

ARIZONA BRICKLAYERS' VACATION TRUST FUND

SUMMARY PLAN DESCRIPTION

ARIZONA BRICKLAYERS' VACATION TRUST FUND
ADMINISTRATIVE OFFICE

2400 West Dunlap Avenue, Suite 250
Phoenix, Arizona 85021
Phone: (602) 249-3582
Toll Free: (800) 474-3485
Fax: (602) 336-0895

ARIZONA BRICKLAYERS' VACATION TRUST FUND

BOARD OF TRUSTEES

MANAGEMENT TRUSTEES

Steve Mayher, Chairman
Scott Huff
Kevin Hotchkiss

UNION TRUSTEES

James Cahill, Co-Chairman
Michael Huff
William Rodia
James Vogel

Third Party-Administrator
Southwest Service Administrators, Inc.

Legal Counsel
Craig L. Keller, Esq.
Keller & Hickey, P.C.

For Additional Information
or Vacation Application Forms
Call or Write the Vacation Fund Office:

Arizona Bricklayers' Vacation Trust Fund
Administrative Office
2400 West Dunlap Avenue, Suite 250
Phoenix, Arizona 85021
Phone: (602) 249-3582
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SUMMARY PLAN DESCRIPTION

1. The Arizona Bricklayers' Vacation Trust Fund ("Vacation Fund") is a trust fund established to provide vacation benefits to Participants who perform work under the jurisdiction of the Bricklayers and Allied Craftworkers Union Local No. 3 of Arizona its predecessors and successors.
2. The Vacation Fund provides vacation pay to participating bricklayers and allied craftworkers based upon the number of hours worked. The Vacation Fund is funded through monthly employer contributions on the basis of a certain amount deducted from the Participants' wages for each hour worked.
3. Payout of vacation pay occurs once each year on December 1, or as soon as practicable thereafter. Payments will consist of the balance due to each Participant, with appropriate investment proceeds less administrative expenses.
4. If a Participant dies before receiving vacation payments due for a particular year, the vacation payments will be paid to the surviving spouse unless the individual designates a different beneficiary as set forth in the Rules of the Vacation Fund. If no beneficiary has been designated, or no designated beneficiary has survived the employee, distribution of the employee's individual benefit balance shall be made to the next of kin as set forth in the Rules.
5. Vacation benefits are in addition to the benefits an Employee may be entitled to receive from the Arizona Bricklayers' Pension Trust Fund.

DEFINITIONS

Unless the context of the subject matter otherwise requires, the following definitions shall govern the Plan.

- A. The term "Trust Agreement" means the Trust Agreement establishing the Vacation Fund and any modification, amendment, extension or renewal thereof.
- B. The terms "Board of Trustees" and "Board" mean the Board of Trustees established by the Trust Agreement—namely, the Board of Trustees for the Arizona Bricklayers' Vacation Trust Fund.
- C. The term "eligible employee" means every employee for whom vacation payments have been made in accordance with the applicable collective bargaining agreements.
- D. The term "spouse" shall mean the person to whom a Participant is married, which marriage is recognized as valid under the laws of the state of Arizona.
- E. The term "beneficiary" relates to an individual who has been specifically designated to receive accumulated vacation payments in the event of an eligible employee's death.
- F. The term "benefit year" means the period for which a Participant's vacation benefits are earned—specifically, the benefit year begins on October 1, and ends on September 30 of the following calendar year.

BASIC INFORMATION ABOUT YOUR VACATION PLAN

The questions and answers, which follow, are designed to help you understand the basic provisions of the Vacation Fund. The Vacation Plan Rules and the determinations of the Trustees govern your rights.

What is the Vacation Fund?

The Vacation Fund is a legal trust fund set up for the purpose of providing vacation benefits for participating bricklayer employees. The Trust Agreement, as it is periodically revised and amended, establishes the Vacation Fund. The Trust Agreement and the Vacation Plan Rules govern its operation.

Who administers the Vacation Fund?

A Board of Trustees, which serves without any compensation, acts on behalf of you and your fellow Employees in managing all aspects of the Vacation Fund's operations. This Board is made up of Union and Employer representatives whose powers and duties are set forth in the Trust Agreement. A third-party administrator, Southwest Service Administrators, Inc., administers the day-to-day functions of the Vacation Fund.

Who contributes to the Vacation Fund?

Each month, Employers send hourly wage deductions (post-tax) to the Vacation Fund on behalf of Employees who contribute to the Vacation Fund in accordance with their written agreement with the Union. The Vacation Fund may not accept additional Employee contributions.

Who is covered by the Vacation Fund?

All Employees who perform work in Covered Employment are covered by the Vacation Fund, but only if the hourly wage deductions for their work are paid by the Employer(s) to and received by the Vacation Fund.

How do I become a Participant?

As soon as you perform work covered by an effective collective bargaining agreement, you become an eligible Participant. The amount of vacation pay for which you are eligible depends upon the number of hours worked during the benefit year for which Employer(s) report and pay on your behalf.

When do I cease to be a Participant?

You will cease to be a Participant when your vacation benefits have been paid. That is, so long as you are working for a Union employer or you are owed benefits from the Vacation Fund, you are a Participant. If you cease employment but are later re-employed by a contributing employer and resume paying into the Vacation Fund, you will again become a Participant.

Will I be penalized if I do not work continually in covered Employment?

No. You will receive vacation pay for the amount of time worked, as long as your Employer sends the hourly deductions to the Vacation Fund on your behalf.

How does the Vacation Fund work?

Your employer must send hourly deductions to the Fund on your behalf based on the number of hours you work in a month. An individual account, for accounting purposes only, is established for you. Each year, the Trustees calculate the amount of your account. Your account valuation is based on the value of the account from the previous year, vacation benefits actually paid to you, the investment yield of the Vacation Fund proportionately attributed to your account, and administrative expenses paid.

Does the administration of the Vacation Fund cost me anything?

When calculating the income from investments, the Trustees also calculate administrative charges paid during the year. Investment income is the total income earned during the year less all administrative costs.

What happens to my accumulated Vacation Pay if I die?

If you die before receiving vacation payments due for a particular year, the vacation payments will be paid to your spouse unless you designate a different beneficiary as set forth in the Rules of the Vacation Fund. If you have not designated a beneficiary or no designated beneficiary has survived you, distribution of your individual account balance shall be made to your next of kin as set forth in the Rules.

How much is the Employer Contribution rate?

The contribution rate is \$0.25 per hour worked.

What are my rights if my application for Vacation Benefits is denied?

A federal law called the Employee Retirement Income Security Act (ERISA) gives you the right to appeal any decision of the administrator or any employee of the Board of Trustees. Any dispute regarding eligibility shall be resolved by the Trustees pursuant to the Trust Agreement and claims and appeals procedures adopted by the Trustees. The Trustees' decision is final and binding. The Trustees must notify any person whose application for benefits that has been denied in whole or in part. Such notification must state the reasons for the denial. Participants may petition the Trustees for a review of the denial. Petitions must be in writing, must state in clear and concise terms the reasons for disputing the denial, and include any pertinent documents not already provided to the Trustees. Petitions must be received by the Trustees within sixty (60) days after the date on the Trustees' notice of the denial to the Petitioner. Failure to timely file a petition for review constitutes a waiver of a right to a review, however, it will not preclude the Participant from establishing eligibility for benefits at a later date based upon additional information or evidence not available at the time of the denial.

What happens to my Vacation Pay if my Employer fails to make the required Contributions?

The Vacation Fund can make vacation payments only for hourly deductions actually sent to and received by the Vacation Fund by your Employer(s) on your behalf. The Vacation Fund makes a continuing effort to collect such amounts from delinquent Employers. If payments are collected after the valuation date, they will be included on the distribution for the next benefit year.

What happens with unclaimed Vacation benefits?

Each Participant is responsible to keep the Administrative Office apprised of any change of address. When funds that have been deposited into the Vacation Fund go unclaimed for at least three (3) years after the applicable distribution date, the Trustees, acting pursuant to the Trust Agreement, will declare these funds to be forfeited to the Vacation Fund. Such funds shall be applied to administrative expenses with the balance being distributed to other Participants as investment income.

APPLYING FOR VACATION BENEFITS

You may apply for Vacation Fund benefits by writing or calling the Vacation Fund Third Party Administrator's Office at the address shown in this booklet. If you need help with the application, the staff at the Third-Party Administrator's Office will assist you.

IMPORTANT FACTS ABOUT THE VACATION FUND

The following information provides important facts about the Vacation Fund.

Name of Fund: This Fund is known as the Arizona Bricklayers' Vacation Trust Fund.

Board of Trustees: A Board of Trustees is responsible for the operation of the Vacation Fund. The Board consists of Employer and Union Trustees selected by the employers and union, which have entered into a collective bargaining agreement. If you wish to contact the Board of Trustees, you may use the contact information below:

Board of Trustees
Arizona Bricklayers' Vacation Trust Fund
Southwest Service Administrators, Inc.
2400 West Dunlap Avenue, Suite 250
Phoenix, Arizona 85021
Phone: (602) 249-3582
Toll Free: (800) 474-3485
Fax: (602) 336-0895

The Trustees of the Vacation Fund currently are:

Management Trustees

Kevin Hotchkiss
Arizona Historic Masonry, L.L.C.
P.O. Box 2635
Mesa, Arizona 85214

Scott Huff
Huff & Sons Construction
14301 North 87th Street, Suite 205
Scottsdale, AZ 85260

Steve Mayher
M.A.G. Construction, Inc.
770 North Monterey Street, Suite B
Gilbert, AZ 85233

Union Trustees

James Cahill
B.A.C. Union Local No. 3 of Arizona
3117 North 16th Street
Phoenix, AZ 85016-7677

Michael Huff
1020 South Helms Circle
Mesa, AZ 85204

William Rodia
4728 East Vernon Avenue
Phoenix, AZ 85008

James Vogel
830 North 105th Street
Mesa, AZ 85207

Plan Sponsors & Administrators: The Vacation Fund Sponsor is the Board of Trustees. The Third-Party Administrator is Southwest Service Administrators, Inc. Its address is the same as the Board of Trustees.

Identification Numbers: The number assigned to the Vacation Fund by the Internal Revenue Service is 71-6196053.

Agent for Service of Legal Process: Craig L. Keller, Esq., of Keller & Hickey, P.C., is the Vacation Fund's agent for service of process and the Vacation Fund's legal counsel. Accordingly, if any legal dispute arises, any legal documents should be served upon Mr. Keller at the following address:

Craig L. Keller, Esq.
KELLER & HICKEY, P.C.
Warner Century Plaza
2177 East Warner Road, Suite 103
Tempe, Arizona 85284

Service can also be upon any individual trustee. The Vacation Fund's Third-Party Administrator will provide you, upon written request, information as to whether a particular Employer is contributing to the Vacation Fund according to its agreement with the Union.

Sources of Contributions: The benefits described in this summary are provided through hourly deductions from your paycheck sent to the Vacation Fund by your Employer(s). The amounts of the hourly deduction and the employees on whose behalf contributions are made are determined by the provisions of the collective bargaining agreements or other written agreements.

Vacation Fund's Assets and Reserves: All assets are held in trust by the Board of Trustees for the purpose of providing benefits to eligible Participants and defraying reasonable expenses.

Plan Year: The plan year for federal reporting is defined as July 1 to June 30.

Type of Plan: This is a defined contribution plan (non-retirement) maintained for the purpose of providing vacation benefits to eligible Participants.

Rights and Responsibility: As someone who is eligible for benefits from this Vacation Fund, you are no doubt aware of the fact that the benefits are paid in accordance with Vacation Fund Plan provisions out of a trust fund, which is used solely for that purpose. If you have had any questions or problems as to benefit payments, you have the right to get answers from the Trustees who administer the Vacation Fund.

The basic rights have now been incorporated in the Employee Retirement Income Security Act (ERISA), which Congress adopted in 1974, for application to all benefit plans. Those rights are set forth in the following section.

STATEMENT OF RIGHTS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 (ERISA)

As a Participant in the Arizona Bricklayers' Vacation Trust 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:

1. Receive Information About Your Plan and Benefits.

Examine, without charge, at the Plan Administrator's Office and at other specified locations, such as work sites and Union halls, all Plan documents, including insurance contracts, 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. 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 report. The Plan Administrator is required by law to furnish each Participant with a copy of the summary annual report.

2. 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 a welfare benefit or exercising your rights under ERISA.

3. Enforce Your Rights.

If your claim for a welfare benefit is denied or ignored in whole or in part, you have the right to know why this was done, to obtain copies of documents relating to the decision without charge, and to appeal any denial all within certain time schedules. You have the right to have the Plan review and reconsider your claim. Under ERISA there are steps you can take to enforce the above rights. For instance, if you request certain materials required to be furnished by 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.

4. Assistance With Your Questions.

If you have any questions about your Plan, you should contact the Plan Administrator. If you have any questions about this statement or about your rights under ERISA, or if you need assistance in obtaining documents from the Plan Administrator, you should contact the nearest Area 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.

PROCEDURE FOR OBTAINING ADDITIONAL PLAN DOCUMENTS

If you wish to inspect or receive copies of additional documents relating to this plan, contact the Vacation Fund office.

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