

LOCAL 99 LEGAL SERVICES PLAN

Plan Document/Summary Plan Description

Effective April 1, 2022

LOCAL 99 LEGAL SERVICES PLAN

701-703 McCarter Highway 1/F1
Newark, New Jersey 07102

BOARD OF TRUSTEES

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LOCAL 99 LEGAL SERVICES PLAN

Dear Plan Participant:

We are pleased to present you with this updated Plan Document/Summary Plan Description (“SPD”), which highlights the benefits provided under the Local 99 Legal Services Plan (the “Plan”) on behalf of you and your eligible dependents.

We urge you to read this Plan Document/SPD carefully and recommend that you keep it with your important papers. This booklet, along with other documents such as the Trust Agreement and any contracts with the Board of Trustees, constitutes the formal Plan Document.

Active participants in the Local 99 Health & Welfare Fund are entitled to speak with a Staff Attorney regarding covered matters (as described in this SPD). This consultation may include advice, referral, and/or a limited service such as a single letter or telephone call as well as the review of documents. Anything that either you or a member of your family discusses with a Staff Attorney will be kept confidential, as it would be under any other attorney-client relationship.

Participants eligible for the legal services benefit have the right to choose their own attorney and the decision to be represented by a particular attorney is at the sole discretion of the participant. A referral to an attorney by the Plan will not obligate the participant to retain that attorney. The Local 99 Health & Welfare Fund, the Trustees, nor the Managing Attorney make any representations or guarantees with respect to any referrals and are not liable for the advice or services rendered pursuant to any referrals.

Sincerely yours,

THE BOARD OF TRUSTEES

Only the full Board of Trustees is authorized to interpret the Plan described in this booklet. No Employer or Union representative, Fund Office employee or individual Trustee is authorized to interpret the Plan, nor can any such person act as agent of the Board of Trustees. Your rights are governed by the Plan, as amended from time to time. The Board of Trustees has the sole authority to revise, construe, and apply the provisions of this Plan Document/Summary Plan Description and make decisions concerning your eligibility for, entitlement to, nature, amount, and duration of benefits. The Board of Trustees reserves the right to amend, modify, or discontinue all or part of the Plan whenever, in its judgment, conditions so warrant.

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INTRODUCTION

Purpose of the Plan

The Local 99 Legal Services Plan has been adopted by the Board of Trustees of the Local 99 Health & Welfare Fund to provide you and your dependents with legal assistance and services, and to protect your legal rights and interests.

The Plan was designed by the Trustees to provide competent attorneys for you if you need legal assistance, to help you respond to legal and related problems, and to help you know more about your legal rights and when to seek the advice and assistance of an attorney.

The Legal Services Plan will provide legal representation to you and your eligible dependents either through a Staff Attorney or through a referral to outside counsel.

Operation of the Plan

The Legal Services Plan is financially supported by contributions made pursuant to Collective Bargaining Agreements and Participation Agreements by contributing employers on behalf of Plan participants.

The Board of Trustees of the Local 99 Health & Welfare Fund has engaged a Managing Attorney to perform legal services in accordance with the Plan and to refer participants to competent attorneys with experience in the practice of law specific to your need.

Legal services benefits provided under the Plan are subject to change by the Board of Trustees and subject to the Agreement and Declaration of Trust establishing the Local 99 Health & Welfare Fund. However, changes in the Plan will be prospective only and will not deprive you or your eligible dependents of services to which you are entitled in connection with any matter pending at the time of the change.

Staff Attorneys

The Plan is designed to provide legal and related services through the combined use of attorneys and staff hired by the Plan. Generally, legal services will be provided to you and your eligible dependents, where applicable, by attorneys and staff hired by the Plan, unless you are referred to outside counsel. Legal fees, in cases that are referred to outside counsel are solely borne by the participant. You are not required to use the services of the attorney to whom you are referred; you are free to use any attorney you select.

Attorneys' services will be provided in accordance with the professional and ethical standards expected of lawyers. In providing such legal services, attorneys will adhere to the rules of the Plan as established herein, but will receive no further instructions, directions, or interference from the Plan's officers or agents. When your, or your eligible dependent's, case is referred to an attorney, you or your eligible dependent will deal exclusively with the attorney on a professional attorney-

client basis. Attorneys may refuse to provide services in any matter which they believe to be clearly without merit, frivolous, or not covered by the Plan.

ELIGIBILITY

The Plan is funded by contributions made by employers to the Local 99 Health & Welfare Fund. The contributions are made on behalf of employees who are covered for purposes of collective bargaining.

Who is Eligible?

All active participants in the Local 99 Health & Welfare Fund are eligible for the Legal Services Plan. You (and your eligible dependents) must be eligible for legal services at the time of the incident to qualify for coverage.

Dependents

Your dependents are also eligible for many of the benefits provided by the Plan. Your eligible dependents include:

- Your Spouse, to whom you are legally married; and
- your natural children from birth until the end of the month in which they become age 26;
- your adoptive children until the end of the month in which they become age 26.

Initial Eligibility Date

Participants will become eligible for legal services benefits on the first day they receive coverage under the Local 99 Health & Welfare Fund.

Effective Date of Coverage

If you are an active employee, you will be covered for benefits on the day that you become eligible for benefits.

However, if you are not an active full-time employee working within the jurisdiction of Laundry, Distribution and Food Service Joint Board, Workers United, SEIU because you are wholly and continuously disabled on the date you would otherwise become covered, you will be covered:

- On the date that you subsequently return to active full-time work within the area or jurisdiction; or
- On the date that you become available for such active full-time work.

The words "wholly and continuously disabled" mean that you are prevented from engaging in your regular or customary occupation.

Continued Eligibility

Once you become eligible, coverage for you and your eligible dependents will remain in effect while you are eligible for benefits from the Local 99 Health & Welfare Fund.

Termination of Eligibility

Your, and your eligible dependent's, eligibility for benefits will terminate on the date you are no longer eligible for coverage under the Local 99 Health & Welfare Fund.

Reinstatement of Eligibility

If you lose eligibility, you must again meet the Initial Eligibility requirements to become eligible once more.

HOW TO OBTAIN LEGAL REPRESENTATION

If you are eligible for coverage and need of legal assistance, you should call the Legal Services Plan at (914) 592-1515. If you meet the eligibility requirements of the Local 99 Health & Welfare Fund, an appointment will be made for you to discuss your legal problems with a Staff Attorney.

Should you, for any reason, decide to use an attorney or a law firm without first obtaining the written approval of the Managing Attorney of the Legal Services Plan, the Legal Services Plan will not assume responsibility for any payments for legal fees or charges that you may incur.

FUND BENEFITS

The benefits provided at no charge to you and your dependents include:

- Will Benefit;
- Domestic Relations Benefit;
- Separation and Divorce Benefit;
- Landlord-Tenant Benefit;
- Real Estate Benefit;
- Credit-Consumer Benefit;
- Immigration/Naturalization Benefit; and
- Workers' Compensation Benefit.

Advice and consultation related to these benefits is included at no costs to you or your covered dependents. Additionally, the preparation of simple wills, health care proxies, and powers of attorney are available at no cost. For any other services, you are responsible for payment of all attorneys' fees, court costs and filing fees.

If you are denied legal representation by the Legal Services Plan, you may appeal the determination to the Board of Trustees (the "Trustees").

The provision of services by the Legal Services Plan is subject to continuing approval by the Internal Revenue Service and sufficient assets necessary to continue the provision of benefits.

The Trustees may amend, modify, or terminate the Plan or any provision contained therein at any time. However, said amendment, modification, or termination may not affect the provision of legal services representation to you or your covered dependents if you have been approved for Legal Services Benefits.

LEGAL SERVICES PROVIDED

The following legal services are provided through the Legal Services Plan. Benefits are subject to limitations.

Separation or Divorce Benefit

Advice and consultation on all matrimonial controversies that may lead to a separation, annulment, or divorce.

This benefit is only available to the member; not to dependents. Any work related to QDROs (Qualified Domestic Relations Orders) is not covered.

Domestic Relations Benefit

Advice and consultation for matters that are not specifically covered by the Separation or Divorce Benefit, such as actions to modify a divorce decree, to increase or decrease amounts of maintenance or child support, to defend support, or for maintenance proceedings, custody, visitation, and related matters.

This benefit is only available to the member; not to dependents. Any work related to QDROs (Qualified Domestic Relations Orders) is not covered.

Landlord-Tenant Benefit

Advice and consultation for all matters related to your or your dependents' payment of rent, or receipt of services from a landlord, or other matters arising from your or your dependents residing in a rental apartment. (There is no coverage to landlords).

This benefit is available to you and your covered dependents.

Real Estate Benefit

Advice and consultation on all matters related to the purchase and/or sale by you or your covered dependents of a home, condominium, or co-operative apartment that is your primary residence. Also covered are matters relating to payment or collection of amounts due or owed under a mortgage, contract, deed, and similar evidence of debt where ownership and residency are in effect.

This benefit does not include representation at closings.

This benefit is available to you and your covered dependents.

Credit-Consumer Benefit

Advice and consultation on your or your covered dependents' defense in claims or lawsuits arising from actions seeking unpaid balances for goods, debt collection, adverse credit information contained in your or your dependents' credit files and communicating with the credit reporting agency or creditor to correct or supplement the information in the file.

This benefit is available to you and your covered dependents.

Will Benefit

This benefit covers all matters related to your or your covered dependents' preparation of a Will or Codicil, health care proxy, and powers of attorney. This benefit does not cover revocable trusts.

You are responsible for payment of all court filing fees and costs.

This benefit is only available to the member and spouse.

Immigration/Naturalization Benefit

Advice and consultation on all matters related to your or your covered dependents' involvement in immigration proceedings, including proceedings for naturalization, deportation, or change of status as a naturalized citizen of the United States.

This benefit is available to you or your covered dependents.

Workers' Compensation Benefit

Advice and consultation regarding an initial evaluation of claims before referral to a private attorney.

This benefit is available to you and your covered dependents.

Referral Service

If you require additional legal assistance, the Legal Services Plan will refer you to an outside attorney in New York or New Jersey who is qualified in the practice of law specific to your need.

LEGAL SERVICES THAT ARE NOT PROVIDED

Legal Services will *not* be provided for the following:

- Litigation, mediation, arbitration, and appellate matters;
- Criminal matters;
- Traffic violations;
- Any proceeding or matter involving a contributing employer or its officers or agents or involving the Union or its officers or agents. This includes claims for Worker's Compensation, Disability Insurance, or Unemployment Compensation;
- Any proceeding or matter involving any employer or labor organization arising under the National Labor Relations Act, the Labor-Management Relations Act, or the Labor Management Reporting and Disclosure Act;
- Any matter or proceeding where a labor organization or the Health & Welfare Fund would be prohibited from defraying the costs of legal services by any provision of law;
- Any matter or proceeding involving the Plan, the Trustees, employees, or agents of the Plan;
- Any matter or proceeding involving any other trust fund or benefit plan to which the Union or contributing employer is party to, or the trustees, employees or agents of such trust fund or benefit plan;
- Any matter which, in the judgment of the Trustees, may curtail the opportunities for employment of employees covered under this Plan;
- Any matter or proceeding in which you are entitled to legal representation or reimbursement for the legal cost incurred from any source other than the Plan, whether or not you perfect or exercise this right. Your right, however, by reason of your indigence or low-income level to legal services provided by either governmental or voluntary agencies, will not preclude your right to obtain legal services under this Plan;
- The initiation of any claim or action for personal injury for which the services of an attorney are generally available under a contingency fee arrangement or through insurance coverage;
- Preparation and filing of Federal and State tax returns;
- Duplication of services previously claimed and related to the same cause of action;
- Matters or proceedings which, in the judgment of the Managing Attorney, are frivolous or without merit;
- Any matter or proceeding involving an administrative agency of the State or Federal government that is not resolved at the agency level. However, coverage will be available if, in the judgment of the Managing Attorney, the cost to the Fund will not be disproportionate, and you or your covered dependent agrees to pay a portion of the appellate costs;
- Any matter or proceeding in which an attorney was previously retained by you or your dependents prior to your eligibility for benefits provided by the Plan;

- Services of any attorney admitted to the Bar of a state other than the States of New York, New Jersey, and Pennsylvania;
- Matters where you or your dependent are an adverse party in an action involving another eligible employee or his/her dependent, except at the express written approval of the Managing Attorney; and
- Coverage arising out of your self-employment or employment in an industry other than the industry covered by Laundry, Distribution and Food Service Joint Board, Workers United, SEIU.

GENERAL LIMITATIONS AND SPECIAL SERVICES PROVIDED

Appeals to the Board of Trustees

The legal services to be provided under this Plan have been adopted by the Board of Trustees of the Local 99 Health & Welfare Fund and the Rules and Regulations for the payment of benefits. The application of any limitation on payments is subject to the Rules and Regulations established by the Board of Trustees and to the Agreement and Declaration of Trust, which established the Fund.

If you or your covered dependents have any complaints regarding the operation of the Plan, or if you seek a review of any action taken by the Fund Office or the Managing Attorney, you may bring your complaint to or appeal said action by forwarding a letter, by regular mail, to:

Board of Trustees
Local 99 Health & Welfare Fund
701-703 McCarter Highway
Newark, New Jersey 07102

The Trustees will only consider your complaint or appeal if your letter is received by the Fund Office within 60 days of the occurrence of the matter giving rise to the complaint. The Trustees will act on your timely complaint, appeal, or action within a reasonable period of time and render a decision in writing. The decision of the Trustees will be final and binding on all parties in connection with any claim, appeal, matter, or proceeding resulting from your or your dependent's eligibility for benefits under the Plan.

All disputes must be appealed to the Board of Trustees and a final determination must be reached before you may seek judicial review.

After you or your dependents that have filed an appeal and have received a written decision from the Board of Trustees, you or your dependents will have 90 days to commence any further legal action, after which, no legal action may be commenced against the Fund and/or the Board of Trustees. Any legal action related to the Plan may only be brought in the United States District Court for the District of New Jersey.

MISCELLANEOUS PROVISIONS

The legal services provided by the Plan are for the sole benefit of eligible employees and their covered dependents. Such services, or their value, will not benefit or vest in any other person or entity, public or private, such as a trustee in bankruptcy, or to any assignee for the benefit of creditors, or otherwise. Services or their value provided may not be assigned.

1. The Legal Services Plan will be subrogated to all rights of an eligible employee or his/her covered dependents to recover attorney's fees and costs against any person or entity in any matter or proceeding in which the Legal Services Plan has paid for the legal services provided. You or your dependents will:
 - Be required to execute and deliver to the Legal Services Plan any instrument or papers requested by the Managing Attorney;
 - Do whatever else is deemed necessary by the Managing Attorney to secure rights for the Legal Services Plan; and
 - Take no action, which may prejudice any rights that may benefit the Legal Services Plan.
2. Legal services benefits provided under the Plan may be discontinued by the Trustees during any period when the assets of the Legal Services Plan are insufficient to continue providing the benefit, as determined by the Board of Trustees in their sole and absolute discretion. This will not affect the continuation of legal services in connection with any matter that commenced prior to a termination of benefits.

ADDITIONAL INFORMATION

All contributions to the Local 99 Health & Welfare Fund are made by employers in accordance with their Collective Bargaining Agreements or Participation Agreements.

Trustees' Rights

The Trustees will have sole, absolute, and exclusive right to make final, binding, and conclusive decisions and determinations regarding each and every aspect, case, question, and/or issue involving, or arising out of or in any manner whatsoever related to the Fund and the Plan.

Any action taken by the Trustees will be uniform in nature, applicable to all persons similarly situated, and reasonably calculated to accomplish, implement, and advance the purposes of the Fund.

The Trustees may hold, invest, and reinvest the assets of the Fund, including contributions and earnings of every kind and nature.

The Trustees, in their sole and absolute discretion, may at any time and from time to time, amend the Plan, provided such amendment(s) are consistent with the purpose of the Legal Services Plan.

Board of Trustees: The operation and administration of the Legal Services Plan is the responsibility of the Board of Trustees. The Trustees are the Plan's agent for service of legal process. The Trustees are:

Alberto Arroyo
Angela Bialorucki
Martin Canturiano
Cecilia Gomez
Cleveland Jenkins
Kevin McCann
Maricarmen Molina

The Trustees can be contacted at:

Local 99 Health & Welfare Fund
701-703 McCarter Highway
Newark, New Jersey 07102

Fund Information

Plan Year: January 1st – December 31st

Purpose of the Plan

The Plan was established under Collective Bargaining Agreements and Participation Agreements between the Laundry, Distribution and Food Service Joint Board, Workers United, SEIU;

and signatory employers to protect your legal rights and interests, as well as those of your dependents.

Fund Assets

Benefits are provided from the Fund's assets, which are accumulated under the provisions of the Collective Bargaining Agreements, Participation Agreements, and the Trust Agreement and held in a Trust Fund for the purpose of providing benefits to covered participants and defraying reasonable administrative expenses.

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 ("ERISA")

As a participant in the Legal Services Plan, you are entitled to certain rights and protections under the Employee Retirement Income Security Act of 1974 (ERISA). ERISA provides that all participants are entitled to the following rights:

- **Receive Information About Your Plan and Benefits** 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, Collective Bargaining Agreements, and 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 Plan Administrator, copies of documents governing the Plan, including insurance contracts, Collective Bargaining Agreements, copies of the latest annual report (Form 5500 Series), and the updated Plan Document/Summary Plan Description. The Plan Administrator may make a reasonable charge for the copies.
- Receive a copy of any material required by law to be distributed to Plan participants. Receive a summary of the Plan's annual financial report upon written request. 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 have the responsibility for the operation of the employee benefit plan. The people who operate the 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 or otherwise discriminate against you in any way to prevent you from obtaining a benefit or exercising your rights under ERISA.

Enforce Your Rights

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 Administrator 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 Plan Administrator.

If you have a claim for benefits that is denied or ignored, in whole or in part, you may file suit as provided under ERISA. If it should happen that Plan fiduciaries misused 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 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 EBSA, U.S. Department of Labor listed in your telephone directory or the:

National Office:

Division of Technical Assistance and Inquiries Employee Benefits Security Administration
U.S. Department of Labor
200 Constitution Avenue,
NW Washington, District of Columbia 20210
(866) 444-3272

For more information about your rights and responsibilities under ERISA, call (866) 444-3272 or visit www.dol.gov/ebsa.

No individual has any authority to interpret this Plan or to make any promise regarding the benefits provided. DO NOT rely on any statement that is not made in writing by the Fund Administrator, Managing Attorney, or the Board of Trustees.

Nothing in this booklet is meant to interpret or extend or change in any way the provisions expressed in the Plan or the rules and regulations of the Plan as adopted by the Trustees. The Trustees reserve the right to amend, modify, or discontinue all or part of this Plan whenever, in their judgment, conditions so warrant.