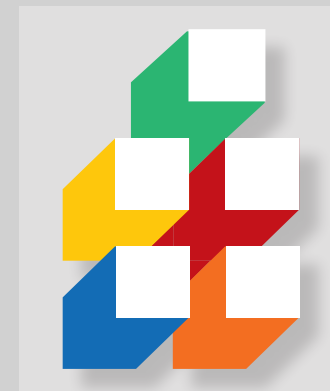




Building Service 32BJ

Thomas Shortman Training, Scholarship and Safety Fund



Summary Plan Description

July 1, 2014

Building Service 32BJ
Thomas Shortman Training, Scholarship and Safety Fund
25 West 18th Street, New York, New York 10011-4676
Telephone 1-800-551-3225
www.32bjfunds.org

Translation Notice

This booklet contains a summary in English of your Plan rights and benefits under the Building Service 32BJ Thomas Shortman Training, Scholarship and Safety Fund. If you have difficulty understanding any part of this booklet, contact Member Services at 1-800-551-3225 for assistance or write to:

Member Services
Building Service 32BJ Thomas Shortman Training, Scholarship and Safety Fund
25 West 18th Street
New York, NY 10011-4676

The office hours are from 8:30 a.m. to 5:00 p.m., Monday through Friday. You may also visit www.32bjfunds.org.

Este folleto contiene un resumen en inglés de sus derechos y beneficios con el Plan del Building Service 32BJ Thomas Shortman Training, Scholarship and Safety Fund. Si tiene alguna dificultad para entender cualquier parte de este folleto, contacte al Centro de servicios para afiliados al 1-800-551-3225 para recibir asistencia, o escriba a la dirección siguiente:

Member Services
Building Service 32BJ Thomas Shortman Training, Scholarship and Safety Fund
25 West 18th Street
New York, NY 10011-4676

El horario de oficina es de 8:30 a.m. a 5:00 p.m., de lunes a viernes. También puede visitar www.32bjfunds.org.

Kjo broshurë përmban një përmbledhje në anglisht, në lidhje me të drejtat dhe përfitimet tuaja të Planit nën Building Service 32BJ Thomas Shortman Training, Scholarship and Safety Fund. Nëse keni vështirësi për të kuptuar ndonjë pjesë të kësaj broshure, kontaktoni Shërbimin e Anëtarit në numrin 1-800-551-3225 për ndihmë ose mund të shkruani tek:

Member Services
Building Service 32BJ Thomas Shortman Training, Scholarship and Safety Fund
25 West 18th Street
New York, NY 10011-4676

Orari zyrtar është nga ora 8:30 deri më 17:00, nga e hëna deri të premten. Gjithashtu, ju mund të vizitoni faqen e Internetit www.32bjfunds.org.

Niniejsza broszura zawiera opis, w języku angielskim, Twoich praw i świadczeń w ramach Planu Building Service 32BJ Thomas Shortman Training, Scholarship and Safety Fund. W przypadku jakichkolwiek trudności ze zrozumieniem dowolnej części broszury, prosimy skontaktować się z Centrum obsługi członków pod numerem telefonu 1-800-551-3225 lub pisemnie na adres:

Member Services
Building Service 32BJ Thomas Shortman Training, Scholarship and Safety Fund
25 West 18th Street
New York, NY 10011-4676

Biuro czynne jest w godzinach od 8:30 do 17:00 od poniedziałku do piątku. Można również odwiedzić naszą stronę pod adresem www.32bjfunds.org.

Contact Information

For more information about the Fund's training and scholarship programs, call:

- **Training Fund:** 1-888-284-3225. You may call them from 8:00 am to 9:00 pm Monday through Friday.
- **Website:** visit us at www.training.32bjfunds.org to enroll in courses or apply for a scholarship.
- **Member Services Call Center:** If you have questions about your benefits or need more information, call Member Services at 1-800-551-3225 from 8:30 am to 5:00 pm, Monday through Friday (translation service in many languages is available), or visit:
- **Member Services Walk-in Center:** 25 West 18th Street, New York, NY 10011, 5th floor: 8:30 am to 6:00 pm, Monday through Friday (subways: 1 to 18th St. or 2 and 3 to 14th St. or F and M to 14th St. or L, N, Q, R, 4, 5, 6 to Union Square or Path to 14th St.).
- **E-mail Addresses:** For general information: training@32bjfunds.com
For scholarship information: scholarships@32bjfunds.com

The Thomas Shortman Training, Scholarship and Safety Fund

25 West 18th Street, New York, NY 10011-4676

Telephone: 1-800-551-3225

Thomas Shortman Training, Scholarship and Safety Fund is administered by a joint Board of Trustees consisting of Union Trustees and Employer Trustees with equal voting power.

Union Trustees

Héctor J. Figueroa
President

SEIU Local 32BJ
25 West 18th Street
New York, NY 10011-1991

Larry Engelstein
Executive Vice President
SEIU Local 32BJ
25 West 18th Street
New York, NY 10011-1991

Kevin J. Doyle
c/o SEIU Local 32BJ
25 West 18th Street
New York, NY 10011-1991

John Pagnotta
District Leader
SEIU Local 32BJ
25 West 18th Street
New York, NY 10011-1991

Employer Trustees

Howard I. Rothschild
President
Realty Advisory Board on Labor Relations, Inc.
292 Madison Avenue
New York, NY 10017-6307

Charles C. Dorego
Senior Vice President/General Counsel
Glenwood Management
1200 Union Turnpike
New Hyde Park, NY 11040-1708

John C. Santora
Chief Executive Officer
Corporate Occupier & Investor Services
Cushman & Wakefield, Inc.
1290 Avenue of the Americas
New York, NY 10104-6178

Fred Ward
Vice President, Labor Relations
ABM
321 West 44th Street
New York, NY 10036-5454

Executive Director, Building Service 32BJ Benefit Funds

Susan Cowell

Director, Thomas Shortman Training, Scholarship and Safety Fund

Linda G. Nelson

Legal Counsel

Bredhoff & Kaiser, P.L.L.C.
Proskauer Rose, LLP
Raab, Sturm & Ganchrow, LLP

Fund Auditor

Bond Beebe

Contents

	Page
Important Notice	5
Types of Benefits	5
Training Program	6
Description	6
Types of Courses	6
Taking a Course	7
Reading and/or Math Test	7
Attendance	7
Training Program Locations	8
Eligibility–Training	8
Eligibility for Employees of New York City Public Schools	9
When You are No Longer Eligible	10
If You Come Back to Work	10
Scholarship Awards Program	11
Description	11
Eligibility–Scholarships	12
Employee Eligibility	13
Dependent Eligibility	13
Member’s Relationship to the Applicant	13
Undergraduate and Graduate Scholarships	13
Applicant Requirements	14
Undergraduate –The Recipient Must	14
Graduate –The Recipient Must	14
Applying for a Scholarship Award	15
How Scholarship Awards are Determined	15

	Page
Deferring a Scholarship Award	16
Approval and Denial of Claims	16
Appealing Denied Claims	16
Appeal Decision Notice	17
Further Action	18
General Information	18
Employer Contributions	18
How Benefits May Be Reduced, Delayed or Lost	19
Compliance with Federal Law	19
Plan Amendment or Termination	19
Plan Administration	19
Statement of Rights under the Employee Retirement Income Security Act of 1974 as Amended	21
Prudent Action by Plan Fiduciaries	21
Enforce Your Rights	21
Assistance With Your Questions	22
Plan Facts	23
Funding of Benefits and Type of Administration	23
Plan Sponsor and Administrator	23
Participating Employers	24
Agent for Service of Legal Process	24
Appendix A: Thomas Shortman Training, Scholarship and Safety Fund, Window Cleaner Apprenticeship Program	25
Application Process	25
Eligibility for Thomas Shortman Training and Scholarship Benefits	25
Apprenticeship Training Program	26
Contact Information	Inside Back Cover

Important Notice

This booklet is both the Plan document and Summary Plan Description (“SPD”) of the plan of benefits (“the Plan”) of the Thomas Shortman Training, Scholarship and Safety Fund (“the Training Fund” or “the Fund”) for the purposes of the Employee Retirement Income Security Act of 1974 (“ERISA”), as amended. The terms contained herein constitute the terms of the Plan. Your rights to benefits can only be determined by this SPD as interpreted by official action of the 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.

In the event there is any conflict or ambiguity between this SPD or your collective bargaining agreement, this SPD will control. Also, in the event there is any conflict between the terms and conditions for Plan benefits as set forth in this SPD and any oral advice you receive from a Building Service 32BJ Benefit Funds employee or union representative, the terms and conditions set forth in this booklet control.

- Save this booklet – put it in a safe place. If you lose a copy, you can ask Member Services (call 1-800-551-3225) for another or obtain it from www.32bjfunds.org.
- If you change your name or address – notify Member Services immediately by calling 1-800-551-3225 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 scholarship benefits under the Plan.
- This booklet describes the provisions of the Plan in effect as of July 1, 2014.

Types of Benefits

The Plan is made up of two distinct benefits – training and scholarships. The training program, including its eligibility rules, is described on pages 6–11. The scholarship program, including its eligibility rules, is described on pages 11–16.

Training Program

Description

The Fund's Training Program is a joint labor/management program, supported by contributions negotiated between Local 32BJ and contributing employers.

You do not pay anything to take Plan courses. Necessary books and other required course-related materials are provided, without charge, to participants who are enrolled and attending the class. However, if you lose a course book, you must pay for a replacement, and you are also fully responsible for the cost of obtaining certifications from outside agencies (for example, Fire Department of the City of New York ("FDNY"), the Environmental Protection Agency ("EPA"), etc.).

The Board decides which courses to offer, as well as when and where they are offered, and reserves the right to change course offerings and schedules at any time, based on the Board's determination of participants' and employers' needs.

Types of Courses

- **Academic Skills**, such as Reading, Math and English as a Second Language ("ESL"),
- **Computer Skills**, including Introductory, Intermediate and Advanced,
- **Industry Skills**, such as Basic Plumbing, Carpentry and various license preparation courses,
- **Security Training**, such as 8 Hour Annual Recertification and 40 Hour Security Officer training,
- **Window Cleaner Apprenticeship Program**: See Appendix A in this document for more information about the Apprenticeship Program, and
- **Online Courses**, including Microsoft Office, OSHA 10 and 30, HS Equivalency, Disaster Preparedness, Elder Abuse and Tools of the Trade.

This is just a sample of the courses typically offered through the Plan. Please note that you must satisfy certain prerequisites before you can attend certain

courses. For example, some courses require that you pass one or more introductory courses before enrolling, and some courses require a minimum math or reading comprehension level. For a complete list, refer to the Training Program catalog, which the Plan publishes and distributes to eligible participants once a year, or see the online version at www.32bjfunds.org.

This catalog provides information on:

- registration times, locations and what to bring,
- course content, schedules, locations and prerequisites, and
- Career Track information, course requirements and choices of electives.

Taking a Course

You can find out which courses you are eligible for by visiting www.32bjfunds.org, calling 1-888-284-3225, checking the mail for your course catalog or asking a Training Fund staff member when you go to registration. Refer to the latest catalog to find out how, where and when registration takes place, or call 1-888-284-3225.

Reading and/or Math Test

If the course you want requires a high school diploma from an English speaking country or a passing grade on the High School Equivalency Test and you do not have either, you will be scheduled for a standardized reading and/or math test. Since we want you to succeed at every course you take, we require you to demonstrate that you will be able to handle the required coursework by scoring a certain grade on the reading and/or math test in English. Refer to the latest catalog to see which courses require these tests.

Attendance

In order to take full advantage of the Plan, you must consistently attend your selected course(s). In addition, there is a tremendous demand for the seats available so the Training Fund needs to ensure that there are no empty seats. Therefore, you may be dropped from the course if you:

- do not attend your course’s first session,
- have two consecutive absences, or
- miss more than 20% of the classes scheduled.

Training Program Locations

Many training courses are offered at multiple locations. However, note that not all courses are offered at all sites. Locations are listed at www.32bjfunds.org or call 1-888-284-3225.

Eligibility — Training

Eligibility for benefits from the Plan depends upon the particular contract (collective bargaining agreement or participation agreement) covering your employment. If the contract provides for your participation in the Plan, you are eligible for benefits after completing the applicable waiting period in covered employment* as listed below, unless specified otherwise. Your benefits begin on the day following your completion of the specified waiting period working the number of days or hours required by your contract. **It is important that you check your contract as waiting periods may vary.**

New York City Commercial or Residential	90 days
New York City Public Schools	See section on page 9.
Window Cleaner**	90 days
Westchester Residential	90 days
Commercial contracts in:	
Hartford Commercial	30 days
New Jersey	180 days
Hudson Valley & Fairfield County	180 days
New Haven Commercial	180 days
Washington, DC, Baltimore, MD, Montgomery County, MD	90 days
Long Island	90 days
Security Officers (New York City)	none or 30 days
Government buildings in Washington, DC area	none or 30 days

* Covered employment is work in a classification for which your employer is obligated to make contributions to the Training Fund.

** Waiting period does not apply to Window Cleaner Apprenticeship Training. (See pages 25–27.)

Eligibility for Employees of New York City Public Schools

If you work in a New York City Public School and your employer reports to the Training Fund that you are expected to regularly work at least 30 hours in each 14 day pay period (“pay period”), you are eligible for benefits once you have completed 90 consecutive calendar days. You will maintain benefits until you have completed the first 13 pay period measurement period as described below in the third paragraph. From this period on, you will be subject to the rules for on-going employees. If you are not reported on two consecutive pay periods, your eligibility for benefits will end as of the last day of the second pay period in which no hours were reported. If you return to work within six pay periods from the last day of the first pay period in which no hours were reported, benefits will be restored for the remainder of the applicable benefit coverage period.

If you are a new seasonal or variable hour employee or your employer fails to report your hire status, your hours will be measured over 13 pay periods starting with the first pay period in which you work. If you average 30 hours a pay period over 13 pay periods, you will become eligible for benefits on the first day of the pay period following a four pay period administrative period. You will maintain benefits for the following 13 pay periods, which is called the benefits coverage period. However, if you are not reported on two consecutive pay periods, your eligibility for benefits will end as of the last day of the second pay period in which no hours were reported. If you return to work within six pay periods from the last day of the first pay period in which no hours were reported, benefits will be restored for the remainder of the applicable benefits coverage period.

Having first achieved eligibility, average hours for on-going employees will be measured each year during two 13 pay period measurement periods. The first measurement period generally runs from the end of February through the end of August, and the second measurement period generally runs from the end of August through the end of February. Each measurement period is immediately followed by a 13 pay period benefits coverage period.

If you average 30 hours a pay period over the 13 pay period measurement period, you will become eligible for benefits for the immediately following 13 pay period benefits coverage period. However, if you are not reported on two consecutive pay periods, your eligibility for benefits will end on the last day of the second pay period in which no hours were reported. If you return to work within six pay periods from the last day of the first pay period in which no hours were reported, benefits will be restored for the remainder of the applicable benefits coverage period.

For purposes of this rule, a pay period for employees who work in the New York City Public Schools is the 14 day period which is used for payroll purposes.

When You are No Longer Eligible

Your eligibility for the Plan ends:

- at the end of the 30th day after you no longer regularly work in covered employment,
- 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 eligibility if your employer becomes seriously delinquent in its contributions to the Training Fund.

If you lose your eligibility while you are taking a Plan course, you may complete that trimester. If you are participating in a year-long course and you lose eligibility during the second trimester, you may complete the third trimester of that course. However, once you lose eligibility, you may not enroll in any new courses. You will be able to finish a class if you were eligible on the first day of enrollment for that class.

If You Come Back to Work

If your employment ends after your eligibility for benefits commenced and you return to covered employment (with the same contributing employer, or a different contributing employer):

- within 91 days, your Plan participation starts again on your first day back at work, or
- more than 91 days later, you would have to complete 90 calendar days with the same employer before participation resumes.

Scholarship Awards Program

Description

Each year, a limited number of scholarships are granted to employees and their eligible dependents who apply for and meet the requirements for an award. The Scholarship Awards Program helps pay for undergraduate and graduate college studies as follows:

- Undergraduate college scholarships may be awarded to high school graduates (including those who have passed the High School Equivalency exam) who have been accepted by a four-year college or university. This money can be used to help pay tuition and tuition related fees for full-time study at any accredited four-year college or university. Full-time study means you, or your eligible dependent, are enrolled full-time as determined by the college or university attended. Each undergraduate scholarship is worth up to \$5,000 per year for up to four years of undergraduate study (\$20,000 maximum scholarship), and is paid directly in equal parts to the college or university each semester that the student proves full-time enrollment and remains in good academic standing.
- Graduate school scholarships are available to candidates holding a Bachelor's Degree who have been accepted by a program offering advanced degrees. This scholarship can be used to help pay tuition and tuition related fees for full-time study at any accredited graduate school. Each graduate school scholarship is worth up to \$8,000 per year for up to four years of graduate study (\$32,000 maximum scholarship), and is paid directly in equal parts to the college or university each semester that the student proves full-time enrollment and remains in good academic standing.

If a student takes extra credits, either during the school year, over the summer, or both and shortens the time taken to complete the program,

payments to the institution can be accelerated. In no case will a student receive more than the maximum scholarship or more than the annual award multiplied by the number of years designated by the institution as normally required to complete the program. Awards and payments to institutions for, or applying to, combined Undergraduate/Graduate degree programs will be evaluated based on criteria provided by the relevant institutions. Note that requests for accelerated payments must be received by the Scholarship Office at least 60 days before the period of acceleration (for example, summer school attendance or an increased credit load).

Eligibility — Scholarships

You, and certain dependents, are eligible to apply for Plan scholarships if your employer has contributed to the Training Fund and you have been eligible for Training Fund benefits for two consecutive years immediately preceding January 1st of the year in which the scholarship will be awarded. A break in eligibility of up to 90 days (180 days if a break is due to disability and you are receiving either short-term disability or workers' compensation) will not be counted as a break in service with respect to the two consecutive year eligibility requirement which, if it was, would require the count to start again. However, it will also not count toward satisfying the two consecutive year requirement.

Dependents are eligible to apply for scholarships if they meet the requirements described on pages 12–16.

If you are one of the following, you are not eligible to apply for scholarships for yourself or your dependents:

- employees of the 32BJ Benefit Funds, or
- officers and employees of Local 32BJ, except for those represented by Local 153, OPEIU (The Office and Professional Employees International Union).

However, if your employment by Local 32BJ or the 32BJ Benefit Funds is part-time or temporary and you have a job (or are on leave from a job) with a covered employer which provides eligibility for the Training Fund, then you are eligible to apply.

Employee Eligibility

As long as you are still eligible for scholarship benefits on January 1st, you are eligible to compete for a scholarship that year as long as you meet the applicant requirements. (See pages 11–16.) You are eligible to apply for yourself as well as for your dependents.

Dependent Eligibility

As long as you are eligible for scholarship benefits on January 1st, certain of your dependents are eligible to compete for a scholarship that year. Note that spouses are not eligible. Each dependent applicant for a scholarship must meet the following conditions on January 1st of the year in which the scholarship will be awarded.

Member's Relationship to the Applicant

Undergraduate and Graduate Scholarships

The applicant must be one of the following:

- Your biological child,
- Your adopted child,
- Your niece, nephew or grandchild only if you are the legal guardian or legal custodian¹, or
- Your stepchild (includes the biological or adopted child of your spouse or same-gender domestic partner²).

Note: Your foster child only if you have adopted the child.

1 If the applicant is over the age of majority then you will be required to prove that you were the sole legal guardian of the applicant prior to them reaching the age of majority.

2 You and your same-sex domestic partner must (unless the laws of the jurisdiction where you live provide for same-sex marriage):

- Have a civil union certificate from a state in the U.S. or province in Canada where same-sex civil unions are valid or, if civil union certificates are not available in the jurisdiction where you live,
- Are two individuals 18 years or older of the same-sex who:
 - Have been living together for at least 12 months, and
 - Are not married to anyone else, and are not related by blood in a manner that would bar marriage under the law, and

- Are financially interdependent, and can show proof of such, and
- Have a close and committed personal relationship and have not been registered as members of another domestic partnership within the last 12 months.

In order to establish eligibility for these benefits, you and your domestic partner will need to provide:

- A civil union certificate from a state in the U.S. or province in Canada where same-sex civil unions are valid, or if civil union certificates are not available in the jurisdiction where you live,
- Affidavits attesting to your relationship, plus a domestic partner registration under state or local law (if permitted in the jurisdiction where you live), and proof of financial interdependence.

You are required to provide the highest level of certificate available in the jurisdiction where you live.

Applicant Requirements

The following must be true by the time of the scholarship award (which is when the first payment is made for the Fall semester):

Undergraduate – The Recipient Must:

- Be a high school graduate (including those who have passed the High School Equivalency test).
- Be no older than 21 by December 31st of the scholarship award year, if recipient is other than you. There are no age restrictions when you are applying on your own behalf.
- Not have completed more than four (4) matriculated semesters of work toward a degree prior to the scholarship award.
- Be accepted into a four (4) year college or university into a program that leads to a bachelor's degree.

Graduate – The Recipient Must:

- Be no older than 26 by December 31st of the scholarship award year, if recipient is other than you. There are no age restrictions when you are applying on your own behalf.

- Be accepted into a program that leads to a graduate degree.
- Not have completed more than one matriculated semester of work toward that degree prior to the scholarship award.

If a scholarship is awarded and you lose eligibility for Training Fund benefits, the scholarship award will remain intact.

Applying for a Scholarship Award

If you wish to apply for a scholarship, you must do so by the stated deadline for the following academic year. Applications can be found on-line at www.32bjfunds.org, or you may call the Training Fund at 1-888-284-3225 for help. We require an official high school or college transcript, SAT, ACT, or graduate admission test scores (if required by the institution to which you are applying), a completed application form, a description of extracurricular activities, a letter of recommendation from a teacher, counselor, or administrator, and a personal essay.

Knowingly applying for a scholarship for someone who is not eligible is considered fraud and could subject you to criminal prosecution.

How Scholarship Awards are Determined

All complete scholarship applications of eligible members and/or their eligible dependents that are submitted properly and on time are reviewed by an independent academic Selection Committee. The Committee, which includes representatives from various colleges and universities in the New York metropolitan area, makes selections based on your application and supporting material. Applications made by ineligible individuals will not be presented to the Selection Committee.

If you submit a complete application, you will receive written notification of the Selection Committee's decision. Decisions made by the Committee are not appealable. Rejection of your application because it is not complete is not appealable. For further information, please contact the Training

Fund at 1-888-284-3225 between the hours of 8:00 am and 9:00 pm, Monday through Friday or email scholarships@32bjfunds.com.

Deferring a Scholarship Award

Students who have been awarded a scholarship, but want to delay enrolling in college, or who want to take time off from school once they have enrolled, can ask to have their scholarship deferred. One deferral, for up to one school year, will be granted automatically. Deferral requests must be made in writing.

The Board may grant additional deferrals, or deferrals longer than one academic year, from time to time, in cases of extreme hardship. The Board determines what constitutes an extreme hardship.

Approval and Denial of Claims

If your claim for a Training Fund benefit is denied, in whole or in part, you will get 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.

Appealing Denied Claims

If your claim is denied, in whole or in part, you may appeal in writing to the Board of Trustees' Appeals Committee within 180 days from the date of the denial notice.

Appeals to the Board of Trustees must be mailed to:

Board of Trustees' Appeals Committee
Thomas Shortman Training, Scholarship and Safety Fund
25 West 18th Street
New York, NY 10011-4676

Your appeal should state clearly the reasons for your appeal and should include any additional documents, records or other evidence that you believe should be considered in connection with your appeal.

You must file an appeal before you can file any kind of legal action to review the denial of benefits.

The Appeals Committee will consider your appeal and give you its decision after reviewing all necessary and pertinent evidence. You (or your authorized representative) may submit written comments, documents, records and other information relating to the claim in support of your appeal. In considering your appeal, the Appeals Committee will review all information that you submit, even if it was not submitted or considered in the initial benefit determination. In addition, upon your written request, the Plan will provide you (or your authorized representative) with access to, or copies of, all documents, records and other information relevant to your claim.

The Appeals Committee will make its decision on your appeal at the next regularly scheduled meeting of the Appeals Committee following the receipt of your appeal. However, if your request is received less than 30 days before the next regularly scheduled meeting, your appeal will be considered at the second regularly scheduled meeting following receipt of your request. 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 a decision on your review of your claims has been reached, you will be notified of the decision as soon as possible, but no later than *five days* after the decision has been reached.

Appeal Decision Notice

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 the Employee Retirement Income Security Act of 1974 ("ERISA") to review the adverse decision on appeal.

Further Action

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. 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 there is no decision on appeal, no lawsuit may be started more than three years after the time when the Appeals Committee should have decided the appeal.

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

For questions about your appeal rights or for assistance, you can contact the Employee Benefits Security Administration at 1-866-444-EBSA (3272) or www.askebsa.dol.gov.

General Information

Employer Contributions

The Training Fund receives contributions in accordance with collective bargaining agreements between the Realty Advisory Board on Labor Relations, Inc., or various independent employers, and your union. These collective bargaining agreements provide that employers contribute to the Training Fund on behalf of each covered employee. Certain employers that are parties to such collective bargaining agreements also participate in the Training Fund on behalf of non-collectively bargained employees, if approved by the trustees, by signing a participation agreement. Certain other employers (such as Local 32BJ itself and the 32BJ Benefit Funds) participate in the Training Fund on behalf of their employees by signing a participation agreement.

The Compliance Office will provide you, upon written request, with information as to whether a particular employer is contributing to the Training Fund on behalf of participants working under a collective bargaining agreement or a participation agreement.

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 spelled out in this booklet, but scholarship payments also may be affected if you do not:

- furnish the information required under the Plan, or
- have a current address on file with Member Services.

If the Plan mistakenly pays a greater scholarship amount than a dependent is eligible for, the Training Fund may seek any permissible remedy allowed by law to recover benefits paid in error. Knowingly claiming benefits for someone who is not eligible is considered fraud and could subject you to criminal prosecution.

Compliance with Federal Law

The Plan is governed by regulations and rulings of the Internal Revenue Service, the Department of Labor, and current tax law. 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 terminate it in its sole discretion.

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

The Plan is what the law calls a “health and welfare” benefits program. Benefits are provided from the Plan 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 dependents and defraying reasonable administrative expenses.

The Plan is administered by the Board of Trustees. The Board governs the Plan in accordance with an Agreement and Declaration of Trust. The Board and/or its duly authorized designee(s) 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 established under the Trust. Without limiting the generality of the foregoing, the Board and/or its duly authorized designees, including the Appeals Committee with regard to benefit claim appeals, 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 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 or other Plan documents,
- process and approve or deny benefit claims and rule on any benefit exclusions, and
- determine the standard of proof required in any case.

All determinations and interpretations made by the Board and/or its duly authorized designees shall be final and binding upon all participants, eligible dependents, beneficiaries, and any other individuals claiming benefits under the Plan.

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

Board of Trustees
Thomas Shortman Training, Scholarship and Safety Fund
25 West 18th Street
New York, NY 10011-4676

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

As a participant in the Thomas Shortman Training, Scholarship and Safety 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 Compliance Office, all documents governing the Plan, including collective bargaining agreements, participation 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 Compliance Office, copies of documents governing the operation of the Plan, including collective bargaining agreements, participation agreements, the latest annual report (“Form 5500 series”), and an updated SPD. The Fund may make a reasonable charge for the copies.
- 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.

Prudent Action 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 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.

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 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 that 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 process. 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. You may not file a lawsuit until you have followed the appeal procedures described on pages 16–18. 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 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 the:

**Division of Technical Assistance and Inquiries
Employee Benefits Security Administration (EBSA)
U.S. Department of Labor
200 Constitution Avenue N.W.
Washington, DC 20210-0002**

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: www.dol.gov, or call their toll-free number at 1-866-444-3272.

Plan Facts

This Summary Plan Description is the formal plan document for the Thomas Shortman Training, Scholarship and Safety Fund.

Plan Name: Thomas Shortman Training, Scholarship and Safety Fund
Employer Identification Number: 23-7424757
Plan Number: 501
Plan Year: July 1–June 30
Type of Plan: Welfare Plan

Funding of Benefits and Type of Administration

All contributions to the Trust Fund are made by contributing employers under the Plan in accordance with their written agreements. The Training Fund is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code and may receive tax-deductible contributions from individuals and businesses that do not have employees whom Local 32BJ represents or seeks to represent. It also occasionally receives grants from nonprofit and government organizations for use in training programs. Benefits are administered by the Training Fund staff.

Plan Sponsor and Administrator

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

Board of Trustees
Thomas Shortman Training, Scholarship and Safety Fund
25 West 18th Street
New York, NY 10011-4676

Participating Employers

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

To contact the Compliance Office, write to:

Compliance Office
Building Service 32BJ Benefit Funds
25 West 18th Street
New York, NY 10011-4676

To contact the Training Fund, call:
1-888-284-3225

or write to:

Building Service 32BJ Benefit Funds
Thomas Shortman Training, Scholarship and Safety Fund
25 West 18th Street
New York, NY 10011-4676

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 Compliance Office or on the individual Trustees.

Appendix A: Thomas Shortman Training, Scholarship and Safety Fund, Window Cleaner Apprenticeship Program

Application Process

The Thomas Shortman Training Fund (“TSTF”) recruits applications for the Window Cleaner Apprenticeship Program from time to time as allowed by the New York State Department of Labor guidelines. Such recruitment periods are listed at:

<http://www.labor.state.ny.us/pressreleases/ApprenticeshipArchive.shtml>
or you may call 1-212-775-3354.

If the Fund is recruiting, the Apprenticeship will be listed as:
“Multi-story Window & Building Surface Cleaners.”

In order to become an apprentice you must complete the application process, including a personal interview and be accepted by the Selection Committee for the Thomas Shortman Training Fund Window Cleaner Apprenticeship Program.

Eligibility for Thomas Shortman Training and Scholarship Benefits

After you are enrolled in the Apprenticeship Program and have been employed by a contributing employer for 90 days, you will become eligible for all Thomas Shortman Training Fund benefits as described on pages 6–11. Once you have been eligible for Fund benefits for two consecutive years, you, and certain of your dependents, may be eligible to apply for the Scholarship benefit as described on pages 11–16.

Apprenticeship Training Program

The Fund's Window Cleaner Apprenticeship Program consists of a total of 216 classroom hours over a period of 18 months, as well as 3,000 hours of employment distributed as specified in your registered New York State Department of Labor ("NYSDOL") Multi-story Window & Building Surface Cleaners Apprenticeship Agreement and documented in the Blue Book,* which will be distributed to you. *The allocation of these hours is detailed on page 27.* These classes are only offered at the Thomas Shortman Training Fund Manhattan location. Failure to meet the attendance and/or Blue Book requirements can lead to termination from the Apprenticeship Program.

In order to become a Window Cleaner Journeyman, you must successfully complete all the classroom training, pass the written and hands-on tests, complete all the designated Blue Book tasks in the TSTF Window Cleaner Apprenticeship Program and receive Journeyman status from the NYSDOL.

The Fund has the right to suspend or terminate an apprentice or journeyman for violation of any of the safety rules and regulations distributed to you by the Apprenticeship Program. These rules and regulations include, but are not limited to, which tasks you may or may not perform as specified in your Union Contract, proper use of Personal Fall Protective Equipment, all equipment manufacturer guidelines, as well as any applicable City, State or Federal safety rules or regulations.

*The Blue Book is the document in which your hours on your employer site are recorded specifying the tasks required by the New York State Apprenticeship Program.

Allocation of On-the-Job Training	Hours
General Safety On-the-Job	500
Window Cleaning Tools & Supplies	250
Shop Operations Prior to Cleaning	50
Specialty Cleaning Jobs	150
Cleaning Special Windows	50
General Building Window Systems	1,500
Basic Window Cleaning Equipment	200
Permanent Scaffold	300
Total	3,000

Optional

Special Rigger Scaffold
Rope Scaffolds and Boatswain Chairs
Aerial Platforms

Contact Information

For more information about the Fund's training and scholarship programs:

- **Training Fund:** 1-888-284-3225. You may call the Fund from 8:00 am to 9:00 pm Monday through Friday.
- **Website:** visit us at www.training.32bjfunds.org to enroll in courses or apply for a scholarship.
- **Member Services Call Center:** If you have questions about your benefits or need more information, call Member Services at 1-800-551-3225 from 8:30 am to 5:00 pm, Monday through Friday (translation service in many languages is available), or visit:
- **Member Services Walk-in Center:** 25 West 18th Street, New York, NY 10011, 5th floor: 8:30 am to 6:00 pm, Monday through Friday (subways: 1 to 18th St. or 2 and 3 to 14th St. or F and M to 14th St. or L, N, Q, R, 4, 5, 6 to Union Square or Path to 14th St.).
- **E-mail Addresses:** For general information: training@32bjfunds.com
For scholarship information: scholarships@32bjfunds.com



Thomas Shortman Training, Scholarship and Safety Fund

25 West 18th Street
New York, NY 10011-4676

www.32bjfunds.org
800-551-3225 Member Services

Héctor J. Figueroa, *Chairman*
Howard I. Rothschild, *Secretary*
Susan Cowell, *Executive Director*
Linda Nelson, *Fund Director*

**Summary of Material Modifications
Thomas Shortman
Training, Scholarship and Safety Fund**

The following is a list of changes and clarifications which have occurred since the printing of the Thomas Shortman Training, Scholarship and Safety Fund Summary Plan Description (SPD) dated July 1, 2014. This Summary of Material Modifications (SMM) supplements or modifies the information presented in your SPD with respect to the Plan. **Please keep this document with your copy of the SPD for future reference.**

Change in Union Trustee Page 1: Effective May 11, 2015, Denis Johnston replaces John Pagnotta as an Union Trustee. The following replaces the information for John Pagnotta:

Denis Johnston
Vice President
SEIU Local 32BJ
25 West 18th Street
New York, NY 10011-1991

Change in Fund Auditor's Name Page 1: Effective August 31, 2017, Bond Beebe has joined Withum Smith & Brown, PC and changed its name to Withum Smith & Brown, PC.

Conversion of Eligibility Measurement Period from Pay Periods to Weeks: Effective August 26, 2016, eligibility for benefits will be determined using a measurement period based on weeks rather than pay periods.

Pages 9 & 10: the section titled Eligibility for Employees of New York City Public Schools: is deleted in its entirety and replaced with the following:

If you work in a New York City Public School and your employer reports to the Fund that you are expected to regularly work at least 10 hours in a week, you are eligible for benefits once you have completed 90 consecutive calendar days. You will maintain benefits until you have completed the first 2 week measurement period as described below in the third paragraph. From this period on, you will be subject to the rules for on-going employees. If you are not reported for four consecutive weeks, your eligibility for benefits will end as of the last day of the fourth week in which no hours were reported. If you return to work within twelve weeks from the last day of the second week in which no hours were reported, benefits will be restored for the remainder of the applicable benefits coverage period.

If you are a new seasonal or variable hour employee or your employer fails to report your hire status, your hours will be measured over 26 weeks starting with the first week in which you work. If you average 10 hours a week over 26 weeks, you will become eligible for benefits on the first day of the week following an eight week

administrative period. You will maintain benefits for the following 26 weeks, which is called the benefits coverage period. However, if you are not reported for four consecutive weeks, your eligibility for benefits will end as of the last day of the fourth week in which no hours were reported. If you return to work within twelve weeks from the last day of the second week in which no hours were reported, benefits will be restored for the remainder of the applicable benefits coverage period.

Having first achieved eligibility, average hours for on-going employees will be measured each year during two 26 week measurement periods. The first measurement period generally runs from the end of February through the end of August, and the second measurement period generally runs from the end of August through the end of February. Each measurement period is immediately followed by a 26 week benefits coverage period.

If you average 10 hours a week over the 26 week measurement period, you will become eligible for benefits for the immediately following 26 week benefits coverage period. However, if you are not reported for four consecutive weeks, your eligibility for benefits will end on the last day of the fourth week in which no hours were reported. If you return to work within twelve weeks from the last day of the second week in which no hours were reported, benefits will be restored for the remainder of the applicable benefits coverage period.

Change in Dependent Eligibility Pages 13 and 14: Effective February 1, 2016, the subsection **Undergraduate and Graduate Scholarships** under the section “**Member’s Relationship to the Applicant**” is deleted in its entirety and replaced with the following:

Undergraduate and Graduate Scholarships

The applicant must be one of the following:

- Your biological child,
- Your adopted child,
- Your niece, nephew or grandchild only if you are the legal guardian or legal custodian¹, or
- Your stepchild (includes the biological or adopted child of your spouse).

Note: Your foster child only if you have adopted the child.

¹If the applicant is over the age of majority then you will be required to prove that you were the sole legal guardian of the applicant prior to them reaching the age of majority.

Change in Undergraduate and Graduate Applicant Requirements Pages 14 and 15: Effective September 15, 2017, the third bullets under the subsections **Undergraduate—The Recipient Must:** and **Graduate--The Recipient Must:** under the section “**Applicant Requirements**” are deleted in their entirety and replaced with the following:

Undergraduate--The Recipient Must:

- Not have completed more than the equivalent of 2 years course work toward a degree prior to the scholarship award.

Graduate--The Recipient Must:

- Not have completed more than the equivalent of 1 year of coursework toward that degree prior to the scholarship award.

If you have any questions about this notice or want further information about the changes please contact Member Services at 1-800-551-3225 between the hours of 8:30 AM and 5:00 PM Monday through Friday or visit us on-line at www.32bjfunds.org.