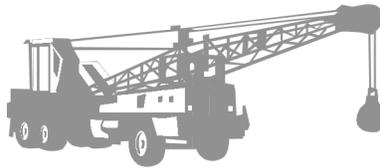


**EMPLOYERS AND  
OPERATING ENGINEERS  
LOCAL 520  
VACATION FUND**

**SUMMARY PLAN DESCRIPTION**



**JANUARY 2009 EDITION**



**EMPLOYERS AND OPERATING ENGINEERS  
LOCAL 520 VACATION FUND**

Eight Executive Woods Court  
Swansea, Illinois 62226  
Telephone: (618) 233-7978  
Fax: (618) 233-7716

**BOARD OF TRUSTEES**

(Administrator, as defined by law)

**Labor Trustees**

Ronald Johnson  
Operating Engineers Local 520  
520 Engineer Road  
Granite City, Illinois 62040

Mark Johnson  
Operating Engineers Local 520  
520 Engineer Road  
Granite City, Illinois 62040

Terry MacZura  
Operating Engineers Local 520  
520 Engineer Road  
Granite City, Illinois 62040

**Management Trustees**

Charles Mahoney  
Charles E. Mahoney Co.  
209 Service Street  
Belleville, Illinois 62226

Timothy Keeley  
Keeley & Sons, Inc.  
P.O. Box 837  
East St. Louis, Illinois 62203

David Baxmeyer  
Baxmeyer Construction, Inc.  
1034 Floraville Road  
Waterloo, Illinois 62298

**Fund Counsel**

Hammond, Shinnars, Turcotte,  
Larrew and Young, P.C.

**Fund Auditor**

Henry Siekmann, C.P.A.

**Agent for Service of Legal Process**

Any Trustee or  
David Glastetter  
Administrative Manager  
Eight Executive Woods Court  
Swansea, Illinois 62226

To All Participants:

The Board of Trustees is pleased to present this Summary Plan Description (SPD) which outlines the participation rules and payout provisions of the Vacation Fund. Please keep this SPD in a safe place. If you have any questions regarding the Vacation Fund, please contact the Fund Office at the address and phone number shown above.

Sincerely,  
BOARD OF TRUSTEES



---

---

**ARTICLE I - IMPORTANT INFORMATION ABOUT THE PLAN**

---

---

**1. Name of Plan**

The Employers and Operating Engineers Local 520 Vacation Fund.

**2. Board of Trustees**

A Board of Trustees is responsible for the operation of this Plan. The Board of Trustees shall consist of three (3) persons named by the Union and three (3) persons named by Management. If you wish to contact the Board of Trustees, you may use the address and phone numbers below:

Employers and Operating Engineers  
Local 520 Vacation Fund  
Eight Executive Woods Court  
Swansea, Illinois 62226  
Telephone: (618) 233-7978  
Fax: (618) 233-7716

The day-to-day administration of the Plan is done by the Board of Trustees and its employees at the above address.

The Board of Trustees is both the Plan Sponsor and the Plan Administrator. The Trustees as of January 19, 2009 are listed on the front inside cover of the SPD.

**3. Identification Numbers**

The Plan number assigned to this Trust by the Board of Trustees pursuant to instructions of the Internal Revenue Service is 503.

The identification number assigned to the Board of Trustees by the Internal Revenue Service is 37-6149098.

**4. Agent for Service of Legal Process**

David Glastetter  
Administrative Manager  
Eight Executive Woods Court  
Swansea, Illinois 62226

Service may also be made on any Trustee at the Fund Office address.

**5. Source of Contributions/Collective Bargaining Agreement**

The benefits described in this SPD are provided through employer deductions from your wages. The amount of employer deductions and the employees on whose behalf these deductions are made are determined by the provisions of the collective bargaining agreement. The collective bargaining agreement requires remittance to the Fund under fixed hourly rates for each hour worked. Information as to whether a particular employer has a collective bargaining agreement which requires participation in this Fund and if so, the employer's address may be obtained by you on written request to the Fund Administrator.

You may also review copies of collective bargaining agreements pursuant to which the Fund is maintained at the Fund Office or you may receive a copy of an agreement if you make a written request to the Fund Office.

**6. Type of Plan**

This Plan is maintained for the purpose of providing vacation benefits.

**7. Trust Fund**

All assets are held in trust by the Board of Trustees for the purpose of providing benefits to employees and defraying reasonable administrative expenses.

**8. Plan Year**

The records of the Plan are kept separate for each Plan Year. The Plan Year is a twelve-month period beginning October 1<sup>st</sup> and ending on September 30<sup>th</sup>.

**9. Amendment and Termination**

The Trustees may amend this Plan at any time by majority vote at a regular or special meeting. The Plan may be terminated pursuant to the Trust Document. In the event of termination of the Plan, the Trustees will use the Trust Fund assets to provide vacation benefits to participants until all of the assets in the Trust Fund are disbursed.

## **10. Interpretation, Construction and Application of Plan Documents**

The Trustees have the discretionary authority to interpret and construe the terms of the documents which govern the operation of this Plan, including but not limited to, any terms relating to eligibility or benefits and any ambiguous terms. The Trustees also have discretionary authority to find facts and apply the terms of the Plan's governing documents to the facts. Any determinations made by the Trustees shall be binding on all parties. The determinations of the Trustees are intended to be subject to the highest level of judicial deference.

## **11. Participation**

You will become a participant in the Employers and Operating Engineers Local 520 Vacation Fund if you perform work which is covered by a collective bargaining agreement entered into between Local Union No. 520 of the International Union of Operating Engineers and a Contributing Employer and the Contributing Employer makes payment to the Vacation Fund on your behalf for each hour worked. Employees of Local 520 and the 520 Pension and Welfare Funds may also participate.

## **12. Benefits**

The amount of your benefit each year is determined by the actual employer deductions received by the Fund Office for work you performed during the twelve-month period of October 1<sup>st</sup> through the following September 30<sup>th</sup>. The payout of benefits is scheduled to take place during the period of November 15<sup>th</sup> through December 15<sup>th</sup> of each year. This payout is done automatically and you are not required to file a claim in order to receive your benefit.

## **13. Interest**

Interest on any money held in the Vacation Fund may be paid once every three years, upon the accumulation of \$30,000, after satisfaction of all administrative expenses. The amount of interest you may receive will be based on the employer deductions received by the Fund on your behalf during the Plan Year in which the interest calculation is made. The amount of interest payable to you will be added to your Vacation Fund payout check.

#### **14. Forfeitures**

If a vacation benefit check is returned to the Fund because the U.S. Post Office cannot deliver it, the Trustees may declare it forfeited and return the money to the general assets of the Vacation Fund if it goes unclaimed for five years. Therefore, make sure the Fund has your correct address on file. If you should change your address, please fill out and return a change of address/beneficiary card to the Fund Office.

#### **15. Death of an Employee**

If you should die before your vacation benefits are paid out, your benefits will be paid to the beneficiary you designated to the Vacation Fund, unless you had directed otherwise. If you had not made a beneficiary designation or if your beneficiary has died, Vacation Fund benefits will be payable to the first of the following groups in which there is a survivor:

- ◆ Your spouse.
- ◆ Your children.
- ◆ Your parents.
- ◆ Your estate.

#### **16. Claims and Appeals**

As indicated above, your benefits are paid automatically. However, if you (or your beneficiary) do not receive benefits you believe are due to you or you believe the amount you receive is less than the amount due to you, you may submit a written request or claim for those benefits along with any documentation (check stubs, W-2 forms, time sheets) that you believe supports your claim. Such a claim and documentation should be sent to the Fund Office. Within 30 days after receiving your claim, the Fund Office will make a decision on your claim and notify you of that decision. If the decision is a denial, the notice will set forth:

- a. Specific reason for the denial
- b. Any specific provision of this booklet upon which the denial was based;
- c. Any additional information necessary to process the claim and an explanation of why it is necessary; and
- d. A description of the Fund's appeal procedures and time limits including a statement that you have the right to bring a civil

action under Section 502 of the Employee Retirement Income Security Act if your appeal is denied.

If you (or your beneficiary) disagree with the denial of your claim, you may appeal in writing to the Board of Trustees within 60 days after you receive notice of the denial. You should include with such appeal any information or documents you believe support your appeal. You have the right to review or receive copies, free of charge, of any documents relevant to your claim. The Trustees will review your appeal and notify you of their decision within 60 days. They will consider all information you submitted in connection with the claim and the appeal. If they determine to deny your appeal, the notice will contain the same classes of information included in the denial of your original claim along with notice of your right to receive, free of charge, copies of all documents relevant to your claim and appeal.

#### **17. Non-Assignment of Benefits**

You do not have the right to sell, transfer, assign, or otherwise dispose of your vacation account or any right or interest under the Fund. The Trustees will not recognize nor are they required to recognize any such sale transfer, assignment or disposition. Your vacation account, right or interest, is not subject in any manner to voluntary transfer or transfer by operation of law. Your vacation account is exempt from the claims of creditors or other claimants to the fullest extent permissible by law.

---

---

### **ARTICLE II - STATEMENT OF RIGHTS UNDER EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974**

---

---

#### **1. Statement of ERISA Rights**

As a participant in the 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:

- a. Receive information about your plan and benefits.
- b. 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 Pension and Welfare Benefit Administration.

- c. 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.
- d. 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.

## **2. Prudent Actions by Plan Fiduciaries**

In addition to creating rights for plan participants, ERISA imposes duties upon the people who are responsible for the operation of the employee benefit plan. The people who operate your plan, called "fiduciaries" of the plan, have a duty to do so prudently and in the interest of you and other plan participants and beneficiaries. No one, including your employer, your union, or any other person, may fire you or otherwise discriminate against you in any way to prevent you from obtaining a vacation benefit or exercising your rights under ERISA.

## **3. Enforce Your Rights**

If your claim for a vacation 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. In addition, if you disagree with the plan's decision or lack thereof concerning the qualified status of a domestic relations order or a medical child support

order, you may file suit in Federal court. If it should happen that plan fiduciaries misuse the plan's money, or if you are discriminated against for asserting your rights, you may seek assistance from the U.S. Department of Labor, or you may file suit in 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.

#### **4. 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 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.



