 20th Avenue, #108  
Portland, Oregon 97232  
Telephone: (503) 222-9603  
Toll Free: 1-800-888-0346

Employer Identification Number: 93-0643915

The Trustees are the legal “plan administrator,” but have engaged American Benefit Plan Administrators, Inc., which serves as the Administrator, to perform the routine administration of the Trust Fund. It is located at the same address and has the same telephone number as the Board of Trustees. The Trustees have engaged Union Bank of California, N.A., as the custodian of the Trust Fund.

### ***4. Names, titles, and addresses of the members of the Board of Trustees:***

#### **Employer Trustees**

Kevin Spellman, Secretary-Treasurer  
2920 S.W. Vesta Street  
Portland, Oregon 97219

Dee Burch  
Advanced American Diving  
415 S. McLoughlin Boulevard  
Oregon City, Oregon 97045

#### **Employee Trustees**

Robert Hansen, Chairman  
Pacific Northwest Regional Council of  
Carpenters  
12790 S.E. Stark Street, Suite 102  
Portland, Oregon 97233

Bruce Ashback  
Local Union 1715  
612 E. McLoughlin  
Vancouver, Washington 98663

**Employer Trustees  
(continued)**

Vaughn Grubaugh  
Performance Contracting  
8015 S.W. Hunziker Road  
Tigard, Oregon 97233

David J. Lay  
Lay's Construction Company  
7400 S.E. Milwaukie Avenue  
Portland, Oregon 97202

Micheal Roberts  
Gale M. Roberts Company, Inc.  
338 W. 11th Avenue, Suite 110  
Eugene, Oregon 97401

James R. Watts  
General & Concrete Contractors  
3434 S.W. Water Avenue  
Portland, Oregon 97201

**Employee Trustees  
(continued)**

Pete Savage  
Pacific Northwest Regional Council of  
Carpenters  
12790 S.E. Stark Street, Suite 102  
Portland, Oregon 97233

Heber "Ole" Olsen  
Member Local 1797  
14007 69th Drive S.E., #F4  
Snohomish, Washington 98296

5. **Type of Plan:** The Vacation Savings Plan is a welfare benefit plan maintained pursuant to collective bargaining agreements. A copy of the agreements may be obtained by participants and beneficiaries upon written request to the Board of Trustees and is available for examination by such persons at the Administrator's office.
6. **Statement of ERISA Rights:** As a participant in the Oregon-Washington Carpenters-Employers Vacation Savings Trust Fund, you are entitled to certain rights and protections under ERISA. ERISA provides that all Plan participants are entitled to:

**RECEIVE INFORMATION ABOUT YOUR PLAN AND BENEFITS**

(a) Examine, without charge, at the Administrator's office and at other locations (work sites and union halls), all Plan documents, including 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 Security Administration.

(b) Obtain copies of all Plan documents and other Plan information (including collective bargaining agreements and copies of the latest annual report (Form 5500 series) and updated summary plan description) upon written request to the Board of Trustees. The Board of Trustees may make a reasonable charge for the copies.

(c) Receive a summary of the Plan's annual financial report. The Board of Trustees is required by law to furnish participants with a copy of the summary annual report.

### **PRUDENT ACTIONS BY PLAN FIDUCIARIES**

In addition to creating rights for Plan participants, ERISA imposes duties upon the persons who are responsible for the operation of the Plan. These persons (called "fiduciaries") have a duty to operate the Plan prudently and must act solely 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 from the Plan or exercising your rights under ERISA.

### **ENFORCE YOUR RIGHTS**

If your claim for a welfare 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 copies 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 Board of Trustees 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 Board of Trustees.

If your claim for a welfare benefit is denied or ignored, in whole or in part, you may file suit in a state or federal court. If your claim for benefits is denied, however, you must appeal the decision and follow the claims procedure described in the Claims for Unpaid Benefits section before you may file suit. 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 a federal court. The court will decide who should pay court costs and legal fees. If you are successful, the court may order the person you have sued to pay these costs and fees. If you lose, the court may order you to pay these costs and fees, for example, if it finds your claim is frivolous.

### **ASSISTANCE WITH YOUR QUESTIONS**

If you have any questions about the Plan, you should contact the Board of Trustees. If you have any questions about this statement or about your rights under ERISA, or if you need assistance in obtaining documents from the Board of Trustees, 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 Inquiries, 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.