



**SUB Work
in Progress**
No delays



**International Union of Operating Engineers
Local No. 478 Annuity Fund
1965 Dixwell Avenue
Hamden, Connecticut 06514-2400**

Phone: **203-288-9261 or
1-866-288-9261 (Toll Free),
use ext. 225 for both numbers**

FAST FACTS About The Supplemental Unemployment Benefits (SUB) Fund

- Assuming you meet the eligibility rules, the SUB Fund pays a benefit to you on a weekly basis while you're unemployed.
- On an annual basis, the Trustees determine the weekly amount of the SUB Fund benefit. For the 2009–2010 “Benefit Year,” the weekly amount is \$145.00.
- The “Benefit Year” runs from October through the following June. SUB Fund benefits are only payable during this time frame.
- You may receive a weekly SUB Fund benefit for a certain number of weeks during the Benefit Year. The number of weeks of benefits you may receive varies according to how many hours your Contributing Employer(s) contributed to the SUB Fund on your behalf in the immediately prior Plan Year (which runs from October 1 through the following September 30).
- To obtain your SUB Fund benefits on a timely basis, your work record must be up to date. Please be sure to keep the Union’s Referral Hall informed of your latest contact information (home telephone number, cell phone number, and home address) and employment status at all times. This can be done in writing, by phone, on-line or via e-mail. If your work record information is incorrect, any SUB Fund benefits that you are eligible for could be delayed.
- You must apply for SUB Fund benefits on a timely basis during the period of your involuntary unemployment — you are not automatically eligible for SUB Fund benefits. Here are the basic rules:
 - To be initially eligible for SUB Fund benefits in a Benefit Year, you must complete a standard Registration Form, along with any applicable tax forms, and file these documents with the SUB Fund Office. You may complete this step by mail, e-mail, fax or in person (see the inside front cover of this booklet for appropriate SUB Fund addresses and phone numbers).
 - After you have registered, you must apply for your weekly benefit(s) by filing a claim form and providing appropriate proof of your unemployment status to the SUB Fund Office on a timely basis (outlined below). This step can also be done by mail, e-mail, fax or in person.
 - As explained in more detail later on page 17, the SUB Fund Office must receive appropriate proof of your unemployment (e.g., state unemployment benefit check or other acceptable evidence) within one (1) calendar month from the date the check or other evidence is issued. So, if you believe you are eligible for SUB Fund benefits, you should plan on providing the SUB Fund Office with your claim(s) and proof at least once each month!



Supplemental Unemployment Benefits (SUB) Fund

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April 2010

Dear Participant,

If you become unemployed, you want the comfort of knowing that your family is financially protected. That's why we offer an income benefit during your period of unemployment which is in addition to that provided by Connecticut's Unemployment Compensation program. You can receive a weekly benefit from the Supplemental Unemployment Benefits Fund (for a limited amount of time) while you're out of work provided you meet the Plan's eligibility requirements.

A New Approach

This summary has been provided to give you a general description of your Supplemental Unemployment Benefits. It was written and designed to be easy to read and understand. "Fast Facts" appear at the beginning of each section to give you a quick overview of what is contained within that section. Also, useful information, phone numbers and definitions appear in the margin as a quick reference. While we realize some of this information may be repetitive, we want you to be able to find the information you need quickly and efficiently.

On page 13, you will find a chapter called "Life and Economic Events." This chapter provides information about some common events that might affect your Supplemental Unemployment Benefits, such as:

- moving to a new address;
- getting fired or laid off;
- returning to work;
- becoming disabled; and
- retiring.

If you have any questions about your Supplemental Unemployment Benefits Plan, please contact the Fund Office at 1-866-288-9261 (Toll Free) or 203-288-9261, and then enter extension 225. Our staff will be happy to assist you.

Sincerely,

The Board of Trustees

Important Notes

Please note that this Summary Plan Description is meant to provide a summary of the Plan as of February 2010. This description is based on the information contained in the actual Plan document, which is a technical legal document. Therefore, if there is any discrepancy between the information contained in this handbook and in the Plan document, the Plan document will always govern.

Consistent with applicable law, the Plan and the Fund, and the Supplemental Unemployment Benefits described in this handbook, are subject to amendment and/or termination at any time, as the Board of Trustees may determine in their full and complete discretion.

In the event the Plan is significantly amended or modified in the future, you will be provided with a written notice of any changes. You should keep all of these written notices with this handbook. These periodic updates are known as a "Summary of Material Modifications" or "SMM," and any notice will be labeled as such.

***International Union of Operating Engineers
Local No. 478 Supplemental Unemployment
Benefits Fund
1965 Dixwell Avenue
Hamden, Connecticut 06514-2400***

***Phone: 1-866-288-9261 (Toll Free) or
203-288-9261; use Ext. 225 for both numbers
SUB Fund Facsimile: 203-287-8408
SUB Fund e-mail address: subfund@local478.org***



Eligibility Requirements

There are certain eligibility requirements that must be met in order to collect Supplemental Unemployment Benefits (SUB) Fund benefits. If you become involuntarily unemployed, review this section carefully to determine your eligibility.

FAST FACTS

In general, to be eligible for SUB Fund Benefits, you must NOT:

- have stopped working with a Contributing Employer voluntarily, retired, or been released by a Contributing Employer for disciplinary reasons.
- be receiving workers' compensation benefits (unless you are released for "light duty" work).
- be receiving income due to a medical disability benefit (including the International Union of Operating Engineers (IUOE) Local No. 478 Health Benefits Fund) or a Social Security disability benefit.
- be receiving any type of retirement benefit from any source, such as the IUOE Local No. 478 Funds, another IUOE retirement plan or any other retirement plan, subject to two specific exceptions. These two exceptions are outlined in "Other Benefits That Can Impact SUB Fund Benefit Eligibility" on page 9.
- be receiving a monthly Social Security benefit if you are not working. If you are working and receiving a Social Security benefit, you may be eligible for a SUB Fund benefit.
- be engaged in self-employment.



Supplemental Unemployment Benefits (SUB) Fund

FOR MORE INFORMATION ON...	
Receiving a SUB Fund Benefit:	Refer to the Section Called:
You must be available for work and be considered “eligible” by the State Unemployment Commission	Unemployment Guidelines (below)
You must verify your current “non-working” status	Working Restrictions (page 6)
Your Contributing Employer(s) must have contributed at least 300 hours on your behalf in the prior Plan Year	Contributions Made on Your Behalf (page 6)
You must provide acceptable evidence of your unemployment status to the Fund Office	Evidence Needed (page 6)
You must be considered “available for work” with the Union Referral office	Availability for Work (page 8)
You must not be receiving a workers’ compensation benefit unless you’ve been released for “light-duty” work	Workers’ Compensation Guidelines (page 9)
In general, you may not be receiving other income from a medical disability benefit, a Social Security disability benefit or any type of retirement benefit	Other Benefits (page 9)

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You must meet ALL of the following requirements in order to receive SUB Fund Benefits:

Unemployment Guidelines

You must certify that you are involuntarily unemployed and that your separation from Covered Employment resulted from:

- a reduction in workforce; or
- your participation in required classes and/or training offered by the I.U.O.E. Local No. 478 Apprenticeship Training and Skill Improvement fund; or

- a departure from a job because of unsafe working conditions (with the proper paperwork from the Union for verification); or
- the discontinuance of a project, plant or operation (or similar situation).

If you become unemployed due to disciplinary reasons, you are NOT eligible for SUB Fund benefits.

Working Restrictions

- You must certify that you have not worked in Covered Employment for more than one day in the week that you are applying for SUB Fund benefits.
- You'll be ineligible for SUB Fund benefits if you engage in any work other than Covered Employment, such as self-employment.

What Is "Covered Employment"?

"Covered Employment" is work performed by an employee for a Contributing Employer in a category of work covered by a collective bargaining agreement that requires contributions to the SUB Fund.

Contributions Made on Your Behalf

Your Contributing Employer(s) must have paid at least 300 hours of contributions to the SUB Fund on your behalf for work in Covered Employment in the Plan Year prior to the Plan Year in which you apply for SUB Fund benefits. The SUB Fund Benefit Year runs from October 1 through the following June 30. More information is on page 11.

Who is a "Contributing Employer"?

A "Contributing Employer" is an individual, partnership, corporation or other business entity that employs employees who are represented by IUOE Local No. 478 with a collective bargaining agreement or other written

agreement requiring payment of contributions to the SUB Fund on behalf of its employees' work in Covered Employment.

Required Information; Errors in Reported Hours or Submitted Contributions

The SUB Fund relies on information provided by you and your Contributing Employers. The SUB Fund can require you and/or your Contributing Employers, upon reasonable request, to provide documentation and/or proof in order to determine your SUB Fund benefit eligibility. In addition, contact the Fund Office if you believe that any of your Contributing Employers have reported your hours incorrectly or submitted insufficient contributions on your behalf. You can provide the Fund Office with payroll checks, payroll reports, earnings reports or other similar documentation to establish your work record. Remember that these types of errors could have a negative impact on your eligibility for SUB Fund benefits.

Evidence Needed for SUB Fund Benefits

You must provide the Fund Office with evidence to satisfy one of the following requirements to receive a SUB Fund benefit:

- **A state unemployment compensation benefit check** or clear photocopy of that check for the week that you are making a claim for a SUB Fund benefit; or
- **Proof that you have applied for, and are entitled to, your state unemployment compensation benefit check due** to total unemployment for the week in which you are making a claim for SUB Fund benefits; or

• **Proof that you meet your state’s unemployment compensation eligibility requirements, but have exhausted your entitlement** to those state benefits; or

• **Proof that you are not entitled to state unemployment compensation benefits because of the following four reasons ONLY:**

1. you previously worked insufficient hours to be eligible for such benefits.
2. your state unemployment compensation system does not recognize the SUB Fund’s “available for work” definition (see page 8) as being sufficient to meet the state unemployment compensation rules as being “available for and actively seeking full-time employment.”
3. you are receiving: (i) a retirement benefit from a source other than the IUOE Local No. 478 Annuity and/or Pension Funds and such retirement benefit reduces your weekly entitlement to state unemployment compensation benefits to zero (\$0) for the week that you are applying for SUB Fund benefits, OR (ii) a retirement benefit which is a required minimum required distribution (due to the fact you have attained at least age 70-1/2) from the IUOE Local No. 478 Annuity and/or Pension Funds.
4. you provide an acceptable notarized written statement from an independent third party, which states that you left Covered Employment due to unsafe work conditions.

Important Notes to Consider:

- If you do not qualify for state unemployment compensation benefits for any reason other than those listed above, you will not be eligible for SUB Fund benefits.

• You must submit your claim for SUB Fund benefits and all evidence of your eligibility to the Fund Office within **ONE CALENDAR MONTH** of the date of:

- your state unemployment compensation check,
- your state unemployment compensation benefits denial notice, or
- the other evidence you submit to prove your eligibility.

As a courtesy to you, recognized holidays of the SUB Fund and dates the SUB Fund window is closed due to bad weather or similar conditions will not count in applying the one-month rule (see page 17 for a listing of recognized holidays).

As An Example...Your Connecticut unemployment compensation check is dated December 28 and the SUB window is open normally in December and January. Here, you would have until January 29 to file your claim and unemployment compensation check with the SUB Fund. You get one extra day in this example due solely to the New Year’s Day holiday (January 1).

If you do not meet the one-month deadline, the Trustees will permit a “once in a lifetime” waiver for up to two weeks of SUB Fund benefits for the current or immediately prior Benefit Year. Once you use this waiver, you cannot thereafter receive benefits if you have not submitted your evidence of eligibility within the one-month time frame.

- If your unemployment compensation benefit check is from a state other than Connecticut or if you claim that you are eligible for benefits from another state, you must be able to show that the other state’s eligibility rules are at least as strict as those of Connecticut before you will be eligible for a SUB Fund benefit.

Approval Needed from the Unemployment Compensation Commission

If your current or former Contributing Employer disputes your state unemployment compensation claim, you will not be paid SUB Fund benefits until the applicable state unemployment compensation commission approves your claim. This approval is required in addition to all of the other necessary evidence regarding your eligibility for SUB Fund benefits that you must provide the Fund Office.

A wage investigation may be required if your Contributing Employer fails to report (or delays reporting) your wages or reports them under the wrong Social Security Number. You will be eligible to receive SUB Fund benefits if state unemployment benefits are being withheld pending a wage investigation to determine whether the Contributing Employer paid the proper amount of unemployment compensation tax to the state.

Availability for Work

You must be considered “available for work” by the Plan to be eligible to receive SUB Fund benefits. Available for work means that you are registered with the Referral Office, that the Referral Office is able to contact you at your last known address and telephone number on file, and that you are willing and available to accept work in Covered Employment that is referred to you.

The Fund Office

The Fund Office and the Union Office/ Referral Office are all located at 1965 Dixwell Avenue in Hamden, Connecticut. You are able to apply for SUB Fund benefits and provide the necessary

evidence to receive those benefits, register as “available for work,” and certify as to your unemployment status at this one central location.

If you are applying for SUB Fund benefits while residing in a state other than Connecticut, you must certify that you are able to work in Covered Employment and are available to work upon not more than 48 hours’ notice. Also, if you are registered with another Local Union other than Local No. 478 and are applying for SUB Fund benefits, you must be able to prove that you are registered with the referral office of your home jurisdiction.

The SUB Fund recognizes the legal obligations of individuals to serve as jurors. As a result, anyone who is required to serve as a federal or state juror is considered “available for work” by the Plan (subject to all of the other normal rules, such as being registered with the Referral Office).

You will be considered **unavailable for work** if:

- you refuse available work in Covered Employment; or
- you are not properly registered with the Referral Office; or
- the Referral Office has tried unsuccessfully to contact you for work in Covered Employment at the address and telephone number they have on file for you.

It is extremely important that the Referral Office have up-to-date contact and work status information for you. Remember, if your information is not up-to-date, you may not be eligible for SUB Fund benefits or, if you are eligible, they may be delayed.

Workers' Compensation Guidelines

To be eligible for SUB Fund benefits, you must not be receiving workers' compensation benefits unless you have been released for certain "light-duty" work as described below.

Light-Duty Work

If you are receiving workers' compensation benefits and your physician/doctor allows you to work "light duty" you may still be eligible for a SUB Fund benefit. Light duty is defined under your workers' compensation program.

So, you will be considered "available for work" and potentially eligible for SUB Fund benefits if:

- You are released for light-duty work by your attending physician or the workers' compensation commission in accordance with workers' compensation rules; and
- The workers' compensation benefits that you receive are limited to amounts payable while you are performing the light-duty work.

Note

You must provide the Fund Office with the notice that you receive from your doctor or the workers' compensation commission which certifies your ability to perform light-duty work within one (1) month of its date of issue.

Other Benefits That Can Impact SUB Fund Benefit Eligibility

In order to receive a SUB Fund benefit, you cannot be receiving a medical disability benefit, a Social Security disability benefit, or a retirement benefit from any source, including benefits from the International Union of Operating Engineers (IUOE) Local No. 478 Annuity and/or Pension Funds.

EXCEPTIONS: The Trustees have adopted two limited exceptions to the rule that you cannot be receiving a retirement benefit from any source, and they are:

1. If your retirement benefits are being paid from the IUOE Local No. 478 Annuity and/or Pension Funds solely because you have attained age 70-½ and must receive benefits under IRS "minimum required distribution" rules, OR
2. If you are receiving retirement benefits from a source other than the IUOE Local No. 478 Annuity and/or Pension Funds and those benefits reduce your weekly entitlement to state unemployment compensation benefits to zero (\$0).

Contact the Fund Office if you think either of these exceptions may apply to you.

With respect to Social Security disability (SSD) benefits, you are considered by the SUB Fund to be receiving SSD benefits on and after the date Social Security determines that payments of SSD benefits are to begin for you. This date is almost always evidenced by your Social Security Disability "Notice of Award."



How SUB Fund Benefits Are Paid

Assuming you meet all of the eligibility requirements for SUB Fund benefits, you'll be eligible to receive SUB Fund benefits on a weekly basis during your involuntary unemployment within the applicable Benefit Year. However, keep in mind that the fact that you get a SUB Fund benefit for one week does not automatically mean that you get another benefit payment for the following week. You must continue to be eligible and the Fund Office needs acceptable proof of your unemployment at various intervals.

FAST FACTS

- The number of weeks of SUB Fund benefits which you are eligible to receive during a Benefit Year (October 1 through the following June 30) depends on the contributions your Contributing Employer(s) made on your behalf during the immediately preceding Plan Year (which runs from October 1 through the following September 30).
- You must provide the Fund Office with the appropriate proof of your involuntary unemployment on a continuing basis, explained on pages 6 and 7.



Supplemental Unemployment Benefits (SUB) Fund

At the beginning of each Benefit Year (October 1), the Board of Trustees determines the amount of SUB Fund benefits. The gross weekly amount for the Benefit Year beginning on October 1, 2008 is \$145.00.

What is a “Benefit Year?”

The Benefit Year is the portion of the Plan Year during which the SUB Fund pays benefits to its eligible employees. Currently, the Benefit Year begins on October 1 and ends on June 30 of the following year.

The maximum number of weeks of SUB Fund benefits that you can potentially receive in a Benefit Year is based on the number of hours of contributions received on your behalf from all of your Contributing Employer(s) by the SUB Fund in the Plan Year immediately preceding the Benefit Year, as shown in the chart below:

HOURS OF CONTRIBUTIONS RECEIVED ON YOUR BEHALF IN THE PRIOR PLAN YEAR	MAXIMUM WEEKS OF SUB FUND BENEFITS PAYABLE IN THE BENEFIT YEAR
0-299	0
300-399	5
400-499	10
500-599	15
600-699	20
700 or more	26

Using Fred as an example... for the Plan Year that ended on September 30, 2008, the SUB Fund Office received contributions on his behalf for 650 hours. In January 2009, Fred became involuntarily unemployed and meets all of the Plan’s eligibility rules. He

would be eligible to receive \$145.00 each week for a maximum of 20 weeks during the Benefit Year (October 1, 2008 to June 30, 2009).

“Carry-Over” Exception

You will be permitted to carry over your unused weeks of SUB Fund benefits from a Benefit Year (Year 1) to only the immediately following Benefit Year (Year 2) if you do not collect your SUB Fund benefits for the maximum number of weeks that you are entitled to during Year 1 solely because you were:

- receiving workers’ compensation benefits for those weeks; or
- called to engage in the uniformed services (in accordance with applicable federal law); or
- you were working in employment that was not covered by the collective bargaining agreement at the direction of the Union while you were employed by the Union as a full-time organizer.

Weeks of SUB Fund benefits that you’ve carried over to the immediately following Benefit Year (Year 2) will be payable at the weekly level which applies during Year 2. This exception may only be used to carry over weeks from one Benefit Year

to the very next Benefit Year. Even taking this carry-over exception into account, the maximum number of weeks in any Benefit Year that you may be eligible for is 26.

Using Fred as an example again... he became involuntary unemployed in January 2008 and met all other Plan eligibility rules. His Contributing Employer made contributions on his behalf to the SUB Fund for 485 hours in the Plan Year that ended on September 30, 2007, so Fred was eligible for up to 10 weeks of SUB Fund benefits in the Benefit Year that ended on June 30, 2008. However, Fred had an injury on the job and was receiving workers' compensation benefits during the entire 2007 — 2008 Benefit Year. As a result, he was not able to collect any SUB Fund benefits in that Benefit Year.

Since Fred met all of the requirements for SUB Fund benefits other than the workers' compensation restriction, he would be eligible to "carry over" those 10 weeks of SUB Fund benefit eligibility to the very next Benefit Year — the one that begins in October 1, 2008 and ends on June 30, 2009. Of course, Fred would have to meet the other applicable eligibility rules of the SUB Fund in the next Benefit Year.

Another Carry-Over special rule: The SUB Fund recognizes that individuals may have very serious injuries while engaging in Covered Employment, while working as a full-time organizer or while engaging in the uniformed services for our country. Those injuries can result in the long-term receipt of workers' compensation benefits and/or significant hospital stays. So, for these individuals only, the Fund allows the carry-over of unused weeks of SUB Fund benefits from a Benefit Year (Year 1) to Benefit Years beyond the immediately following Benefit Year (i.e., Years 3, 4, etc.). The rule that the maximum number of weeks in any Benefit Year that you may be eligible for is 26 applies here, too.

Using Fred one more time... assume the facts are the same as in the example directly above except that he was receiving workers' compensation benefits during BOTH the entire 2007 — 2008 and 2008 — 2009 Benefit Years. Due to this fact, he would not be able to collect any SUB Fund benefits in either of those Benefit Years.

However, due to this special Carry-Over rule, Fred would be eligible to "carry over" those 10 weeks of SUB Fund benefit eligibility to the Benefit Year that begins in October 1, 2009 and ends on June 30, 2010. Again, Fred would have to meet the other applicable eligibility rules of the SUB Fund in the 2009 — 2010 Benefit Year to be able to collect.

NOTE: The Carry-Over Exception, including the special rule, does not apply with respect to light-duty work. If you are collecting a workers' compensation benefit *and you are released for light duty*, you may be eligible to receive a SUB benefit. Therefore, you may not utilize the carry-over exception for any unused weeks or weeks of SUB Fund benefits during the week (including the actual day) that you were notified of your release to light-duty work.

Life and Economic Events

You may experience certain “life events” that could qualify or disqualify you for a SUB Fund benefit. An important economic event which can occur is that one or more of your Contributing Employer(s) may be late or delinquent in making required contributions to the SUB Fund on your behalf. This section provides information on what to do if you experience an event that might have an impact on your SUB Fund benefit.

FAST FACTS

The following events may affect your SUB Fund benefit:

- Becoming involuntarily unemployed
- Moving to a new address
- An involuntary work stoppage
- Termination of workers’ compensation benefits
- Becoming employed again
- Retiring
- Becoming disabled
- Serving on a jury
- Serving in the uniformed services
- Unemployment compensation penalty
- Your Contributing Employer(s) is/are late or delinquent with required SUB Fund contributions on your behalf



If You Become Involuntarily Unemployed

If you become unemployed because of a reduction in workforce, discontinuance of a project, plant or operation (or other similar situation) and your unemployment was not a result of disciplinary action, you may be eligible for a SUB Fund benefit. Refer to the “Eligibility” tab to see if you qualify.

You must file for unemployment compensation benefits in the state in which you worked (which is not necessarily the state in which you live). In addition to filing a claim for state unemployment compensation benefits, you should contact the Referral Office with your layoff date and register as “available for work.” You’ll also need to complete and submit an application for a SUB Fund benefit with the Fund Office.

You may apply for the SUB Fund benefit without proof of your unemployment status, but in order to collect a check you must provide proof.

If You Move

If you move to a new address, **keep in touch!** Let both the Fund Office and the Referral Office know about your change of address and/or telephone number.

The Fund Office occasionally sends notices by mail of updates to Plan procedures, eligibility and other important matters relating to the Plan. These notices are sent to the address that is on file at the Fund Office.

It's your responsibility to make sure that the Fund Office has your most current address on file. If you do not, you may be missing out on important information, or maybe even your SUB Fund benefit payment.

Also remember that if the Referral Office cannot get in touch with you, you will not be considered “available for work,” which means that you will not be eligible for a SUB Fund benefit.

If You Are Unemployed Because of an Involuntary Work Stoppage

If you become unemployed because of an involuntary work stoppage, you may still be eligible for a SUB Fund Benefit. An involuntary work stoppage occurs when your Contributing Employer has stopped contributing to the SUB Fund (and other IUOE Local No. 478 Funds) on your behalf, the Union has stopped work for all affected employees covered by the applicable collective bargaining agreement, and the Union notifies the SUB Fund Office of these facts.

Any SUB Fund benefits to which you are eligible would be paid beginning with the first full work week of the involuntary work stoppage, provided that you present proof to the Fund Office showing that your employment was/is affected as a result of the work stoppage. Of course, you must meet other eligibility rules (described on the “Eligibility” tab) to be eligible.

In the unlikely event that you are unemployed due to an involuntary work stoppage, you should contact the Fund Office as soon as possible for information on how to obtain any SUB Fund benefits which you may be eligible for.

If Your Workers' Compensation Benefits End

If you are receiving workers' compensation for an on-the-job injury or illness, you are generally not eligible to receive a SUB Fund benefit unless you have been released to perform “light-duty” work (explained below and on page 9).

However, if your workers' compensation benefits end and you meet the necessary eligibility requirements to receive a SUB Fund benefit, contact the Fund Office. You will need to provide the appropriate evidence required by the Plan, as explained on pages 6-7.

If You Are Able to Perform "Light-Duty" Work

If you're receiving workers' compensation benefits but are released by your attending physician or the workers' compensation commission to perform light duty, you may be eligible for a SUB Fund benefit. You must be classified as "available for light duty."

What is "light duty"?

The definition of the term "light duty" is described under the applicable rules of your jurisdiction's workers' compensation program.

To request a SUB Fund benefit, you'll need to provide the Fund Office with a copy of a notice from your attending physician or the workers' compensation commission as proof that you're able to perform light-duty work. As with any other evidence of eligibility for SUB Fund benefits, you must submit this light-duty notice to the Fund Office within one calendar month from its date of issuance. You'll also need to provide proof that any benefits you may continue to receive from workers' compensation are limited to amounts payable while you are performing your light-duty work. See page 9 for more details.

If You Become Employed Again

When you become employed, you will no longer be eligible for SUB Fund benefits. Be sure to contact the Referral Office with a return-to-work date so that you will be eligible to collect SUB Fund benefits at a later date, if necessary.

If You Retire

If you are receiving a SUB Fund benefit due to involuntary unemployment and you elect to retire under the IUOE Local No. 478 Pension Plan, Annuity Plan or any other retirement plan, you will no longer be eligible to receive SUB Fund benefits. See page 9 for more details, along with two limited exceptions.

If You Become Disabled

If you become sick or injured and cannot work, you may be eligible for disability benefits through a medical plan (such as the IUOE Local No. 478 Health Benefits Fund), through Social Security, through the IUOE Local No. 478 Pension Plan, Annuity Plan or any other retirement plan, or through workers' compensation.

Remember, however, that the general rule of the Plan is that any type of income that you receive from an outside source disqualifies you from being eligible to receive SUB Fund Benefits. There are certain limited exceptions, however, such as the "light-duty" exception while receiving workers' compensation benefits and the two exceptions for retirement benefits (see page 9).

If You Are Serving on a Jury

If you are registered with the Referral Office and meet the requirements for a SUB Fund benefit described on page 5, you will still be considered

“available for work” by the SUB Fund for periods that you are serving as a federal or state juror. Therefore, while you’re serving on a jury, you may still be able to collect your SUB Fund benefit.

If You Are Called to Serve in the Uniformed Services

If you are called to the uniformed services (as defined by a federal law known as the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended, or “USERRA”) and come back to the IUOE trade after your tour(s) of duty, the SUB Fund will be sure to take action so that you are not disadvantaged by your time serving our country. As a few simple examples, if you were receiving SUB Fund benefits when you left, you would still be eligible to receive SUB Fund benefits upon your return from uniformed service. Also, the number of weeks that you were eligible for SUB Fund benefits during the Plan Year prior to your uniformed service would be reinstated. You may also be able to utilize the “carry-over” rules described on page 11. In all instances, the SUB Fund will comply with its responsibilities under USERRA.

If Your Contributing Employer(s) Is/Are Late or Delinquent With Required SUB Fund Contributions on Your Behalf

As noted earlier, one of the eligibility requirements for SUB Fund benefits in a Benefit Year is that your Contributing Employer(s) must make sufficient contributions to the SUB Fund in the immediately preceding Plan Year. However, in rare instances, Contributing Employer(s) may not pay their contributions or may be delinquent. We want you to know what will happen in these situations. In plain terms, our SUB Fund *conditions* the payment of your SUB Fund benefits upon

the receipt of proper contributions from your Contributing Employer(s). So, if your Contributing Employer(s) never pay the SUB Fund contributions owed on your behalf in a particular Plan Year, you cannot receive SUB Fund benefits for the immediately following Benefit Year. Also, if your Contributing Employer(s) are late in making contributions, you can become *retroactively eligible* for any SUB Fund benefits owed to you *once those contributions are actually made*. **However, please be aware that you will only be entitled to those SUB Fund benefits if the supporting evidence had been previously provided to the Fund Office/SUB Window on a timely basis.**

As an Example... assume Dan worked enough hours for his Contributing Employer to be eligible for 15 weeks of SUB Fund benefits during the Benefit Year starting October 1, 2008. However, assume that Dan’s Contributing Employer never made the required contributions to the SUB Fund during the prior Plan Year (which ended September 30, 2008). Dan registered with the SUB Fund in October of 2008 as required, and he then became involuntarily unemployed in November of 2008. Dan then provides copies of his 15 state unemployment checks to the SUB Window within the respective one calendar month time frames during the months of November 2008 through February 2009. Here, the SUB Fund CANNOT PAY Dan any SUB Fund benefits for the November 2008 through February 2009 time frame. The sole reason for this is that Dan’s Contributing Employer had not remitted the required SUB Fund contributions on Dan’s behalf.

Switching the example slightly, now assume that in March of 2009 Dan’s Contributing Employer remits the required contributions to the SUB Fund. As soon as possible after those contributions are received, the SUB Fund would contact Dan and pay him his 15 weeks of SUB Fund benefits.

WARNING: *If Dan had not submitted his evidence of unemployment during the months of November 2008 through February 2009 on a timely basis, **he would NOT have been eligible for SUB Fund benefits when the required contributions were made by his Contributing Employer in March of 2009!** This is why the SUB Fund always recommends that you file for SUB Fund benefits within the required time frame(s)!*

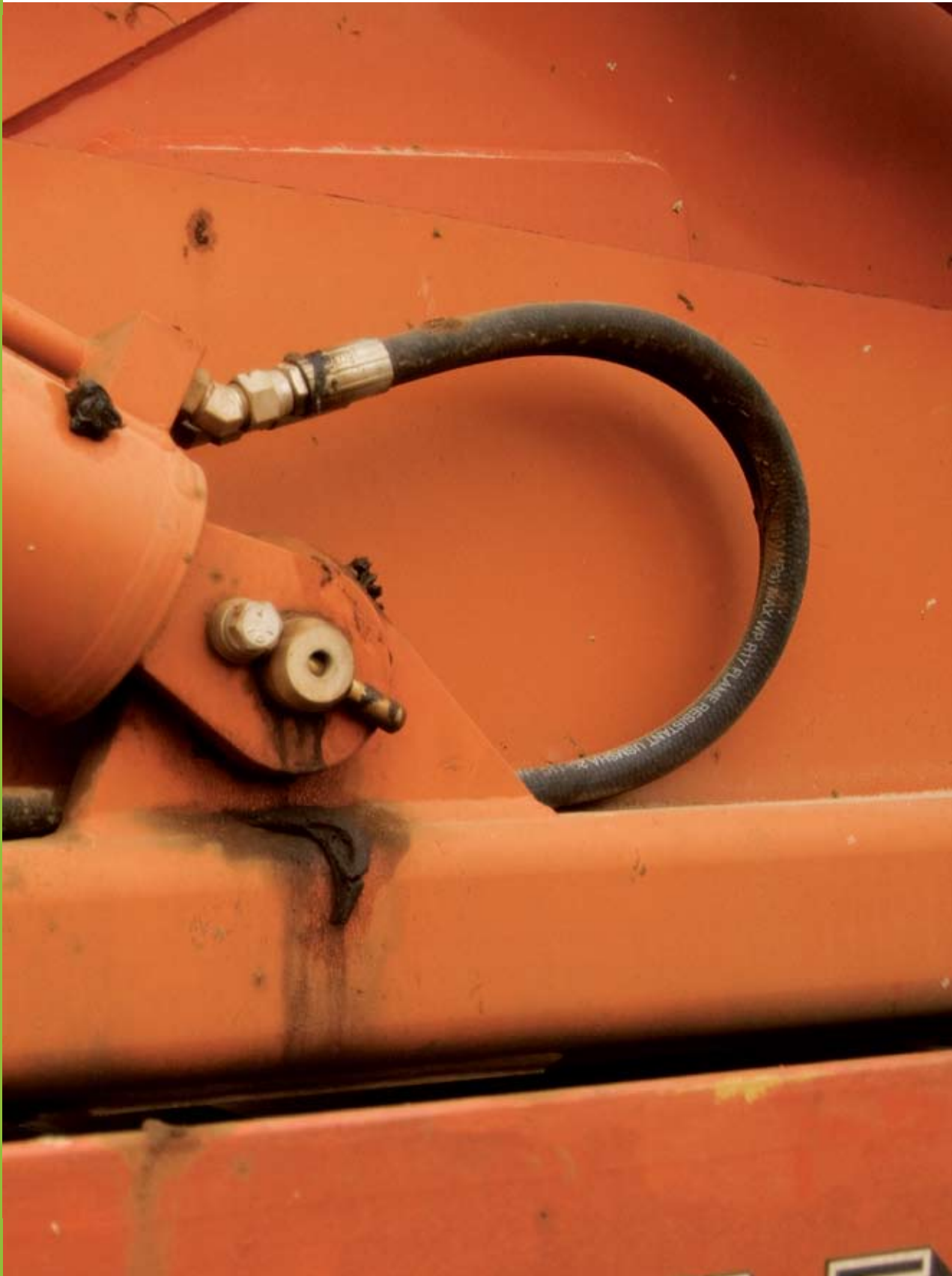
Applying For Your Benefit

To be initially eligible for SUB Fund benefits in a Benefit Year, you must complete a standard Registration Form, along with any applicable tax forms, and submit these documents to the SUB Fund Office. You may complete this step by mail, e-mail, or fax, or by appearing in person at the SUB Window or SUB Fund Office. This will permit us to update your records and process any applicable tax elections. You are not required to provide proof of your eligibility for state unemployment compensation benefits with your initial registration documents, although you are certainly permitted to do so.

FAST FACTS

To Receive SUB Fund benefits:

- You must initially register with the SUB Fund, which involves completing a Registration Form and any applicable tax forms. You do not need to be unemployed to register.
- You (or your Contributing Employer) must notify the Referral Office of your layoff date.
- You must provide evidence of your unemployment to the SUB Fund Office within the one calendar month time frame outlined on page 17. To do this, you may come into the Fund Office, drive up to the SUB Window, or fax, mail or e-mail the evidence.
- If you remain unemployed for a period of time, you must continue to provide evidence of your continued unemployment on a regular and timely basis. This is done by filing appropriate SUB Fund benefit claim forms, and providing appropriate evidence of your unemployment, to the SUB Fund Office within the one calendar month time frame rule.



Supplemental Unemployment Benefits (SUB) Fund

The SUB Fund will NOT pay benefits based on evidence that is presented more than one calendar month beyond its date of issue. As discussed earlier on page 7, there is a “once in a lifetime” waiver that may allow you to receive up to two weeks of SUB Fund benefits for certain claims which contain evidence that is more than one calendar month old (i.e., one calendar month beyond the issue date).

Remember, the Benefit Year begins on October 1 and ends on June 30 of the following year. The first SUB Fund check issued for the new Benefit Year pays on the first full week in October and the final SUB Fund check issued for the Benefit Year pays on the last full week in June. No SUB Fund benefits are paid from July 1 through September 30 in any year.

You’ll need to continually provide the Fund Office with proof of your unemployment (such as copies of your unemployment compensation benefit checks) in order to receive a SUB Fund benefit. As long as you keep the one calendar month rule in mind, you can essentially submit your evidence for up to three to almost four weeks at a time.

Methods for Providing Proof

You can come into the Fund Office, drive up to the SUB Fund Office Window, or send in evidence by mail, fax or e-mail. See the inside front cover of this booklet for the SUB Fund’s address, e-mail address and fax number.

When Is the SUB Window Open?

For your convenience, you can drop off your evidence of unemployment through the SUB Fund Office’s convenient drive-up window. The Window is open

Monday through Friday 9:00 AM to 5:00 PM, Eastern Time. If there’s a membership meeting, the Window will be open from 6:00 PM to 8:00 PM, Eastern Time.

SUB Fund Office/Window Holidays and Closing Policy

The SUB Fund Office and Window will be closed on the following holidays: New Year’s Day, Martin Luther King, Jr. Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving, and Christmas Day.

Occasionally, the SUB Fund Office and Window may close (or close early) due to inclement weather or on a day before or after the date of an actual holiday, if that holiday does not fall on a regular workday. If you are ever in doubt, call the Fund Office before showing up in person.

Providing Proof on Time

You must provide your evidence of involuntary unemployment on a regular and timely basis. The Fund will not honor evidence that’s being submitted more than one calendar month beyond its original date of issue, taking into account holidays and SUB Fund closings due to inclement weather. So, barring a holiday or SUB Fund closing, if you receive a weekly unemployment compensation check on March 1 and do not submit it to the Fund Office until April 2, you will not be eligible for a SUB Fund benefit that relates to that check. There is the “once in a lifetime” waiver of this rule as discussed on page 7.

We must stress that it is a good idea to get into the habit of mailing or dropping off your evidence of unemployment (such as a copy of your unemployment compensation check) at the Fund Office/SUB Window as soon as you receive it. Assuming you are eligible, this will prevent delays in your SUB Fund benefit payments. If you are faxing, mailing or e-mailing check copies, please allow a reasonable amount of time for your SUB Fund check to be issued and mailed. If you need your SUB Fund check in one or two days, it might be advisable to appear at the SUB Fund Office in person.

Timely Proof of Light-Duty Work

Assuming you are otherwise eligible for SUB Fund benefits, if you provide the SUB Fund Office with a copy of the notice from your doctor or from the workers' compensation commission (which notes your release for "light-duty" work) within one calendar month from the date the notice was issued, you will be able to receive SUB Fund benefits retroactive to the date the notice was issued.

Tax Forms

Unless we have valid forms on file for you, you must complete and submit federal and state income tax withholding forms to the Fund Office when you register with us at the start of each new Benefits Year.

If Your SUB Fund Application Is Denied

When you (or your authorized representative) apply for a SUB Fund benefit and all of the appropriate materials supporting your application are properly completed, signed and received by the Fund Office, your claim is considered to be

"filed." If the Fund Office requests additional information which is needed to process your application and you do not provide it on a timely basis, your application will be denied. A properly filed claim will either be accepted or denied by the Fund Office. Please note that a general inquiry about the Plan, or a request to change the Plan's terms, is not a "claim" for purposes of the SUB Fund's Application or Appeal Process.

The Fund Office will notify you if your claim for a SUB Fund benefit is denied. You'll receive notification within 90 days of the date that you filed your claim unless there are special circumstances that require more time for processing your claim. You'll be notified within that original 90-day period if more time is needed, the reason for the delay, and a date by which a decision is expected.

If your claim is partially or completely denied, you will receive a written or electronic notification from the Fund Office, which includes:

- the specific reasons for the denial,
- the specific reference(s) to the Plan provision(s) on which the denial was based,
- a description of any additional materials or information that you might need to supply the Fund Office in order for your claim to be accepted, and an explanation of why it is needed,
- an explanation of the Plan's review procedures and the time limits applicable to those procedures, and
- a statement of your right to bring a lawsuit under section 502(a) (29 U.S.C. §1132(a)) of a federal law known as the Employee Retirement

Income Security Act of 1974, as amended (“ERISA”) following an adverse benefit determination on review.

The initial decision of the Fund Office shall be final and binding on all parties unless it is appealed, according to the process described below.

Appeal Process

If you would like to have the denial of your claim reviewed by the SUB Fund’s Board of Trustees, you must send a written request for review (commonly known as an “appeal”) to the Fund Office within 60 days of the date that you receive the notice that your claim has been denied. If your written request for a review of a denied claim is not filed within the 60-day time frame, you will lose your right to appeal and have your claim reviewed by the Trustees.

In your written request for a review, you should outline all of the facts and/or arguments as to why your claim should not be denied. If you do not, those facts and arguments can’t be raised at a later time. You may submit additional materials, such as documents or records, for consideration or review by the Trustees, including a written explanation of the issues and comments on the issues.

With any timely request for review, you may receive, upon request and free of charge, reasonable access to and copies of all documents and records relevant to your claim. In accessing documents and records relating to your claim, these would be available to you at the Fund Office during normal business hours, provided

you have given the Fund Office a reasonable amount of time to assemble the documents for you.

The Board of Trustees will make a decision on your appeal at the next regularly scheduled meeting of the Board of Trustees following receipt of your timely request for review. However, if your request for review is received within 30 days of the next regularly scheduled meeting, your request for review 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 review of your claim has been reached, the Fund Office will give you written notice of the decision as soon as possible, but no later than five days after the decision has been reached. The notification will contain the following:

- the specific reasons for the decision,
- the specific reference(s) to the Plan provision(s) on which the decision was based,
- a statement that you may receive, upon request and free of charge, reasonable access to and copies of all documents and records relevant to your claim, and
- a statement of your right to bring a lawsuit under ERISA §502(a).

This procedure must be followed by anyone who believes he or she was not given proper consideration for benefits provided by the Plan.

If, for any reason you do not receive a written decision within the time frames explained above, you can assume that your request for a review has been denied.

The decision of the Trustees with respect to a request for a review is final and binding on all parties, except to the extent it may be determined to be arbitrary by a court of competent jurisdiction.

General Rules as to Claims and Appeals

The Trustees have full and exclusive authority to interpret and construe the terms of the Plan in their complete discretion. SUB Fund benefits will be paid only if the Trustees (or its delegates, including the Fund Office staff) decide in their discretion that you are entitled to them.

If you or your representative request a review of your denied claim after the period for filing the request has passed, your request will not be considered a request for a review, a new request for a review or an extension of time for the purposes of any statute of limitations.

Important Information about Lawsuits and Limitations

You may not start a lawsuit to obtain SUB Fund benefits until after you have exhausted all levels of appeal and final decisions have been reached on those appeals, or until the appropriate time frames described above have elapsed since you filed a request for review and you have not received a final decision or notice that an extension will be necessary to reach a final decision. The law also permits you to pursue your remedies under ERISA §502(a) without exhausting these appeal procedures if the Plan has failed to follow them. Please note that a lawsuit cannot be initiated after the applicable statute of limitations has passed.

Because the Plan grants its fiduciaries discretionary authority to determine eligibility for benefits and to construe the terms of the Plan, the issue in a lawsuit will be limited to whether or not the Board of Trustees (or its delegates, including the Fund Office staff) acted arbitrarily or capriciously in making its determination.

Plan Facts



Supplemental Unemployment Benefits (SUB) Fund

Plan Facts

The chart below provides a fast reference for administrative information about the Supplemental Unemployment Benefits Plan.

Legal Name of the Plan	International Union of Operating Engineers Local No. 478 Supplemental Unemployment Benefits Plan
Plan Number	501
Employer Identification Number (EIN)	06-0841198
Plan Type	Employee welfare benefit plan that provides weekly supplemental unemployment income benefits to eligible participants.
Plan Year	October 1 – September 30
Plan Administrator	The Board of Trustees
Agent for Service of Legal Process	Mr. Daniel E. Krause Executive Director I.U.O.E. Local No. 478 Supplemental Unemployment Benefits Fund 1965 Dixwell Avenue Hamden, CT 06514-2400 Telephone: 203-288-9261 or 866-288-9261 (Toll Free) Legal process may also be served upon any Plan Trustee. Addresses are shown on the inside back cover of this booklet.

Plan Administration

A joint Board of Trustees, consisting of an equal number of Union representatives and Employer representatives, administers and maintains your Supplemental Unemployment Benefits (SUB) Plan. The Board is governed by the Agreement and Declaration of Trust established and maintained in accordance with collective bargaining agreements.

The Board employs an Executive Director and maintains an administrative staff to perform the routine administration of the SUB Fund.

Plan Funding

Contributions to the SUB Fund are made by individual Contributing Employers at the rate established by collective bargaining agreements. Benefits are provided from the SUB Fund's assets, in accordance with the Agreement and Declaration of Trust, and the assets are invested in accordance with the Plan's investment guidelines. Investment managers hired by the Board of Trustees establish these guidelines. As of November 2008, the Trustees have retained MacKay Shields, LLC as the investment manager for this Fund. MacKay Shields, LLC invests the SUB Fund's assets, while State Street Bank and Trust Company serves as custodian of the assets.

Contributing Employers

The Fund Office will provide you, upon written request, with information as to whether a particular employer contributes to the SUB Plan on behalf of employees who are working under the Union contract and, if so, that Contributing Employer's address.

Paying Income Tax on Your SUB Fund Benefits

Since the tax laws are constantly changing, it is suggested that you consult with a lawyer, accountant or other tax planner regarding the taxes that apply to SUB Fund benefits. Without intending to render tax or legal advice, as we understand the tax laws as of the date this booklet was printed, SUB Fund benefits must be included in your gross income for federal and state income tax purposes. Therefore, unless the tax laws change in the future, the Fund will withhold federal and state income taxes from any weekly SUB Fund benefit check.

Collective Bargaining Agreements

The SUB Fund and the SUB Fund Plan are maintained according to collective bargaining agreements. Collective bargaining agreements state the rate of Contributing Employer's contributions to the SUB Fund, the type of work and areas of work that require contributions and certain other terms governing contributions. Copies of the collective bargaining agreements are available for examination at the Fund Office and may be obtained by written request to the Fund Office for a small fee to make copies.

Transfer and Assignment of Benefits

Subject to applicable law, you may not assign or transfer SUB Fund benefits, nor shall SUB Fund benefits be subject to any legal process or to the demands of any of your creditors. However, this provision shall not bar the Trustees from recovering any payments that you are not entitled to as described in the section below "SUB Fund Benefits Received on Account of Fraud, Error,

Etc.” or from taking the actions described in the section “Disqualification from Receiving SUB Fund Benefits.”

SUB Fund Benefits Received on Account of Fraud, Error, Etc.

In the event that you (or any other individual(s) and/or entity or entities claiming through you) receive SUB Fund benefits that you are not entitled to, whether by error, fraud, misrepresentation or any other manner, you (or they) are responsible for reimbursing the SUB Fund for the entire amount involved. You must also notify the Fund Office immediately upon receiving any type of payment you are not entitled to. If reimbursement is not made, you (or they) will be required to pay interest and all of the SUB Fund’s collection costs, including attorneys’ fees. The SUB Fund reserves the right to pursue your estate or beneficiary/ies as well in the event of your death when reimbursement is owed.

In addition, the SUB Fund reserves the right to:

- withhold future SUB Fund benefits to which you may be entitled until the withheld payments equal the amount of SUB Fund benefits incorrectly received by you; and/or
- exercise any legal and equitable rights of action as the Trustees deem appropriate for the recovery of SUB Fund benefits incorrectly received by you, plus interest at the highest rate permitted by Connecticut law, collection costs and attorneys’ fees, including, but not limited to, initiating a lawsuit against you, or in the event of your death, your estate or beneficiary/ies.

Disqualification From Receiving SUB Fund Benefits

In the event you receive SUB Fund benefits as a result of fraud, theft or misrepresentation, including, but not limited to, any person submitting false statements or documents on your behalf, you shall not only be responsible for reimbursing the SUB Fund, but you may also be disqualified from receiving SUB Fund benefits for the current and succeeding Benefit Year. You may also be subject to other legal charges.

Plan Continuation

The Board of Trustees intends to continue the Supplemental Unemployment Benefits Plan indefinitely but reserves the right to amend, change or terminate the Plan at any time if necessary, consistent with applicable law.

Limitation on Authority

No individual Trustee, Executive Director, Contributing Employer or Union, nor any representative of any Contributing Employer, the Fund Office or Union, is authorized to interpret this Plan, nor can such person act as an agent of the Board of Trustees. In short, if you want to have a specific inquiry or issue regarding the SUB Fund, you should direct your inquiry in writing to the Board of Trustees so that they may answer you.

Trustees’ Authority and Discretion

Only the full Board of Trustees is authorized to interpret the Plan of benefits described in this Summary Plan Description. The Board of Trustees has full discretionary authority to interpret and construe the terms of this

Summary Plan Description, the Plan and the Trust agreement, including provisions describing eligibility for benefits.

Effective Date

This Summary Plan Description describes the rules in effect as of December 1, 2008. Rules governing claims for benefits prior to that date may be different. Any specific questions should be referred to the Fund Office.

Important Notice

This Summary Plan Description is written in non-technical language to provide a brief general description of the most important provisions of the Supplemental Unemployment Benefits Plan. Nothing in this Summary Plan Description is meant to interpret or extend or change in any way the provisions of the complete text of the Supplemental Unemployment Benefits Plan as adopted and amended by the Board of Trustees.

Your ERISA Rights

As a participant in the International Union of Operating Engineers (IUOE) Local No. 478 Supplemental Unemployment Benefits Plan, you are entitled to certain rights and protections under the Employee Retirement Income Security Act of 1974, as amended (ERISA). ERISA provides that all Plan participants shall be entitled to:

Receive Information About Your Plans and Benefits

- Examine, without charge, at the Fund Office or, after proper written request, at the Union Hall, all documents governing the Plan, including insurance contracts and 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. Any examination at the Fund Office may take place between the hours of 10:00 AM and 3:00 PM EST Monday through Friday, except holidays.

- Obtain, upon written request to the Plan Administrator, copies of 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 Administrator may make a reasonable charge for the copies.
- Receive a summary of the Plan's annual financial reports. The Plan Administrator is required by law to furnish each participant with copies of these summary annual reports.

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, 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 SUB Fund a benefit or exercising your rights under ERISA.

Enforce Your Rights

If your claim for a SUB Fund 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 the Plan document 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. 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 questions about your Plan, you should contact the Fund Office. If you have any questions about this statement or about your rights under ERISA, or if you need assistance in obtaining documents from the Fund Office, 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.

Board of Trustees

**International Union of Operating Engineers
Local No. 478 Supplemental Unemployment Benefits Fund**

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