



UFCW Local 1459 and Contributing Employers Legal Benefit Fund

PREPAID LEGAL SERVICES

FOR BENEFIT INFORMATION CALL

TOLL FREE: 1-844-702-5626



**UFCW Local 1459 and Contributing Employers
Legal Benefit Fund**
33 Eastland Street, Springfield, MA 01109-2348

October 2015

Dear Participant:

As you know, inflation has made the cost of many essential services so expensive that the average person cannot afford to use them. Your Trustees and Union are very much aware of this fact and are constantly looking for ways of helping you to stretch your dollar.

One of the services that is vital, but which is often much too expensive to obtain, is legal services.

The entire cost of this program will be paid for by the Prepaid Legal Fund from your employer's contributions obtained through negotiations.

Enclosed please find an outline of the covered benefit structure (please note part-time and full-time coverage) and exclusions.

Sincerely,

THE BOARD OF TRUSTEES

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**United Food and Commercial Workers Local 1459 and Contributing Employers
Legal Benefit Plan**

This booklet is a summary of the benefits provided under your Legal Benefit Plan. These benefits are made possible by the contributions negotiated by your Local Union, UFCW Local 1459, (the “Union”) and the Contributing Employers. The Board of Trustees is responsible for the administration of this program. This brochure is a summary only. Your rights to particular benefits will depend upon the terms of the actual plan documents. The Board of Trustees reserves the absolute right to alter and amend the benefit program.

FACTS ABOUT THE PLAN

Name of Plan

United Food and Commercial Workers (UFCW) Local 1459 and Contributing Employers Legal Benefit Plan.

Plan Sponsor

Board of Trustees of the UFCW Local 1459 and Contributing Employers Legal Benefit Fund, 33 Eastland Street, Springfield, MA 01109, Telephone 1-800-634-2700.

A complete list of the employers sponsoring the Plan may be examined at the office of the Plan sponsor and may be obtained by participants and beneficiaries by written request sent to the Plan Sponsor. A participant or beneficiary, upon written request to the Plan Administrator, also may receive information as to whether a particular employer is a sponsor of the Plan.

Employer Identification Number

22-2507618

Plan Number

501

Type of Plan

This Plan is maintained to provide legal benefits.

Plan Year

The Plan’s fiscal year ends on December 31.

Type of Administration

The Administrator is the Board of Trustees of the Fund. Two members of the Board of Trustees are appointed by the Local Union and two members are appointed by the Contributing Employers. The Board of Trustees has contracted with a third party administrator to serve as the Administrative Manager. You may contact the Administrative Manager at the following address (“Fund Office”):

UFCW Local 1459 and Contributing Employers Legal Benefit Fund
33 Eastland Street
Springfield, MA 01109-2348
1-844-702-5626

Agent for Service of Legal Process

UFCW Local 1459 and Contributing Employers Legal Benefit Fund, or any Trustee at this address:

UFCW Local 1459 and Contributing Employers Legal Benefit Fund
33 Eastland Street
Springfield, MA 01109-2348

Service of legal process may be made upon a Plan Trustee or the Plan Administrator.

Board of Trustees

Union Trustees:

Daniel P. Clifford, Chairman
UFCW Local 1459
33 Eastland Street
Springfield, MA 01109

Tyrone Housey, Trustee
UFCW Local 1459
33 Eastland Street
Springfield, MA 01109

Employer Trustees:

Joel A. Boone, Secretary
The Stop & Shop Supermarket Company LLC
1385 Hancock Street
Quincy, MA 02169

Susan M. Sanville
The Stop & Shop Supermarket Company LLC
940 Silver Lane, Suite 8
East Hartford, CT 06118

Funding Mechanism

The Plan is funded by contributions from Employers pursuant to terms of their collective bargaining agreement and self-payments by Plan Participants under certain circumstances. The assets of the Fund are held in a trust fund administered by the Board of Trustees. The benefits are not insured. The Board may, in its discretion, delegate certain management functions to qualified managers. Copies of these agreements may be obtained by participants and beneficiaries upon written request to the Plan Administrator, and are available for examination by participants and beneficiaries at the Fund Office.

WHO TO CALL WHEN YOU NEED LEGAL HELP

Call the Legal Service Provider listed below when you need legal help. Only services rendered by a participating legal provider will be honored by the Plan. Services provided by non-participating attorneys will not be compensated, except as stated on page 9 under the "Service of another Attorney" section.

Call the Legal Service Provider

Akman & Associates, P.C.
1-844-702-5626

Office Locations

SPRINGFIELD, MASSACHUSETTS

Judd L. Peskin, Esquire
Peskin, Courchesne & Allen, P.C.
101 State Street, Suite 401
Springfield, Massachusetts 01103

SOUTH HADLEY, MASSACHUSETTS

Bernard Whalen, Jr., Esquire
318 Newton Street
South Hadley, Massachusetts 01075

PITTSFIELD, MASSACHUSETTS

William Barry, Esquire
23 E. Housatonic Street
Pittsfield, Massachusetts 01201

RHODE ISLAND

Jackie Bauchard, Esquire
1239 Hartford Avenue
Johnstown, RI 02919

VERMONT

Marshall Witten, Esquire
203 Union Street
Bennington, VT 05201

IMPORTANT

***You must call the Legal Service Provider at 1-844-702-5626 to receive services.
Do not call the office locations directly.***

ELIGIBILITY RULES

Covered Benefits will be provided to Eligible Participants and Dependents as long as the service to be provided (for example, a court appearance) is located within UFCW Local 1459's geographic jurisdictional area in the relevant State.

Covered Employment

You are eligible to participate in this Plan if you are employed by a Participating Employer, are covered as described below by the Collective Bargaining Agreement between that Employer and UFCW Local 1459 in a job status which requires contributions be made to this Fund on your behalf, and your Employer has paid contributions to the Fund on your behalf.

Initial Eligibility

Your participation will begin on the later of the first day provided for your participation under the terms of your Employer's Collective Bargaining Agreement or the date your collective bargaining unit's participation in the Fund has been accepted by the Board of Trustees, so long as the Fund has received all required contributions from your Employer on your behalf.

Continued Eligibility

Any employee who meets the requirements of Initial Eligibility will become and remain a Participant as long as he or she is employed by a Participating Employer, covered by a collective bargaining agreement with UFCW Local 1459 and contributions are paid on his or her behalf.

Dependent Eligibility

Eligible Dependents are the spouse and children of the Participant. A spouse, to be eligible, must be sharing the same legal residence with the Participant at the time the request for benefits is made. The children, to be eligible, must be:

1. unmarried, under 19 years old, residing with the Participant and dependent upon him or her for support and maintenance, **or**
2. unmarried, under 23 years old, dependent for support and maintenance, enrolled as a full-time student, and not employed full-time, **if** they were also eligible for benefits on the day before their 19th birthday, **or**
3. unmarried, any age, and incapable of self-sustaining employment because of a physical handicap or mental disorder. Written evidence of this incapacity must be presented on request.

Loss of Eligibility

You cease to be eligible for benefits upon:

1. termination of employment with a participating employer
2. transfer to job classification outside the jurisdiction of the Collective Bargaining Agreement
3. layoff
4. military service
5. leave of absence
6. unpaid vacation for which no contributions are made to the Fund
7. end of the employer's obligation to make contributions pursuant to the Collective Bargaining Agreement
8. retirement
9. death

Plan Permanence

The Fund fully intends to continue the Plan indefinitely, but reserves the right to change or end it. If the Plan ends, you will continue to receive representation for matters that were initiated before the termination for a period of not less than 60 days.

COVERED BENEFITS

PLAN A – Part Time Participants

1. **Unlimited Advice and Consultation.** (By telephone or by appointment at the Plan office most convenient to the Participant). This includes free legal advice and direction on all legal matters including those that are not specifically covered under the Plan, but not including those matters outlined in the “Exclusions” section beginning on page 10.

Plan offices will be open from 9:00 a.m. to 5:00 p.m. Monday through Friday, excluding legal holidays. Special arrangement will be made for those Participants who cannot visit the office during normal business hours.

2. **Preparation of Last Will and Testament**
 - a. For the Participant and spouse of the Participant (unlimited number of wills) (excludes tax related matters)
 - b. No limit as to the type of will
 - c. Codicils (unlimited number)
3. **Preparation of Simple Legal Documents**
 - a. General Power of Attorney
 - b. Contract for the sale or purchase of personal property
 - c. General Release
 - d. Authorization for the release of information, etc.
 - e. Change of Name
4. **Review and Explanation of Legal Documents**
5. **Administrative Law**
 - a. Social Security Disability Application
 - b. Social Security Disability Reconsideration
6. **Discounts on All Non-Covered Legal Services, as follows:**
 - a. In matters that are not billed on an hourly basis, there will be a 20% reduction of the customary fee charged by the Plan attorneys for such service.
 - b. In matters that are billed on an hourly basis, there will be a maximum rate of \$75.00 per hour.
7. **Toll Free 24 Hour Emergency Hot-Line Number - CALL 1-844-702-5626**
8. **Free Notary Service**
9. **Probate and Administration of Estates**

Assistance in probate of all estates at 75% of statutory fee allowable or if no statutory fee, 75% of the customary charge.

10. Service of Another Attorney

If an Eligible Participant requests services, and that Participant is not located within 30 minutes of driving to the closest participating attorney, that Participant can recover legal services from any attorney of their choice. However, that Participant must first contact the Legal Service Provider and receive authorization to recover such services. Under these circumstances the Plan shall be responsible for a maximum fee of \$250.00 per legal matter.

PLAN B – Full Time Participants

Includes all Covered Benefits in Plan A (see page 8), plus the following:

1. Real Estate Matters

- a. Representation of buyer or seller at settlement of primary residence of the Participant, including preparation of all legal documents but excluding title search.
- b. Review and preparation of contract for the sale or purchase of the Participant's primary residence.
- c. Representation as tenant in landlord and tenant disputes involving primary residence.
- d. Assistance in application for homestead exemption where applicable.

2. Consumer Problems

- a. Defense in the State's lowest court of initial jurisdiction (including court appearance):
 1. Excessive interest and late charges
 2. Debt collection actions
 3. Garnishments
 4. Furniture and other personal property repossessions
- b. Advice regarding consumer rights and problems with credit ratings.

EXCLUSIONS

1. Any legal proceeding in which the participant or an Eligible Dependent is entitled to legal representation from any other source at no cost.
2. Any business related ventures for profit.
3. Any disputes between two or more Participants, except as provided in the “Conflicts between Participants” section on page 11.
4. Any dispute between any Participant or Dependent and the Union or any officers or employees of the Union, or members of the Union.
5. Any dispute between a Participant or Dependent or any other provider of benefits presently under contract with any employee benefit plan which covers persons represented by the Union as collective bargaining agent.
6. Any dispute between a Participant and any of his or her Dependents or Dependents of any other Participant, except as provided in the “Conflicts Between Participants” section on page 11.
7. Any action that is deemed to be frivolous by the Plan attorney.
8. Preparation of income tax returns or any tax related matter.
9. Any legal proceeding or cause of action arising prior to the Participant’s effective date of participation.
10. All costs of litigation including, but not limited to:
 - a. Court costs, filing fees, closing costs and fees for the issuance of a summons or subpoenas
 - b. Deposition costs, transcripts, and recording fees
 - c. Lien and judgment reports
 - d. Master’s fees
 - e. Witness and expert fees
11. All matters at any appellate level.
12. All matters before a U.S. Magistrate or Federal District Court or any Federal Appellate Court.
13. *Amicus Curiae* or class actions.
14. Any disputes between a Participant or Dependent and the Employer, or its agents, servants, or employees.

CONFLICTS BETWEEN PARTICIPANTS

In the event a covered legal dispute should arise between two or more Participants, legal representation shall be afforded as follows: The Plan shall provide the Participants with a list of qualified attorneys available to represent each participant. Upon selection of an attorney from said list, the Plan shall pay and be responsible for the payment of needed and customary legal fees incurred, to a maximum of Two Hundred and fifty dollars (\$250.00) per Participant per year. In the event a Participant does not select an attorney from such list, the Plan shall have no responsibility for the payment of legal fees for that Participant.

CONTINGENT FEE CASES

In any case accepted on a contingent fee basis, the Participant shall be liable for attorney's fees and costs in accordance with his/her agreement with counsel.

CLAIM AND APPEAL PROCEDURES

Procedures to be Followed in Presenting Claims for Benefits:

To present a claim for benefits under the Plan it is necessary to timely notify the Legal Service Provider. Notification to any party other than the Legal Service Provider is ineffective to obtain entitlement to benefits. You may contact the Legal Service Provider by calling the 24-hour-a-day hotline at 1-844-702-5626. The Legal Service Provider is responsible for making the initial determination as to coverage.

If your claim for benefits is granted, the Legal Service Provider shall refer you to a Participating Legal Provider. Any dispute concerning the referral of a case to a Participating Legal Provider may be appealed by the Participant to the Board of Trustees as described in the following section.

Remedies Available for Redress of Claims That Are Denied:

(a) If your claim for benefits is denied wholly or in part, the Legal Service Provider shall notify you in writing of the Plan's adverse benefit determination no later than 90 calendar days after receipt of the claim by the Plan, unless the Legal Service Provider determines that special circumstances require an extension of time of no longer than an additional 90 days for processing your claim. If an extension of time is required, the Legal Service Provider shall notify you in writing within 90 days of the receipt of your claim of any special circumstances requiring the extension and the date by which the Legal Service Provider expects to decide your claim.

(b) Any Participant whose claim has been denied may appeal the adverse benefit determination to the Trustees within 60 calendar days after being notified of the adverse benefit determination. Such a Participant may also request that the Trustees conduct a hearing as part of the appeal. Appeals and/or requests for a hearing must be sent to the Plan in writing within 60 calendar days after being notified of the denial; provided that the request is for an appeal and/or hearing; and explain why the reasons for the denial are inapplicable. The Participant may submit written comments, documents, records, and other information to the Trustees and may request, free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to his or her claim for benefits.

(c) The Trustees will reach a benefit determination or conduct a hearing, if one is requested, within a reasonable period of time, but not later than 60 days after the receipt of the request for review unless the Trustees determine that special circumstances require an extension of time for processing the claim. In the event a Participant requests a hearing, the Participant will be entitled to present his or her position and any evidence in support thereof at the hearing. The Participant may be represented at the hearing by an attorney, or any other representative of his or her choosing, at the Participant's expense.

(d) Within five (5) days after making a benefit determination, the Trustees will issue a written decision affirming, modifying or setting aside the original decision.

(e) Action by the Trustees is final.

YOUR RIGHTS UNDER ERISA

As a participant in the UFCW Local 1459 and Contributing Employers Legal Benefit 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:

Receive Information about Your Plan and Benefits

1. Examine, without charge, at the Plan Administrator's office and at other specified locations, such as worksites and union halls, 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.
2. Obtain, upon written request to the Plan Administrator, copies of all documents governing the operation of the Plan, including insurance contracts and 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.
3. 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 the summary annual report.

Prudent Actions 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 employee benefit Plan. The people who operate your Plan are 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 welfare benefit is denied in whole or in part you must receive a written explanation of the reason for the denial. You have the right to have the Plan revise and reconsider your claim. Under ERISA, there are steps you can take to enforce the above rights. For instance, if you request materials 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. 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 any question about your Plan, you should contact the Plan Administrator. 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 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.



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SUMMARY PLAN DESCRIPTION

2015 Edition