

Boilermaker Vacation Trust

Administrative Office

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To: Participants in the Boilermaker Vacation Trust

From: The Board of Trustees of the Boilermaker Vacation Trust

Date: March 24, 2021

We hope that you are staying well and safe. To help you face the challenges caused by the COVID-19 pandemic, please see the following changes to the Boilermaker Vacation Plan (the “Plan”) that are intended to comply with recent guidance recently issued by the Department of Labor.

Claims Procedure Deadlines Extended For Up To One Year

Last year, the Plan sent you a notice explaining that, in accordance with federal requirements, the deadlines for filing a claim or appeal would be extended during the “Outbreak Period” (which is defined as the period from March 1, 2020 to 60 days after the COVID-19 National Emergency Period is declared over by the federal government). Essentially, the guidance required plans to disregard the Outbreak Period for purposes of administering these deadlines. However, because federal law limits such extensions to one year, the federal government issued new guidance in response to the ongoing nature of the pandemic.

Under the new guidance the Outbreak Period will be disregarded until the **earlier** of the following:

- (i) One year from the date of the applicable deadline; or
- (ii) The end of the Outbreak Period (from March 1, 2020 until 60 days after the end of the COVID-19 National Emergency Period as announced by the federal government).

The following deadlines under the Plan are impacted:

- The three-year period to file a claim for vacation benefits following a vacation payout; and
- The sixty-day period to file an appeal following receipt of a claim denial

What this means to you: If you are subject to a claims procedure deadline (as described above) that would have applied on or after March 1, 2020, the Outbreak Period will be disregarded for either one year from the applicable deadline or until the end of the Outbreak Period (whichever is earlier).

The example below helps illustrate how this rule will work:

Example: Jane received a claim denial on September 1, 2020. Jane would normally have until October 31, 2020 to file an appeal (*i.e.*, 60 days after receiving the claim denial). This deadline to file an appeal is now extended until the *earlier* of either one year from that date (October 31, 2022) or 60 days after the end of the Outbreak Period.

In accordance with the requirements of the Employee Retirement Income Security Act of 1974, as amended (ERISA), this notice serves as a “summary of material modifications” (SMM) to the Plan. Please keep this summary with your copy of the Plan booklet. In the event of any conflict between this document and any other written or oral statement regarding these Plan changes, this document will control. The Board of Trustees continues to reserve the right to amend or terminate the Plan in whole or in part, at any time, in its sole discretion. Unless otherwise stated herein, all terms of the Plan will continue to apply.