

## Summary Plan Description/Plan Document

# I.A.T.S.E. NATIONAL VACATION FUND

Effective July 1, 2019



# Table of Contents

Summary Plan Description/Plan Document	1
I.A.T.S.E. National Vacation Fund	1
Effective July 1, 2019	1
Introduction	2
Vacation Plan Highlights	3
Eligibility & Participation	4
Vacation Accounts	6
Other Information You Should Know	8
Your Rights Under the Employee Retirement Income Security Act of 1974 (ERISA)	12
Glossary	15
Vacation Fund Board Of Trustees	17





July 1, 2019

Dear Participant:

We are pleased to present this revised booklet about the I.A.T.S.E. National Vacation Fund.

This booklet contains the rules and regulations of the *Plan*, and provides important updated information about your vacation benefits, including:

- How you participate in the *Plan*
- How your vacation benefits are determined
- When your *vacation account* is paid, and
- Other *Plan* features.

We encourage you to read this booklet carefully. To help you understand the *defined terms* used in this booklet, they are *italicized* throughout and are defined in the glossary on page 14.

After reading this booklet, if you have questions about the *Plan* or would like more information, contact the Fund Office. A staff member will be pleased to assist you with any questions or concerns you may have. Since the *Vacation Plan* may make a payment to your designated *beneficiary* in the event of your death, be sure to name a *beneficiary* and share this booklet with whomever you designate as your *beneficiary*.

Sincerely,

***The Board of Trustees***



# Introduction



**The *Plan* is completely funded by employer contributions; you are neither required nor permitted to contribute to the *Plan*.**

The I.A.T.S.E. National Vacation Fund (referred to in this booklet as the “Fund”) was set up to provide vacation benefits to eligible participants. It was established on October 25, 1973, as the result of various collective bargaining agreements with the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists, and Allied Crafts of the United States and Canada (the *Union*) or *Affiliated Locals* of the *Union* (*Affiliated Locals*). These collective bargaining agreements are contracts between employers and the *Union* or an *Affiliated Local* which, among other things, require an employer to contribute to the Vacation Fund on behalf of *employees* who are covered by the IATSE National Vacation *Plan* (referred to in this booklet as the *Plan*).

Since 1973 when the rules and regulations of the *Plan* were approved, the *Plan* has been amended and modified. Additional amendments may occur as circumstances change.

We’ve tried to explain things in everyday language, but you will come across some words and phrases that have specific meanings within the context of the *Plan*. To help you understand them, they are ***italicized*** in the booklet, and are defined in the glossary on page 14.

The *Plan* is administered by a Board of Trustees consisting of representatives appointed by the *Union* and by *contributing employers*. The Board of Trustees acts on behalf of you and your fellow *Plan* participants to manage all aspects of the Fund’s operations.

# Vacation Plan Highlights



## Joining the Plan

If you work for a contributing employer that contributes to the Vacation Fund on your behalf, you are eligible to participate in the *Plan*. You are enrolled automatically.



## Vacation Accounts

When the Fund receives contributions from your employer, a *vacation account* is established for you. The value of your account is determined at December 31 each year.



## How Benefits Are Paid

Vacation benefits are paid each year as soon as practicable after May 1. Once the balance in your vacation account is determined, the Fund automatically processes your vacation benefit. You do not need to take any action. You can either elect a direct deposit or you can receive a check by mail.



## Survivor Benefits

If you die and there is money remaining in your *vacation account*, the Fund will pay that amount to your designated *beneficiary*.



## Who pays for the Plan

Employers make all contributions to the Vacation Fund as required by their *collective bargaining agreements*. Employers must include the Vacation Fund contribution in your taxable wages for tax reporting and withholding. You are neither required nor permitted to contribute to the *Plan*.





# Eligibility & Participation

## When you are eligible

If you work for an employer that is required to contribute to the Vacation Fund on your behalf, you are eligible to participate in the *Plan*. If you (or your *beneficiary*) want to know whether a particular employer is required to contribute, through the terms of its collective bargaining agreement, to the Vacation Fund, please contact the Fund Office.

## When your participation in the *Plan* starts

You are enrolled automatically in the *Plan* as soon as *contributions* are made on your behalf.

## Naming a Beneficiary

When you become eligible to participate in the *Plan*, you will need to name a *beneficiary*. You may name anyone you want as your *beneficiary*, and you may change your *beneficiary* designation at any time.

If you want to make or change your *beneficiary* designation, please notify the Fund Office immediately. A change of *beneficiary* takes effect only when you complete a *beneficiary* designation form and return it by mail to the Fund Office or go online and complete the steps necessary to name a *beneficiary*, and such **designation is received by the Fund before your death**. You can obtain the form online if you prefer to mail it at [www.iatsenbf.org](http://www.iatsenbf.org), or by contacting the Fund Office at **212-580-9092** in New York or **1-800-456-FUND (3863)** outside of New York. We encourage you to sign onto our website so that you can make sure your address is up to date and your *beneficiary* designation is captured.

## If you have no Beneficiary on file

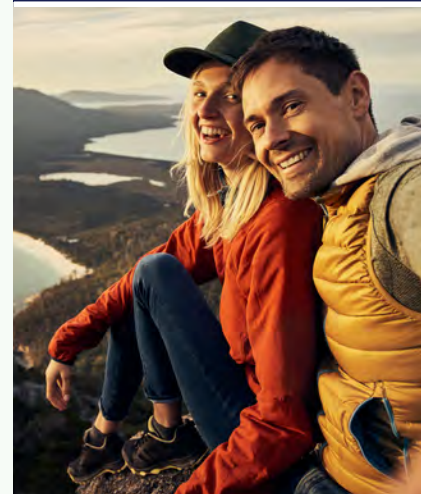
If you die without having validly designated a *beneficiary* (or if your designated *beneficiary* dies before you or before receiving the full or remaining amount in your *vacation account*), any money remaining in your vacation account will be distributed to the following individuals, in the order listed:

- The spouse to whom you are married at the time of your death; or
- Your children (naturally or legally adopted), with any amount payable divided equally among them; or
- Your parents, divided equally between them if both survive you; or
- Your executor or administrator.

## Keep the Fund Office Informed

In order to ensure fast and accurate distribution of your vacation checks, it is important that the Fund Office have the most up-to-date information on file for you. In particular, you or your *beneficiary* must notify the Fund Office directly whenever you and/or your spouse:

- change your name;
- change your postal address;
- change your email address;
- change your telephone number;
- get married or divorced; or
- die.



**It is important that the Fund Office have the most up-to-date information.**



# Vacation Accounts

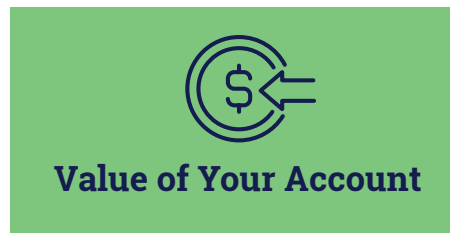


**Contributions made by an employer to the Vacation Fund on your behalf are credited to your vacation account, which is established for you by the *Plan* and from which your vacation benefits are paid.**

The *contributions* your employer makes to the Fund on your behalf are credited to your vacation account. You are enrolled automatically in the *Plan*. The money in your vacation account is invested in a low-risk investment strategy to help offset administrative expenses.

## How the Amount of Your Vacation Check Is Determined

As of each December 31, the amount of money in your vacation account is determined as follows:



=

**Any unforfeited contributions remaining in your account from prior years**

+

**Contributions made on your behalf for the current year that have been received and processed by the date your account value is determined**

+ or -

**Investment results and Fund administrative expenses**



## When Benefits Are Paid

Vacation checks are issued as soon as practicable after May 1st of each year. Each check includes all employer *contributions* for work performed in the previous calendar year (January 1 through December 31) that are received and processed by the date of the check run, plus or minus interest income and administrative expenses. You do not have to apply for your vacation check.

If the Fund Office receives late *contributions* on your behalf, you may be issued a supplemental check, or the amount may be added to the vacation check you receive in May of the following year.

**Example.** You are issued a \$500 vacation check in May 2019 for *contributions* (and related earnings minus administrative expenses) received by the Fund Office for work you performed in 2018. In June of 2019, the Fund Office receives an additional contribution for work you performed in 2018. Depending on the amount of the contribution, the Fund Office may, at its discretion, send you an additional check or add the amount to the check you will receive in May 2020 for work performed in 2019.

## How Benefits Are Paid

You have two choices for receiving your vacation benefits—direct deposit into a checking or savings account or an actual check mailed to your home address. To elect direct deposit, you must complete an application (available from the Fund Office or our website, [www.iatsenbf.org](http://www.iatsenbf.org)).

If you do not elect direct deposit, your vacation checks will arrive by mail. Since the Fund Office mails vacation checks to your last known address, be sure to inform the Fund Office of any changes to your address or other contact information. Be sure to cash your check as soon as possible after you receive it. If you wait more than 180 days (six months), it will no longer be valid, and you will have to contact the Fund Office for a replacement. If you wait more than 24 months, the check will be voided automatically, and you will forfeit the full amount. If the Fund Office has no known or valid mailing address for you on file, any amount in your account will be forfeited in 24 months.

If you die and your designated *beneficiary*, or beneficiaries, cannot be located within 24 months following your death, the full amount in your vacation account will be forfeited.



**No taxes are deducted from your vacation account when checks are distributed. Employers are required to make the necessary payroll tax deductions and withholdings before they contribute to the Fund. Vacation Fund payments are after-tax benefits.**



## Other Information You Should Know



**You do not need to file a claim for benefits; vacation checks are issued automatically. However, if you believe that you did not receive a vacation check to which you were entitled, you may file a claim for benefits with the Fund. You must file this claim by September 1 of the year following the year in which you accrued your benefit.**

This section contains other important information you should know about the I.A.T.S.E. National Vacation Fund.

### If Your Claim Is Denied

If your claim for a benefit is denied, in whole or in part, you will receive written notice of that decision from the Board of Trustees within 90 days after receipt of your claim for benefits. If, due to special circumstances beyond the control of the Fund, more time is needed to process a claim, you will receive a written notice, before the initial 90-day period expires, that the 90-day period has been extended for up to an additional 90 days, along with an estimate of the date on which a final decision is expected.

The notice denying your claim will explain all of the following:

- The specific reasons why your appeal was denied;
- Reference to the *Plan* provision(s) on which the decision was based;
- What additional material or information is needed to process your application, and what procedure you should follow to get your application reviewed again; and
- A description of the Fund's review procedures and the applicable time limits, as well as a statement of your right to bring a civil action under *ERISA* following an adverse benefit determination on review.
- If the Trustees deny your claim, you have the right to apply for a review by the Board of Trustees. Such request for review is referred to as "an appeal." You must appeal in writing within 60 days after you receive the written denial of your claim.

## Appealing a Denied Claim

If your request for benefits is denied, including a denial based on the forfeiture provisions of the *Plan*, you can appeal that denial. You must send your appeal within 60 days from the date you receive notice that your application was denied.

Your request for review 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. If you request it, you will be provided access to or copies of all documents, records or other information relevant to your appeal.

The Trustees will make a full and fair review as soon as possible after your appeal is submitted. The decision following the review will be made by the Trustees at their next regularly scheduled meeting, unless your request is filed less than 30 days prior to the next meeting. If this is the case, the decision will be made at the next regularly scheduled Trustee meeting. If, due to special circumstances beyond the control of the Fund, more time is needed to process a claim, the decision may be made at the third meeting following receipt of such request and the claimant will receive a written notice in advance of any such extension. You will be notified in writing of the determination on review within 5 days after the determination is made. If an adverse benefit determination is made on review, the notice will explain the following:

- the specific reasons for the denial;
- reference to the specific *Plan* provisions(s) on which the decision was based;
- a statement that the claimant is entitled to receive, upon request and free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to the claimant's claim for benefits; and
- a statement describing the claimant's rights to obtain additional information regarding the *Plan*'s appeals process, including a statement of the claimant's right to bring a civil action under Section 502(a) of *ERISA*.

The decision of the Trustees on review shall be final and binding on all parties. Please note that you may not pursue any action in court until you have exhausted this claims procedure.

## Assignment of Benefits

- Benefits under the *Plan* are for your benefit only. They cannot be sold, transferred, assigned or pledged to anyone, except as required by applicable law.





## Incapacitation

If anyone entitled to receive benefits from the *Plan* is judged by the Trustees to be physically or mentally incapable of handling personal affairs, the Trustees may pay the benefit to a legal representative or other person, as the Trustees deem in the best interest of the *beneficiary*.

## Compliance with Federal Law

The *Plan* is governed by regulations and rulings of the Internal Revenue Service and the Department of Labor, and current federal 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 Change or Termination

The Trustees intend to continue the benefits described in this book indefinitely. However, the Trustees reserve the right, in their sole and absolute discretion, to terminate the *Plan* in whole or in part at any time; to modify or amend the *Plan* in whole or in part; and to change or discontinue the type and amounts of benefits offered by the Fund. If the *Plan* is ended, you will be fully vested in any benefit you have accrued to the extent then funded. *Plan* assets will be applied to provide benefits in accordance with the applicable provisions of federal law.

## Recovery of Overpayment

If you or your *beneficiary* (including a surviving spouse) are overpaid or otherwise paid in error, you or your *beneficiary* must return the overpayment. The Board of Trustees will have the right to recover any benefit payments made to you or your *beneficiary* based on false or fraudulent statements, information or proof submitted, as well as any benefit payments made in error. Amounts recovered may include interest and costs.

In the event you or your *beneficiary* are overpaid, the Fund Office may request a refund and/or deduct such amount from your vacation account. If you do not pay back a requested refund and your current vacation account balance is less than the overpayment, the Fund may file a lawsuit against you to recover the overpayment or deduct such overpayment from future *contributions* to your vacation account.

## Fund Administration

The Vacation *Plan* is known as a “vacation benefit *Plan*.” Benefits are provided, in the amounts specified in the *Plan* rules and regulations, from the Fund’s assets. These assets are accumulated under the provisions of the Trust Agreement and are held in a Trust Fund for the purpose of providing benefits to participants and defraying reasonable administrative expenses. The Fund is administered by the Board of Trustees.

## Plan Interpretation

The Board of Trustees and/or its duly authorized designees have the exclusive right, power and authority, in its sole and absolute discretion, to administer, apply and interpret this book, which serves as both the *Plan* and Summary *Plan* Description, the Trust Agreement and any other *Plan* documents, and to decide all matters arising in connection with the operation or administration of the Fund or Trust. Without limiting the generality of the foregoing, the Board of Trustees and/or its duly authorized designee(s) shall have the sole and absolute discretionary authority to do any of the following:

- 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 benefits in accordance with the terms of the *Plan*
- decide questions, including legal or factual questions, relating to the calculation and payment of benefits under the *Plan*
- resolve and/or clarify any ambiguities, inconsistencies and omissions arising under the *Plan*, including this book, the Trust Agreement or *Plan* documents
- Process and approve or deny benefit claims
- Determine the standard of proof required in any case.

All determinations and interpretations made by the Board of Trustees and/or its duly authorized designee(s) are final and binding upon all participants, beneficiaries and any other individuals claiming benefits under the *Plan*. The Board of Trustees may delegate any other such duties or powers as it deems necessary to carry out the administration of the *Plan*.



**The Trust Agreement and any other *Plan* documents, and to decide all matters arising in connection with the operation or administration of the Fund or Trust.**



# Your Rights Under the Employee Retirement Income Security Act of 1974 (ERISA)

As a participant in the I.A.T.S.E. National Vacation 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 the following.

## Receive Information About Your *Plan* and Benefits

- Examine, without charge, at the Fund Office and at other specified locations, such as work locations and *Union* halls, all documents governing the *Plan*, including insurance contracts, collective bargaining agreements, detailed annual reports, an updated summary *Plan* description and a copy of the latest annual report (Form 5500 series) filed by the *Plan* with the Department of Labor and available at the Public Disclosure Room of the Employee Benefits Security Administration.
- Obtain copies of all *Plan* documents and other *Plan* information upon written request to the Fund Administrator. The Fund Administrator may make a reasonable charge for the copies.
- Receive a summary of the *Plan*'s annual financial report. The Fund Administrator is required by law to furnish each participant with a copy of this summary annual report.

The *Plan* document is available from:

### **Board of Trustees**

*IATSE National Vacation Fund*  
417 Fifth Avenue, 3rd Floor  
New York, NY 10016

**1-212-580-9092**

**1-800-456-3863**

**[www.iatsenbf.org](http://www.iatsenbf.org)**



## 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 discriminate against you in any way to prevent you from obtaining benefits or exercising your rights under *ERISA*.

## Enforcing Your Rights

If your claim for a benefit is denied in whole or in part, you have the 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. You have the right to have the *Plan* review and reconsider your claim.

Under *ERISA*, there are steps you can take to enforce the above rights. For instance, if you request documents from the *Plan*, such as *Plan* documents and annual reports, 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 Fund 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 suite 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, you may file suit in a 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 suite 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 your Vacation Fund benefits, you should contact the Fund Administrator. If you have any questions about this statement or about your rights under *ERISA*, you should call the nearest Office of the Employee Benefits Security Administration, U.S. Department of Labor, at the number listed in your telephone directory. You may also write to them at:

### Division of Technical Assistance and Inquiries

*Employee Benefits Security Administration*  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

You can also get certain publication about your rights and responsibilities under *ERISA* by calling the publications hotline of the Employee Benefits Security Administration at **1-800-998-7542**.

You may also find answers to your *Plan* questions at the website of the Employee Benefits Security Administration (EBSA) at [www.dol.gov/ebsa](http://www.dol.gov/ebsa). A list of EBSA Field Offices is located at [www.dol.gov/ebsa](http://www.dol.gov/ebsa).



## Plan Facts

The following information will help you properly identify your *Plan* if you have any questions about your benefits.

Official <i>Plan</i> Name	I.A.T.S.E. National Vacation Fund
<b>Employer Identification Number (EIN)</b>	23-7345994
<b>Plan Number</b>	501
<b>Plan Year</b>	January 1 – December 31
<b>Type of Plan</b>	Vacation benefit <i>Plan</i>
<b>Effective Date</b>	The <i>Plan</i> was originally adopted effective October 25, 1973 and has been amended and restated since then. The most recent amendments are effective January 2019
<b>Funding of Benefits</b>	All <i>contributions</i> to the <i>Plan</i> are made by employers in accordance with collective bargaining agreements requiring employers to contribute to the Fund. Benefits are paid from the Fund's assets, which are accumulated under the provisions of the collective bargaining agreements and the trust agreement.
<b>Trust</b>	Assets are held in a trust fund for the purpose of providing benefits to covered participants and paying reasonable administrative expenses.
<b>Plan Sponsor and Administrator</b>	<p>The I.A.T.S.E. National Vacation Fund is sponsored and administered by a joint Board of Trustees composed of <i>Union</i> trustees and employer trustees. Employer trustees are selected by employer associations. <i>Union</i> trustees are designated by the <i>Union</i>. The names and addresses of the Trustees appear in this booklet. The office of the Board of Trustees may be contacted at:</p> <p><b>Board of Trustees</b> <i>IATSE National Vacation Fund</i> 417 Fifth Avenue, 3rd Floor New York, NY 10016-22014</p>
<b>Participating Employers</b>	The I.A.T.S.E. National Vacation Fund will provide you, upon written request, with information as to whether a particular employer is contributing to the <i>Plan</i> on behalf of employees, as well as the address of such employer. Additionally, a complete list of employers and <i>Union</i> and <i>Affiliated Locals</i> sponsoring the <i>Plan</i> may be obtained upon written request to the Fund Office and is available for examination at the Fund Office.
<b>Agent for Service of Legal Process</b>	Board of Trustees, or any individual trustee.



# Glossary

This section provides definitions of important terms used in this booklet to help you better understand your vacation benefits and how they work.

- **Affiliated Local** is a local *Union* chartered by or affiliated with the *Union*.
- **Beneficiary** means the person you name to receive any benefits provided by the *Plan* if you die.
- **Collective bargaining agreement** means a negotiated agreement between an employer and the *Union* or an Affiliated Local. It determines the amount of *contributions* employers are required to make to the Fund for work in covered employment.

You can obtain copies of applicable collective bargaining agreements by writing to the Fund Office, or you can view them in person during normal business hours at the Fund Office. In addition, you can get a complete list of bargaining units participating in the Fund by writing to the Fund Office, or you can view the list in person during normal business hours at the Fund Office. The Fund Office may charge a reasonable amount for any copies you request. You can also receive from the Fund Office, upon written request, information as to whether a particular employer or employee organization is participating in the Fund and, if the employer or employee organization is participating, its address.

- **Contributing employer** is an employer required to contribute to the Fund pursuant to the terms of a collective bargaining agreement with the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States and Canada (the “*Union*”) or an Affiliated Local.
- **Contributions** are the payments made by employers to the Fund pursuant to a collective bargaining agreement with the *Union* or an Affiliated Local.
- **Covered employment** is work for which a *contributing employer* is required to contribute to the Vacation Fund on your behalf.



- **Employee** means someone who works for an employer that contributes to the Vacation Fund as required by a collective bargaining agreement.
- **ERISA** means the Employee Retirement Income Security Act of 1974. This act established certain rights to obtain information and protections for participants in all benefit *Plans*. It also imposes duties upon the people who are responsible for the administration of those *Plans*.
- **Plan** is this booklet, the I.A.T.S.E. National Vacation Fund's Vacation *Plan*. This *Plan* is also the summary *Plan* description.
- **Union** means the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists, and Allied Crafts of the United States and Canada.
- **Vacation Account** is the account established for you by the *Plan* from which vacation benefits are paid to you.

# Vacation Fund Board Of Trustees

## UNION TRUSTEES

### **James B. Wood**

*I.A.T.S.E. General Secretary-Treasurer*

207 West 25th Street, 4th Floor

New York, NY 10001

### **Michael F. Miller, Jr.**

*I.A.T.S.E. International Vice President*

Dept. Director, Motion Picture and

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Toluca Lake, CA 91602

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*Director of Employee Benefit Plans*

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### **Scott Irgang**

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The Broadway League

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## FUND CO-COUNSEL

Spivak Lipton LLP

Proskauer Rose LLP

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The Segal Company

