

**BOSTON SHIPPING ASSOCIATION, INC.**  
**INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO**

**PAID HOLIDAY**  
**SUMMARY PLAN DESCRIPTION**

**January 2016**

## **Plan Sponsors**

The Boston Shipping Association, Inc.  
Charlestown Navy Yard  
197 8<sup>th</sup> Street, Suite 775  
Charlestown, MA 02129

International Longshoremen's Association, AFL-CIO  
Locals 799, 800, 805  
496 Summer St.  
South Boston, MA 02210

International Longshoreman's Association, AFL-CIO  
Local 1066  
Conley Terminal  
South Boston, MA

International Longshoreman's Association, AFL-CIO  
Local 1604  
200 Terminal St.  
Charlestown, MA 02129

## **Plan Number 503**

**Employer Identification Number 04-2225599**

The Plan is maintained under collective bargaining agreements between the Boston Shipping Association, INC. and the International Longshoremen's Association, AFL-CIO and its affiliated Locals 799, 800, 805, 1066 and 1604. A copy of these agreements may be obtained by participants upon written request to the Plan Administrator.

A complete list of the employers sponsoring the Plan may be obtained by participants upon written request to the Plan Administrator. The list is available for examination by participants at the office of the Plan Administrator. Participants may receive from the Plan Administrator, upon written request, information as to whether a particular employer is a Plan Sponsor, and if the employer is a Plan Sponsor, the sponsor's address.

**Type of Plan:** Paid Holidays

## **Participation**

Your participation commences when you are employed as a longshoreman, clerk or linehandler by an employer member of the BSA.

## **Contributions**

The participating employers contribute sufficient monies to provide paid holidays to eligible employees.

## **Eligibility**

Paid Holidays shall be granted to regular employees defined as employees who earned not less than 600 hours in the Agreement Year immediately preceding (including compensation credit hours under the vacation pay allowance) and who earned not less than 700 hours in the Agreement Year in which the holidays occur ( not including compensation credit hours under the vacation pay allowance).

### ***Service in the armed forces***

If any employee covered served in the Armed Forces of the United States, and was employed 600 hours in the Agreement Year in which the employee entered military service, upon being re-employed in the industry following release from service and upon presentation of an honorable discharge, shall receive pro-rata credit towards the 600 hours eligibility requirement, for the period of service in the Agreement Year involved, but not to exceed the initial period of service.

## **Benefits**

Eligible employees shall receive sixteen (16) Paid Holidays each Agreement Year (October 1 to September 30):

Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Eve (December 24), Christmas Day, New Year's Day, Washington's Birthday, Lincoln's Birthday, Evacuation Day, Patriot's Day, Memorial Day, Bunker Hill Day, Independence Day, Assumption Feast Day (August 15), Labor Day and Thomas W. Gleason's Birthday(Day after Thanksgiving)

## **Amount of Benefit**

Eight hours at the straight time hourly rate as set forth in the collective bargaining agreements shall be paid for each Paid Holiday.

## **Payment**

Payment shall be made as set forth in the collective bargaining agreements as follows:

### ***Longshoremen and Clerks***

Payment for all Paid Holidays will be made twice a year for the preceding year as soon as it can be computed after March 31<sup>st</sup> and September 30<sup>th</sup> to be paid on the first regularly scheduled payday in June (8 Holidays if hours were earned and qualifications met) and December.

***Linehandlers***

Payment for all Paid Holidays will be made once a year for the preceding year on the first regularly scheduled payday in December.

**Claim and Claim Denial Review Procedure**

All claims for benefits must be made in writing to the Boston Shipping Association, Inc., the Plan Administrator, Charlestown Navy Yard, 197 8<sup>th</sup> Street, Suite 775, Charlestown MA 02129. The administrator must notify you in writing within 30 days of the receipt by it of your written notice of a claim. If there is a denial, the Administrator must provide to you, in writing, the specific reasons for the denial and reference to the specific provisions of the collective agreement on which the denial is based.

If your claim is denied, you have the right to appeal the denial under the Grievance Procedure of your Collective Bargaining Agreement to the Human Relations Committee. Your appeal must be in writing within 60 days after the notice of denial. When requesting a review, state the reasons you believe your claim was improperly denied. The Human Relations Committee will notify you in writing of its decision within 60 days after you file your request.

**Other Important Information****Plan Funding**

The Paid Holiday Plan is funded by contributions of the participating employer members of the BSA covered under the current collective bargaining agreements between the BSA and ILA Locals 799, 800, 805, 1066 and 1604 in an amount determined each year to cover the benefits payable each year.

The monies received by the Plan Administrator are invested until such time as they are needed to pay the benefit provided by the Plan.

**Plan Administration**

The Plan is administered by the Boston Shipping Association, Inc. The administrator may be contacted in writing at:

The Boston Shipping Association, Inc.  
Charlestown Navy Yard  
197 8<sup>th</sup> Street, Suite 775  
Charlestown, MA 02129

**Legal Process**

Legal process may be served on the Plan Administrator at the above address.



### **Plan Continuation**

The BSA and the participating employers expect to continue the Plan in accordance with the Collective Bargaining Agreements. The right is necessarily reserved by the BSA to amend and modify the Plan through collective bargaining. The BSA and participating employer members also reserve the right to terminate the Plan. Such action can only be taken by collective bargaining with the Unions. If terminated and after all benefits have been paid and other requirements of the law have been met, any remaining assets of the Plan will be distributed to other fringe benefit funds.

### **Plan Documents**

This booklet describes only the highlights of the Plan and does not attempt to cover all the details. The details are contained in each of the Collective Bargaining Agreements, which govern the operation of the Plan. All statements made in this booklet are subordinate to the provisions and terms of the Plan. Copies of the Collective Bargaining Agreements as well as the latest annual report of Plan operations, as filed with the U.S. Department of Labor, are available for review in the Plan Administrator's office and other Employer locations during normal working hours. Upon written request to the Plan Administrator, copies of any of these documents will be furnished to any Plan participant within 30 days at a nominal cost. In addition, once each year, you will receive a copy of the Summary Annual Report of the Plan's financial activities at no charge.

### **Statement of ERISA Rights**

As a participant in the Boston Shipping Association-International Longshoremen's Association Paid Holiday Plan, you are entitled to certain rights and protections under the Employee Retirement Income Security Act of 1974 (ERISA). ERISA provides that all Plan participants shall be entitled to:

#### **Receive Information about Your Benefits**

- Examine, without charge, at the Boston Shipping Association – International Longshoremen's Association Paid Holiday Plan's office, 197 8<sup>th</sup> street, Ste. 775 Charlestown, MA 02129-4208 all Plan documents filed by the Plan with the U.S. Department of Labor and available at the Public Disclosure Room of the Employee Benefits Security Administration, such as annual financial reports (Form 5500 Series).
- Obtain copies of documents governing the operation of the benefit under the Fund, including insurance contracts, if any, and copies of the latest annual report (Form 5500 Series) and updated Summary Plan Description upon written request. There is a reasonable charge for copies.
- Obtain, not more frequently than one each 12 consecutive months, a statement of the total amount of accrued benefit. The Boston Shipping Association- International Longshoremen's Association Paid Holiday Plan routinely provides this report to each Participant annually.

## **Prudent Actions by Plan Fiduciaries**

In addition to creating rights for Plan participants in the benefits under the plan, ERISA imposes duties upon the people who are responsible for the operation of the Plan. The people who operate the Plan, called fiduciaries, have a duty to do so prudently and in the interest of you and other Plan participants and beneficiaries.

No one, including an employer, union, or any other person, may discharge you or otherwise discriminate against you in any way to prevent you from obtaining benefits or exercising your rights under ERISA.

## **Enforce 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.

If you disagree with the Plan's decision or lack thereof, you may file suit in federal court. If it should happen that the Plan's 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 a 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 Plan 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 benefits under the Plan, you should contact the Fund office. If you have any questions about this statement or about your rights under ERISA, you should contact the nearest office of the Employee Benefits Security Administration, U.S. Department of Labor, listed in your telephone directory or you may write:

**Employee Benefits Security Administration**  
Division of Technical Assistance and Inquiries  
200 Constitution Avenue, N.W.  
Washington, DC 20210

You may also obtain certain publications about your rights and responsibilities under ERISA by calling the publications hotline of the Employee Benefits Security Administration at 866-444-EBSA (3272).