

**BOILERMAKER VACATION PLAN  
PLAN DOCUMENT AND SUMMARY PLAN DESCRIPTION**

The following is a restatement, effective October 1, 2024, of the Boilermaker Vacation Plan (the “Plan”) administered by the Board of Trustees of the Boilermaker Vacation Trust (the “Board of Trustees”). This document constitutes the summary plan description as required by the Employee Retirement Income Security Act of 1974 (“ERISA”) and is also the official plan document for the Plan.

**ADMINISTRATION OF THE PLAN**

**NAME OF PLAN:** The name of the Plan is the Boilermaker Vacation Plan.

**TYPE OF PLAN:** A plan of vacation benefits.

**TYPE OF ADMINISTRATION:** The Plan is administered by a joint board of trustees. One-half of the Board is appointed by the Western Field Construction Negotiating Committee, Inc. and the other half is appointed by the International Brotherhood of Boilermakers, Iron Shipbuilders, Forgers and Helpers.

**PARTICIPATING EMPLOYERS:** A complete list of signatory contractors who participate in the Plan and their names and addresses is maintained in the Administrative Office and may be obtained by you upon written request. It is also available for examination by you at the Administrative Office. In addition, by written request to the Administrative Office you may obtain information as to whether a particular contractor is a participating employer, and if so, the contractor’s address.

**PLAN ADMINISTRATOR:** Board of Trustees of the Boilermaker Vacation Trust, HS&BA, 4160 Dublin Boulevard, Suite 400, Dublin, CA 94568-7756, telephone 1-800-833-2682. You may direct all questions about your benefits under the Plan to the Administrative Office at the address and phone number listed.

**PLAN YEAR:** October 1 to September 30

EMPLOYER TAX IDENTIFICATION  
NUMBER:

EIN 94-2630417

AGENT FOR SERVICE OF LEGAL  
PROCESS:

Boilermaker Vacation Trust  
Attn : Plan Administrator  
4160 Dublin Boulevard, Suite 400  
Dublin, CA 94568-7756

SOURCE OF CONTRIBUTIONS

The Plan's vacation benefits are funded exclusively from participating employers' contributions that the employers withhold from the wages of the Plan's Participants.

FUNDING MEDIUM

All participating employers' contributions are deposited and held in the Boilermaker Vacation Trust (the "Trust Fund"). The Board of Trustees pays all benefits and administrative expenses of the Plan directly from the Trust Fund.

NAME AND ADDRESS OF THE PRINCIPAL PLACE OF BUSINESS OF  
EACH TRUSTEE OF THE PLAN:

CONTRACTOR APPOINTED:

Edward L. McWhorter (Vice Chair)  
B&W Construction Co., Inc.  
710 Airpark Road  
Napa, CA 94558-7518

Ray Maw  
CB&I  
5500 S. 1<sup>st</sup> Avenue  
Everett, WA 98203-4116

UNION APPOINTED:

J. Tom Baca, Int'l VP (Chair)  
Boilermakers Int'l  
1401 Willow Pass Road, Ste #870  
Concord, CA 94520

Clint Penny, Int'l Secretary-Treasurer  
Boilermakers Int'l  
12200 N. Ambassador Drive, Ste #301  
Kansas City, MO 64163

Johnny Baca  
Boilermakers Int'l  
1401 Willow Pass Road, Ste #870  
Concord, CA 94520

AUDITOR:

James “Nick” Browning  
WithumSmith+Brown, P.C.  
4380 S. Macadam Avenue, Suite 365  
Portland, OR 97239  
(971) 352-6300  
FAX: (925) 277-9100

ADMINISTRATOR/ADMINISTRATIVE  
OFFICE:

Steven Sanouvang  
HS&BA, Inc.  
4160 Dublin Boulevard, Suite 400  
Dublin, CA 94568-7756  
(800) 833-2682  
FAX: (925) 833-7301

BANK TRUSTEE:

Bank of Labor  
756 Minnesota Avenue  
Kansas City, KS 66101-2750  
(913) 321-4242  
FAX: (913) 321-2763

LEGAL COUNSEL:

Clarissa Kang, Esq.  
Trucker Huss, APC  
135 Main Street  
9<sup>th</sup> Floor  
San Francisco, CA 94105  
(415) 788-3111  
FAX: (415) 421-2017

DESCRIPTION OF PLAN BENEFITS

PARTICIPATION IN THE PLAN

You are a Participant in the Plan if you are covered by a Collective Bargaining Agreement that provides for contributions to the Trust Fund.

CREDITING OF CONTRIBUTIONS

The Plan is maintained pursuant to Collective Bargaining Agreements that provide for signatory Contractors to contribute an amount per hour to the Trust Fund in accordance with those agreements and all amendments and renewals of those agreements. You may obtain a copy of such Collective Bargaining Agreements upon written request to the Administrative Office.

All contributions are first credited, for accounting purposes, to each member in accordance with the contractor report form and then the contributions are invested by the Board of Trustees.

PERIOD COVERED AND AMOUNT OF PAYOUT

Generally, there is one payout of vacation benefits per year as of December 1 of each year. The sums paid out as of each December 1 include the sums credited to the Participant for the twelve-month period which ends on the immediately preceding August 31. The actual

payroll periods in August covered by the December 1 payout depend on the payroll periods used by your employer.

As of each December 1 payout, the Board of Trustees directs the Administrative Office to distribute checks to Participants in the amount of contributions received on their behalf for the twelve-month period ending on August 31. The distribution includes earnings on those contributions, as determined by the Trustees, after the deduction of expenses of the Trust Fund for administration of the Plan.

### EARLY PAYOUTS

The Board of Trustees will consider making a payout prior to December 1 to an individual Participant or the Participant's beneficiary where the Participant has died, retired, or entered the United States Military. Requests for early payouts should be directed to the Plan Administrator.

The Board of Trustees will consider making a payout prior to December 1 to all Participants (as a group) in a uniform manner in the event that circumstances arise in which the Trustees determine in their sole discretion that an earlier payout is in the best interest of Participants.

### UNCLAIMED BENEFITS

The Vacation Benefit payment for each payout period is mailed by the Trust Fund to your local of the Boilermakers Union for distribution to you. Vacation benefits which are credited to an employee do not accumulate from one vacation period to another. If your local does not have a correct, up-to-date address for you, your check is eventually returned to the Trust Fund. **If you do not claim your vacation benefit within three years from each December 1 payout, all such amounts are forfeited to the Trust Fund to be used, in the discretion of the Trustees, for the purposes of the Trust Fund and the Plan.** So, for your own benefit, please ensure your local always has your correct address.

### BENEFICIARY DESIGNATION

In the event you die with vacation benefits owed to you, those benefits will be paid to the survivor(s) in the first surviving class among the following:

- (1) Surviving spouse
- (2) Children
- (3) Parents
- (4) Brothers and Sisters
- (5) Estate

The Board of Trustees may deduct the costs associated with locating your beneficiary from the amount of the benefits payable on account of your death.

If a claim for benefits is not filed by your beneficiary within three years after your death, all benefits payable on account of your death will be forfeited to the Trust Fund to be used, in the discretion of the Trustees, for the purposes of the Trust Fund and the Plan.

### CLAIMS PROCEDURE

If you do not receive your vacation benefits in full, you must send a claim for vacation benefits to the Plan Administrator or contact the Plan's third party administrator. The claim must be received by the Plan Administrator within three years after each scheduled payment. FAILURE TO FILE A CLAIM WITHIN THIS THREE-YEAR PERIOD WILL RESULT IN A LOSS OF ANY VACATION BENEFITS YOU CLAIM TO BE DUE.

If your application is denied, in whole or in part, the Plan's third party administrator will notify you of the denial within a reasonable period of time, but not later than 90 days after receipt of the claim by the third party administrator, unless the third party administrator determines that special circumstances require an extension of time for processing the claim. If the third party administrator determines that an extension of time for processing the claim is required, you will be provided with a written notice of the extension prior to the termination of the initial 90-day period. In no event shall such extension exceed a period of 90 days from the end of such initial period. The extension notice shall indicate the special circumstances requiring an extension of time and the date by which the Plan expects to render a decision.

If your claim is denied, in whole or in part, the third party administrator will send you a notification that sets forth: (1) the specific reason(s) for the denial; (2) reference to the specific Plan provision(s) on which the denial is based; (3) a description of any additional material or information necessary for you to perfect the claim and an explanation of why such material or information is necessary; and (4) a description of the Plan's review procedures and the time limits applicable to such procedures, including a statement of your right to bring a civil action under section 502(a) of "ERISA" following a denial on appeal.

If your application for vacation benefits is denied in whole or in part, you or your duly authorized representative may appeal from such denial to the Board of Trustees (the "Board") for a full and fair review thereof by sending to the Board a written request for review within 60 days after receiving the notice of denial. The Board will give you an opportunity to submit written comments, documents, records, and other information relating to the claim for benefits. You will be provided, upon request and free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to your claim for benefits. The Board will take into account all comments, documents, records and other information submitted by you relating to the claim, without regard to whether such information was submitted or considered in the initial benefit determination.

The appeal request should set forth all grounds on which it is based, supporting facts and other matters which you deem to be pertinent. The Board may require you to submit additional facts, documents or other material, which it deems necessary or advisable in making its review. The Board will hold regularly scheduled quarterly meetings at which it will act upon each appeal request submitted to the Board at least 30 days prior to the meeting. If special

circumstances require a further extension of time for processing an appeal request, a decision by the Board will be rendered not later than its third quarterly meeting following the receipt of the appeal request by the Board. If an extension of time for review is required, written notice of the extension will be furnished to you before the extension begins. Once the Board decides your appeal, you will be notified of the Board's decision as soon as possible, but no later than 5 days after the determination is made.

If the Board confirms the denial, in whole or in part, the Plan Administrator will send you a notification that sets forth: (1) the specific reason(s) for the denial; (2) reference to the specific Plan provisions on which the denial is based; (3) a statement that you are entitled to receive, upon request and free of charge, reasonable access to and copies of all documents, records, and other information relevant to your claim for benefits; and (4) a statement describing any voluntary appeal procedures offered by the Plan and your right to obtain the information about such procedures, and a statement of your right to bring an action under section 502(a) of ERISA.

Please send claims to:

Boilermaker Vacation Trust  
Attn: Plan Administrator  
4160 Dublin Boulevard, Suite 400  
Dublin, CA 94568-7756

Please send appeals to:

Boilermaker Vacation Trust  
Attn: Plan Administrator  
4160 Dublin Boulevard, Suite 400  
Dublin, CA 94568-7756

## STATEMENT OF ERISA RIGHTS

As a participant in the Boilermaker Vacation Plan, you are entitled to certain rights and protections under ERISA. ERISA provides that all Plan participants shall be entitled to:

### Receive Information About Your Plan and Benefits

Examine, without charge, at the Plan Administrator's office and at other locations (for example, the offices of the participating local unions) all Plan documents, including collective bargaining agreements and a copy of the latest annual report (Form 5500 series) filed by the Plan with the U.S. Department of Labor and available at the Public Disclosure Room of the Employee Benefits Security Administration. Plan documents will be made available at your local union office within ten calendar days following the day a request for disclosure at that location is made in writing to the Administrative Office.

Obtain, upon written request to the Plan Administrator, copies of all documents governing the operation of the Plan, including collective bargaining agreements and copies of the latest annual

report (Form 5500 Series) and updated summary plan description. The Plan Administrator may make a reasonable charge for the copies.

Receive a summary of the Plan's annual financial report. The Plan Administrator is required by law to furnish each participant with a copy of this summary annual report. You will receive the summary annual report with your check on each December 1st payout. You may also visit the International Brotherhood of Boilermakers, Iron Shipbuilders, Forgers and Helpers website at <https://boilermakers.org/members/resources/vacation-trust> to view the summary annual report online.

You may request all copies of the documents described above by phoning the Administrative Office at 1-800-833-2682.

### Prudent Actions by Plan Fiduciaries

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

### Enforce Your Rights

If your claim for a vacation benefit is denied or ignored, in whole or in part, you have a right to know why this was done, to obtain copies of documents relating to the decision without charge, and to appeal any denial, all within certain time schedules.

Under ERISA, there are steps you can take to enforce the above rights. For instance, if you request a copy of Plan documents or the latest annual report from the Plan and you do not receive them within 30 days, you may file a suit in Federal court. In such a case, the court may require the Plan Administrator to provide the materials and pay you up to \$110 a day until you receive the materials, unless the materials were not sent because of reasons beyond the control of the Plan Administrator. If you have a claim for benefits which is denied or ignored, in whole or in part, you may file suit in a state or Federal court. In addition, if you disagree with the Plan's decision or lack thereof concerning the qualified status of a domestic relations order or a medical child support order, you may file suit in Federal court. If it should happen that Plan fiduciaries misuse the Plan's money, or if you are discriminated against for asserting your rights, you may seek assistance from the U.S. Department of Labor, or you may file suit in a federal court. The court will decide who should pay court costs and legal fees. If you are successful, the court may order the person you have sued to pay these costs and fees. If you lose, the court may order you to pay these costs and fees, for example, if it finds your claim is frivolous.

### Assistance with Your Questions

If you have questions about the Plan, you should contact the Plan Administrator. If you have any questions about this statement or about your rights under ERISA, or if you need assistance in obtaining documents from the Plan Administrator, you should contact the nearest office of the Employee Benefits Security Administration, U.S. Department of Labor, listed in your telephone directory or the Division of Technical Assistance and Inquiries, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue N.W., Washington, D.C. 20210. You may also obtain certain publications about your rights and responsibilities under ERISA by calling the publications hotline of the Employee Benefits Security Administration.

### MISCELLANEOUS

The Board of Trustees (or its delegate) has the right to amend or terminate the Plan in whole or in part at any time in its sole discretion.

The Board of Trustees (or its delegate) has the discretionary authority to interpret and construe the provisions of this Plan and to decide any disputes and resolve any ambiguities which may arise relative to the rights of the Plan's Participants.

Each year, administrative fees may be charged to your account. Such fees may include an administrative fee that varies in percentage and is set annually by the Board of Trustees and may include direct costs.

Vacation monies accumulate from each payroll period. It is essential that you keep your paycheck stubs to assist the Administrative Office if a shortage occurs.

Board of Trustees  
Boilermaker Vacation Plan and Trust