

# VACATION & HOLIDAY FUND

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# HRSA-ILA VACATION & HOLIDAY FUND SUMMARY PLAN DESCRIPTION

As a result of Collective Bargaining Agreements between the International Longshoremen's Association ("ILA") and the Hampton Roads Shipping Association ("HRSA"), there has been established a benefit program to provide paid vacation and holiday benefits to certain qualifying members of the ILA. This program is the HRSA-ILA Vacation & Holiday Fund (the "Fund" or the "Plan"). This Plan is administered as a trust fund with trustees from the ILA and HRSA. The Fund was created to collect and administer the contributions required of shippers under your Collective Bargaining Agreements and to pay benefits to qualified and eligible participants. The Board of Trustees have the sole responsibility to make changes to the Vacation & Holiday Benefits.

The purpose of the Fund is to provide eligible members with pay for the holidays contained in the Collective Bargaining Agreements, currently 16, and pay for one, two, three or six weeks of vacation time.

The documents which govern the Fund are your current Collective Bargaining Agreements and the Hampton Roads Shipping Association-International Longshoremen's Association Vacation and Holiday Fund Trust Agreement.

The law requires that the Trustees provide you with a Summary Plan Description to inform you, in summary form, of certain general information about the Plan. **This Summary Plan Description is not a substitute for the Plan and is not meant to interpret, amend or alter the Plan in any way. The Plan document is the final authority on all matters regarding the Plan, and in cases of conflict between this Summary Plan Description and the Plan, the actual provisions of the Plan control. You may review the Plan document and obtain a copy of it at the Plan office. You may also view the Plan document at [www.hrsa-ila.com](http://www.hrsa-ila.com).** If you have any questions about the Plan or this Summary Plan Description, you should contact the Plan Administrator at the Fund office.

# ELIGIBILITY AND PARTICIPATION

## REQUIREMENTS FOR ELIGIBILITY

Your vacation and holiday benefits are based on hours worked for contributing employers in the longshore industry in the Port of Hampton Roads during a contract year. Benefits are paid automatically to employees who meet the requirements of eligibility. To be eligible to receive benefits under the Vacation & Holiday Fund you must work or receive credit for a minimum of 700 hours during the eligibility year. Depending on the number of hours that you are credited with during a contract year and in some cases, your years of service, you will receive pay for sixteen holidays and one, two, three or six weeks of vacation, as follows:

**HOLIDAY PAY:** To receive holiday pay you must receive credit for at least 900 hours during the eligibility year.

**ONE WEEK:** To receive one week paid vacation you must receive credit for 700 to 899 hours during the eligibility year.

**TWO WEEKS:** To receive two weeks paid vacation you must receive credit for 900 or more hours during the eligibility year.

**THREE WEEKS:** To qualify for three weeks paid vacation both your hours and your years of service in the industry in the Port of Hampton Roads are taken into consideration. You must have credit for at least 1100 hours during the eligibility year, and you must have worked during all of the past six years with credit for at least 700 hours in at least five of the past six years.

**SIX WEEKS:** To qualify for six weeks vacation both your hours and your years of service are taken into consideration. You must have credit for at least 1300 hours during the eligibility year, and you must have worked during all of the past twelve years with credit for at least 700 hours in at least ten of the twelve years.

See the following [Illustration 1](#) for a summary of the eligibility requirements.

## VACATION & HOLIDAY BENEFITS

ELIGIBILITY REQUIREMENTS		
ELIGIBILITY YEAR WORK OR CREDIT HOURS	PAST YEARS OF SERVICE	BENEFITS EARNED
700 to 899	N/A	1 Week Vacation
900 or more	N/A	2 Weeks Vacation 16 Holidays
1100 or more	6 consecutive years; at least 700 hours in 5 out of 6 years	3 Weeks Vacation 16 Holidays
1300 or more	12 consecutive years; at least 700 hours in 10 out of 12 years	6 Weeks Vacation 16 Holidays

Vacation & Holiday

ILLUSTRATION 1

## CREDITS TOWARD ELIGIBILITY

You receive credit for an hour of service for each hour you are paid while employed by participating employers in the longshore industry in the Port of Hampton Roads, Virginia. Hours paid to you at the time-and-a-half or the double-time rate count only as one hour. Under some circumstances you may receive credit towards the minimum 700 hour eligibility level for time when you were unable to work. Credit hours may be awarded in the case of the following:

- Worker's Compensation*  
Employees who receive temporary total or temporary partial workers' compensation benefits receive credit towards their benefit eligibility. The amount of the credits is the rate necessary to qualify for the benefits the employee earned during the year prior to the accident but are prorated for only the period that workers compensation benefits were received. No credit hours are granted for permanent total or permanent partial Workers' compensation disability benefits or "lump sum" compensation settlements. If there is a retroactive declaration of Permanent Disability by a court or a commission that has jurisdiction in the case, the eligibility credits that you have received will be adjusted;
- Illness* You may also receive credit hours when you are ill and drawing short term disability

insurance benefits from the HRSA-ILA Welfare Fund.

Employees who receive short term disability benefits shall receive twenty hours per week credit for the purposes of determining eligibility, but no more than 700 hours credit. Notwithstanding the foregoing, for purposes of determining eligibility for the second, third or sixth week of vacation pay, the number of hours credited toward eligibility shall not exceed 400 hours;

- Service in the Uniformed Services*  
If you are an eligible employee who qualifies under the Uniformed Services Employment and Re-Employment Rights Act of 1994 (USERRA) and you serve in the uniformed services, you may receive credit for the time spent in the uniformed services up to five years under USERRA to the extent necessary to preserve your eligibility for 3 and 6-week vacation benefits, provided you apply for covered employment in the longshore industry in Hampton Roads in a timely manner (as defined by USERRA) after your separation from service;

In addition, you may also receive credits for the time spent in the uniformed services toward your eligibility for 1 and 2-week vacation benefits and holiday benefits;

- Training Hours*  
Hours worked as training are added only at the end of the contract year if the credit is needed to qualify for a Vacation & Holiday benefit.

## PAYMENT OF BENEFITS

Vacation and Holiday benefits are paid automatically to those who qualify. Vacation benefits earned during a contract year are paid annually between December 1 and December 5 following the end of the contract year, and Holiday benefits are paid on June 1 following the end of the contract year. You may also choose to receive Vacation and Holiday pay as earned following the end of each contract quarter.

### *Annual Payment*

Vacation & Holiday benefits are paid annually (“Annual Payment Method”) unless you complete an election form requesting quarterly payments (“Quarterly Payment Method”). Once you have selected a payment option, benefits will be paid in the form you choose until you submit a new election. If you receive workers compensation during the contract year, you are required to receive your benefit payments under the Annual Payment Method.

You may change to the Annual Payment Method by completing an election form available in the Personal Information Section of this Summary Plan Description or at the fund office. If you have already received a quarterly payment for benefits

earned during the current contract year, your change to annual payments will not become effective until the next contract year.

### *Quarterly Payments*

You may request to receive your benefits quarterly by completing an election form available in the Personal Information of this Summary Plan Description or at the fund office. At the end of each quarter you will receive all vacation and holiday benefits earned to date (less any quarterly benefit for the year that you have already received). Once you have elected to receive your benefits quarterly, it is not necessary to submit a new election form unless you wish to change when your benefits are paid.

**Employees who receive workers compensation or short term disability during the contract year will be paid annually even if they have chosen the quarterly benefit payment option.**

The Vacation and Holiday benefit payments made to employees who elect to receive quarterly benefit payments will not include additional amounts for differential pay rates until the December 1st final quarterly payment (See “Rate of Pay” on page 135).

### **Annual Vacation & Holiday payment schedule**

Vacation Pay	Paid December 1 - 5 following the contract year earned
Holiday Pay	Paid June 1 following the contract year earned

Quarter	Vacation & Holiday Payment Date
October-December	January 15
January-March	April 15
April-June	July 15
July-September	December 1

You may change to the Quarterly Payment method at any time during the contract year. If your election is received at least 15 days before a payment, and you have qualified for a benefit, you will receive pay for benefits earned during the contract year through that quarter.

## ELECTRONIC DIRECT DEPOSIT OF YOUR VACATION & HOLIDAY

The HRSA-ILA Vacation & Holiday Fund offers two methods of payment for your benefit. You may receive your check by mail or you may elect to have it electronically deposited to your bank account. Electronic direct deposit is a safe and efficient means of transferring your Vacation and Holiday money from the Fund to your bank account eliminating the chance of your check being lost in the mail. A confirmation mailed by the Fund will tell you how much money was deposited to your account. You may

choose direct deposit any time but we must receive your completed Direct Deposit Form not later than 2 weeks before a scheduled benefit payment. To enroll in direct deposit simply bring or mail the form included in the Personal Section of this notebook to the HRSA-ILA Participant Services Department. You may also use the HRSA-ILA website, [www.hrsa-ila.com](http://www.hrsa-ila.com), or the Interactive Voice Response system to request a form by dialing (757) 423-3090 or call Participant Services at (757) 457-7090.

# COMPUTATION OF BENEFITS

## RATE OF PAY FOR VACATION & HOLIDAY BENEFITS

If you qualified for your vacation by working the required number of hours for your vacation level in a differential category, all of your vacation and holidays will be paid using that straight time rate. Prorated pay rate differentials will be used to compute the vacation and holiday benefits if the work hours used for qualification included work hours with and without differential pay rates or two or more differential pay rates.

The Vacation and Holiday benefit payments made to employees who elect to receive quarterly benefit payments will not include any differentials until the December 1st final quarterly payment.

The payrates established in the Collective Bargaining Agreements and used in computing your Vacation & Holiday

## HOURS PAID

Holidays and vacation weeks are converted to hours for payment. Holidays are paid at eight (8) hours per day or 128 hours for the sixteen (16) holidays:

$$8 \text{ hours} \times 16 \text{ days} = 128 \text{ hours}$$

Vacations are paid at forty (40) hours per week:

WEEKS		HOURS PAID
1x40	=	40
2x40	=	80
3x40	=	120
6x40	=	240

Benefits are shown on Illustration 2, page 135.

By multiplying the total hours of the Vacation & Holiday Benefit times the payrate applicable to your craft or category you may determine the gross amount of benefit. See formula example below.

### FORMULA FOR PRORATING VACATION & HOLIDAY BENEFIT PAYRATE:

$$\frac{\left( \begin{matrix} \text{CRAFT "1"} \times \text{CRAFT "1"} \\ \text{HOURS} \quad \text{RATE} \end{matrix} \right) + \left( \begin{matrix} \text{CRAFT "2"} \times \text{CRAFT "2"} \\ \text{HOURS} \quad \text{RATE} \end{matrix} \right) + (\text{etc})}{\text{TOTAL HOURS WORKED}} = \text{RATE}$$

Example:

$$\frac{\left( \begin{matrix} 400 \\ \text{Straddle Carrier} \\ \text{Hours} \end{matrix} \times \begin{matrix} \$31 \\ \text{Base} \\ \text{Rate} \end{matrix} \right) + \left( \begin{matrix} 900 \\ \text{Top Loader} \\ \text{Hours} \end{matrix} \times \begin{matrix} \$29.70 \\ \text{Base} \\ \text{Rate} \end{matrix} \right)}{1300} = \$30.10$$

Total hours worked

Vacation Rate

ILLUSTRATION 2 - PAYRATE FOR BENEFITS

CRAFT CATEGORY	PAYRATE	
	CRAFT BASE RATE	+ DIFFERENTIAL
GENERAL LONGSHOREMEN	LONGSHORE RATE	
BOSS	LONGSHORE RATE	+ \$ 1 .65
HEADER	LONGSHORE RATE	+ \$ .75
DRIVER	LONGSHORE RATE	
HOLD/FORKLIFT DRIVER	LONGSHORE RATE	+ \$ .40
PAYLOADER/TRACTOR DRIVER	LONGSHORE RATE	+ \$ .50
STRADDLE CARRIER	LONGSHORE RATE	+ \$ 2 .00
EQUIPMENT/PORTAINER/TRANSTAINER OPERATOR	LONGSHORE RATE	+ \$ 2 .00
TOP LOADER OPERATOR	LONGSHORE RATE	+ .70
GANTRY CRANE	LONGSHORE RATE	+ \$ 1 .00
CHASSIS STACKER	LONGSHORE RATE	+ .60
SUPER STACKER	LONGSHORE RATE	+ \$ 1 .00
FOREMAN	LONGSHORE RATE	+ \$ 3 .50
GANGWAYMAN	LONGSHORE RATE	+ \$ .75
DECKMAN/WINCHMAN	LONGSHORE RATE	+ \$ .75
SLINGER-SPOTTER	LONGSHORE RATE	+ \$ .65
LASHER	LONGSHORE RATE	+ .60
SHOP STEWARD	LONGSHORE RATE	+ \$ 3 .50
CHECKER	LONGSHORE RATE	
TIMEKEEPER	LONGSHORE RATE	
INTERCHANGE WRITER	LONGSHORE RATE	
HEAD INTERCHANGE WRITERS	LONGSHORE RATE	+ \$ 2 .50
DELIVERY CLERKS	LONGSHORE RATE	+ \$ 3 .50
HEAD GEARMAN/MECHANIC	LONGSHORE RATE	+ \$ .30
GEARMAN/MECHANIC	LONGSHORE RATE	
DRY BOX MECHANIC	LONGSHORE RATE	+ .50
REEFER FOREMAN	LONGSHORE RATE	+ \$ 3 .00
CMR FOREMAN	LONGSHORE RATE	+ \$ 2 .00
REEFER MECHANIC	LONGSHORE RATE	+ \$ 1 .00
CONTAINER REPAIR MECHANIC	LONGSHORE RATE	
HEAD CONTAINER REPAIR FOREMAN	LONGSHORE RATE	+ \$ 2 .50
SHIPCLEANER	SHIPCLEANER RATE	
SHIP CLEANER HEADER/BOSS	SHIPCLEANER RATE	+ .80
FUMIGATOR	FREIGHT HANDLER RATE	+ .50

Vacation & Holiday

## DEDUCTIONS FROM VACATION & HOLIDAY BENEFITS

- *Annuity & Savings Plan*

You may elect for all or part of your Vacation or Holiday benefit to be contributed on a voluntary pre-tax basis to your Annuity & Savings Plan account, subject to the IRS contribution limit. If you choose to contribute to your Annuity & Savings Plan account, Social Security contributions (FICA) are deducted from the gross benefit before your annuity contribution. Taxes and union dues are deducted after your annuity contribution is applied. In addition, garnishments may be deducted if applicable.

- *Taxes*

You have two choices for federal and state tax deductions from your benefit. You may choose to have 25% of your benefit deducted for federal taxes and 5.75% deducted for state taxes or you may choose the deductions based on the marital status and number of exemptions you have claimed on your W-4 form. The W-4 election is currently used as the default if you have not submitted a form electing the alternate method. Use the Vacation & Holiday Election Form found in the Personal section of your Benefit note book to select a deduction option. Additional forms are available in the Participant Services Department at HRSA-ILA, your Local Office, the

HRSA-ILA website, [www.hrsa-ila.com](http://www.hrsa-ila.com), or you may request the form from the IVR by calling 423-3090. Your selection will remain in effect until you change it on a succeeding election form.

Each year that you receive Vacation and Holiday Benefits you will receive a W-2 Form in January. The W-2 will show the amount of benefits that you received and the amount of taxes withheld. When you prepare your taxes, you must include Vacation & Holiday benefits as wages and attach the W-2 to your tax reports.

- *Union Dues*

Union Dues (check-off) are withheld at the rate of 1% per hour of the base rate of pay. These rates may be found in the current Collective Bargaining Agreement between the Hampton Roads Shipping Association and the International Longshoremen's Association covering your local.

- *Garnishments and Levies*

Sometimes the fund is served with a garnishment summons from a local court or with an IRS levy from the Internal Revenue Service. The summons or levy directs the fund to withhold all or a portion of the Vacation or Holiday benefit and send the amount withheld to the issuing court or to the IRS. You will receive a copy of the summons or IRS levy when one is issued against your

benefits, and the fund will send a notice showing the amount withheld from your benefits.

The Fund is required by law to honor a court order. If you object to the court order you should have your attorney intervene in the garnishment action on your behalf and ask the court to change its order.

- *Money Owed to HRSA-ILA*

If you owe money to another HRSA-ILA Fund, because of an overpayment or improper payment, for example, the balance that you owe will be deducted from your Vacation and Holiday Benefit.

## BENEFIT LIMITATIONS

### LOSS OF BENEFITS

Your benefits will cease in any year in which your ILA jurisdiction work hours and credit hours equal less than 700 (see page 129).

### CONTRIBUTIONS

Contributions to the Fund have been made pursuant to the Collective Bargaining Agreements.

### THE TRUST FUND

Legal title to all monies paid into the Vacation & Holiday Trust are vested

exclusively in the Trustees of the Fund, and no Participant, the ILA, nor the HRSA or any Employer has any right, title or interest in the monies. The money can only be used to provide benefits to the Participants of the Plan and none of the money can revert to the Employers.

### CLAIMS

Payment of benefits will normally be made automatically, that is, you do not have to file a claim for benefits. However, if you feel you have not received a benefit to which you were entitled, you should contact the Fund's Participant Services Department to file a claim.

### APPEAL OF A DENIED CLAIM

See the Administration Section of your Summary Plan Description notebook for procedures on appealing a denied claim.

### NON-ALIENATION OF BENEFITS

You may not transfer, assign, pledge or encumber your Vacation and Holiday benefits before they are actually paid to you.

### TERMINATION OF PLAN

The Fund will terminate when it fulfills the obligations of the employer members to provide Vacation & Holiday benefits under the Collective Bargaining Agreements.

If after all obligations have been paid there remain surplus monies, the surplus

will be transferred to any trust fund or welfare fund that has been or may be created by the parties pursuant to the Collective Bargaining Agreement, such as the HRSA-ILA Fringe Benefit Fund.

## INFORMATION REQUESTED BY THE PLAN ADMINISTRATOR

You must furnish to the Administrator such information as may be required to administer your benefits.

### GOVERNING LAW

The operation of the Plan, and the interpretation of any of its provisions, is governed by the laws of the Commonwealth of Virginia, and by the Employee Retirement Income Security Act of 1974.

**PLEASE SEE THE ADMINISTRATIVE SECTION OF YOUR SUMMARY PLAN DESCRIPTION NOTEBOOK FOR IMPORTANT INFORMATION CONCERNING YOUR ERISA RIGHTS.**

**NOTE:** This description is a summary of your rights and benefits under the Vacation and Holiday Fund. It does not in any way alter or modify any of the provisions of the Fund itself. In the event of a conflict between the Fund's Plan document and this summary description, the Plan documents will control. The full details of the Vacation and Holiday Fund are contained in the Plan documents and other reports which you may review by request to the Plan Administrator.

## QUESTIONS OFTEN ASKED ABOUT THE HRSA-ILA VACATION AND HOLIDAY FUND

### How are my hours reported?

Employers are required to send copies of their ILA jurisdiction timesheets to the Fund and you are credited with the hours reported. If you are injured, employers or their insurance carriers send compensation reports.

### What if I dispute the number of hours my employer reports?

You will receive a benefit certificate in November which reports the number of

hours reported on your behalf. If you disagree with the number of hours reported you should contact Participant Services for a detail work history. You may also call the Interactive Voice Response System (IVR) at 423-3090 to request a copy of your detail work history. If your claim is not resolved, you have 30 days following the end of the calendar year to file a grievance with the Administrator.

## QUESTIONS OFTEN ASKED ABOUT THE HRSA-ILA VACATION AND HOLIDAY FUND CONTINUED

### Will I receive benefits if I am sick?

If your illness is covered by the HRSA-ILA Welfare Fund you will receive 20 hours per week credit during the period you qualified for weekly income benefits but no more than 700 hours credit. For the second, third or sixth week of eligibility, credited hours shall not exceed 400 hours. You may not receive credit for short term disability benefits and workers' compensation during the same period even if the medical conditions for which you receive the benefits are different.

### Will I receive benefits if I am injured on the job?

Yes, employees who receive temporary total or temporary partial workers' compensation benefits receive prorata credit for the purpose of determining benefit eligibility. The credits are based on the rate necessary to continue the employee's benefits at the same level as in existence during the year prior to their injury but are prorated for only that period that workers'

compensation was received. If you receive less than 52 weeks of workers' compensation during an eligibility year the credits alone may not be sufficient to qualify for the prior benefits.

### What is counted in determining my Vacation & Holiday benefits?

Work hours, workers' compensation credit hours and Welfare weekly income credit hours are added together to determine your eligibility for Vacation and Holiday benefits. Work hours assessed as training are not counted until the end of the contract year and only if needed to qualify for a benefit.

### When are benefit checks sent out?

For participants selecting annual payments, Vacation checks are mailed between December 1st and 5th and Holiday checks are mailed on June 1st. For participants selecting quarterly payouts, see page 133 for a payout schedule.

## QUESTIONS OFTEN ASKED ABOUT THE HRSA-ILA VACATION AND HOLIDAY FUND CONTINUED

### How will I know if I earn Vacation & Holiday Benefits?

You will receive a benefit certificate in November which will show if you have earned Vacation & Holiday Benefits. You will be sent a check automatically if you earn a benefit. If you believe you are entitled to a benefit and you have not received one, contact Participant Services (757) 457-7090.

### Will my spouse continue receiving Vacation & Holiday benefits if I die?

Your beneficiary will receive unpaid vacation and holiday benefits that you qualified for before your death. It is your responsibility to keep your beneficiary designation up to date.

### If I work in several categories what payrate is used in computing my benefit?

See COMPUTATION OF BENEFITS on page 134 to determine the payrate used to compute the Vacation & Holiday benefits.

# ADMINISTRATION OF THE FUND

Your Fund is a Welfare Benefit Plan providing paid vacation and holiday benefits. It is an irrevocable Trust as authorized by Section 302 (c) of the Labor-Management Relations Act of 1947, as amended. The Trust is jointly administered by a Board of Trustees composed of seven members appointed by the Hampton Roads Shipping Association and seven members appointed by the International Longshoremen's Association.

The Fund is not insured under Title IV of the Employee Retirement Income Security Act of 1974 (ERISA) because the insurance provisions do not apply to this type of Fund.

## ESTABLISHMENT OF THE FUND

The Fund was established pursuant to a Collective Bargaining Agreement by and between the Hampton Roads Shipping Association and the International Longshoremen's Association. A copy of the current Collective Bargaining Agreement is available for examination and may be obtained by the participants of the Plan by written request to the Plan Administrator.

## FUND IDENTIFICATION NUMBERS

A description of the Fund is on file with the U.S. Department of Labor and may be referred to by the Employer Identification Number: 54-1220256 and Plan Identification Number 501.

PLAN NAME	TRUSTEES	PLAN YEAR	PLAN NUMBER	PLAN ADMINISTRATOR AND ADDRESS
HRSA-ILA Vacation & Holiday Fund	As listed in the Administration Section, Page 7	October 1 through September 30	501	Board of Trustees HRSA-ILA Vacation & Holiday Fund 1355 International Terminal Boulevard Norfolk VA 23505-1458 Phone: (757) 457-7090

# IMPORTANT NAMES AND ADDRESSES

## FUND SPONSORS

- Hampton Roads Shipping Association  
236 E. Plume St.  
Norfolk, Virginia 23510  
Phone: (757) 622-2639
- International Longshoremen's Association  
1355 International Terminal Blvd., Suite 201  
Norfolk, Virginia 23505-1458  
Phone: (757) 440-9420

A complete list of employers and employee organizations sponsoring the Plan may be obtained by the participants and beneficiaries upon written request to the Plan Administrator. This list is also available for examination during regular office hours at 1355 International Terminal Blvd., Norfolk, Virginia 23505-1458.

## AGENT FOR SERVICE OF LEGAL PROCESS

- Board of Trustees  
HRSA-ILA Vacation & Holiday Fund  
1355 International Terminal Blvd.  
Norfolk, Virginia 23505-1458  
Phone: (757) 457-7090

Service of legal process also may be made on any member of the Board of Trustees.

**THE HRSA-ILA BOARD OF TRUSTEES MAY TERMINATE, SUSPEND, AMEND OR MODIFY THE VACATION & HOLIDAY FUND IN WHOLE OR IN PART AT ANY TIME.**

