

# ALASKA LABORERS TRUST FUNDS

Alaska Laborers-Construction Industry Legal Services

375 W. 36<sup>th</sup> Avenue, Suite 200 • P.O. Box 93870 • Anchorage, Alaska 99509-3870

Phone (907) 561-5119 or (855) 815-2323 • Fax (907) 561-4802 • Website [www.aklaborerstrust.com](http://www.aklaborerstrust.com)

Administered by  
Labor Trust Services, Inc.

April 16, 2020

**TO: All Eligible Participants of the  
Alaska Laborers-Construction Industry Legal Services Fund**

**RE: Benefit Changes Effective with the May 2020 Coverage Month**

*This is a summary of material modification describing recent changes adopted by the Board of Trustees. Please be sure that you and your family read this carefully and keep it with your Summary Plan Description material.*

In January 2020, the Board of Trustees of the Alaska Laborers-Construction Industry Legal Services Fund (the “Plan”) advised you of certain changes to the Plan effective with April 2020 coverage month. This notice is to clarify the Prior Approval for Using an Attorney Other Than a Servicing Law Firm. Changes are italicized below.

## **PRIOR APPROVAL FOR USING AN ATTORNEY OTHER THAN A SERVICING LAW FIRM**

**For Active Participants and Retired Participants Living in Alaska** - In certain circumstances, you may use an attorney other than the servicing law firm in your area. Effective for forms submitted beginning with the April 2020 coverage month, the Administration Office will no longer be able to provide this approval. Effective with May 2020 coverage, with each new claim for legal benefits, participants must obtain approval from the servicing law firm closest to your area and complete and submit the referral form to the Administration Office explaining the reason for using another attorney other than the servicing law firm in your area. Failure to obtain approval and submit the referral form will result in a denial of claims incurred. Forms can be obtained on the Plan’s website – [www.aklaborerstrust.com](http://www.aklaborerstrust.com), under the Legal tab.

**For Retired Participants living outside of Alaska** - Retired participants who are living outside of the state of Alaska will not be required to obtain prior approval for using a law firm other than one of the servicing law firms.

A new booklet listing these charges as well as all other final provisions is being developed and will be sent to all eligible participants upon completion.

If you have questions regarding the benefit changes described in this notice, please contact Chris McKay at Labor Trust Services, Inc. at (855) 815-2323, Option 6.

**The Administration Office  
Alaska Laborers-Construction Industry Legal Services Fund**

# ALASKA LABORERS TRUST FUNDS

*Alaska Laborers-Construction Industry Legal Services*

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Administered by  
Labor Trust Services, Inc.

January 13, 2020

**TO: All Eligible Participants of the  
Alaska Laborers-Construction Industry Legal Services Fund**

**RE: Benefit Changes Effective with the April 2020 Coverage Month**

*This is a summary of material modification describing recent changes adopted by the Board of Trustees. Please be sure that you and your family read this carefully and keep it with your Summary Plan Description material.*

Effective with the April 2020 coverage month, the Board of Trustees of the Alaska Laborers-Construction Industry Legal Services Fund (the "Plan"), have adopted changes to the benefits as outlined below:

## **HOURLY BANK (does not apply to self-paying retirees)**

The monthly hour bank deduction for ongoing eligibility for all active participants will decrease from 140 hours per month to 130 hours per month. After earning initial eligibility, you must have 130 hours to remain covered by the Plan. 130 hours will be deducted from your Hour Bank for each month of active coverage.

## **MAXIMUM HOUR BANK**

The maximum number of hours that can be accumulated in your Hour Bank will change from 1,120 to 1,040 or 8 months of eligibility.

## **EXTENSION OF BENEFITS UPON TERMINATION OF ELIGIBILITY**

Currently, the Plan will continue benefits for services in progress for up to two years following your date of termination. Effective April 1, 2020, when your eligibility terminates, Plan benefits will only continue for up to one year for services in progress.

## **PRIOR APPROVAL FOR USING AN ATTORNEY OTHER THAN A SERVICING LAW FIRM**

**For Active Participants and Retired Participants Living in Alaska** - In certain circumstances, you may use an attorney other than the servicing law firm in your area. Effective for forms submitted beginning with the April 2020 coverage month, the Administration Office will no longer be able to provide this approval. Participants must obtain approval from the servicing law firm closest to your area and complete and submit the referral form to the Administration Office explaining the reason for using another attorney other than the servicing law firm in your area. Failure to obtain approval and submit the referral form will result in a denial of claims incurred. Forms can be obtained on the Plan's website – [www.aklaborerstrust.com](http://www.aklaborerstrust.com), under the Legal tab.

**For Retired Participants living outside of Alaska** - Retired participants who are living outside of the state of Alaska will not be required to obtain prior approval for using a law firm other than one of the servicing law firms.

A new booklet listing these changes as well as all other final provisions is being developed and will be sent to all eligible participants upon completion.

If you have questions regarding the benefit changes described in this notice, please contact Irene McMurdock at Labor Trust Services, Inc. at (907) 561-5119, ext. 4236 or toll-free (855)815-2323, Option 6.

## **The Administration Office**

**Alaska Laborers-Construction Industry Legal Services Fund**

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The background of the cover is a scenic photograph of a calm body of water, likely a lake or fjord, reflecting the sky and surrounding landscape. In the distance, snow-capped mountains rise against a clear blue sky. To the right, a rocky shoreline is covered with dense evergreen trees. A small group of people can be seen sitting on a rock in the middle ground. The title text is overlaid on the upper half of the image.

# **ALASKA LABORERS CONSTRUCTION INDUSTRY LEGAL SERVICES FUND**

**Summary Plan Description  
September 2020**

# **ALASKA LABORERS- CONSTRUCTION INDUSTRY LEGAL SERVICES FUND**

The following offices are authorized by the Board of Trustees to answer your questions regarding participation, eligibility for benefits, and other trust fund matters:

## *Servicing Law Firms:*

### *In Anchorage*

Aglietti, Offret & Woofter  
733 West Fourth Ave, Suite 206  
Anchorage, Alaska 99501-2161  
(907) 279-8657 or  
toll-free (800) 770-8657  
Fax (907) 279-5534

### *In Fairbanks & Rural Northern Alaska*

Gazewood & Weiner  
1008 16th Ave, Suite 200  
Fairbanks, Alaska 99701-6078  
(907) 452-5196

## *Administration Office:*

Labor Trust Services, Inc.  
375 W. 36<sup>th</sup> Ave, Suite 200  
P.O. Box 93870  
Anchorage, Alaska 99509-3870  
(907) 561-5119 or  
toll-free (855) 815-2323  
Fax (907) 561-4802

## **NOTE:**

**Only the above offices are authorized by the Board of Trustees to answer your questions. No participating Employer, Employer Association, or Labor Organization or its Employees have any authority to answer your questions.**

## **ALASKA LABORERS- CONSTRUCTION INDUSTRY LEGAL SERVICES FUND**

When you have a problem or question that requires legal assistance, contact the Plan's Administrator or the servicing law firm. Identify yourself as a participant or dependent of the Plan and give the employee's Social Security number. They will advise you of your eligibility and assist you with your problem.

The Plan has arranged special services with the servicing law firms in Anchorage and Fairbanks and you will obtain your services from them. In special cases and for services outside of the Anchorage or Fairbanks and rural Northern Alaska area, you may use the attorney of your choice – authorization must first be obtained and on file from the servicing law firm in your area. You should check your eligibility and obtain a billing packet from the Administration Office.

**While the legal benefits are broad in coverage, the Plan will not always pay all of your legal costs. Any charges exceeding the Plan's benefits are your responsibility.**

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# ELIGIBILITY RULES

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The benefits described in this booklet are for eligible Employees of Employers who are obligated by their Collective Bargaining Agreements or special agreements to contribute to this Fund. To be eligible for these benefits, contributions must be made to this Fund on your behalf.

## **HOURLY BANK ELIGIBILITY**

### **HOURLY BANK**

All hours worked and paid are credited to your "Hour Bank." Initial eligibility is earned when you have accumulated 360 hours during 3 consecutive months or less. However, your coverage will begin the first day of the second month after the hours are worked because of the "lag month", explained below. After earning initial eligibility, you must have 130 hours to remain covered by the Plan. 130 hours will be withdrawn from your Hour Bank for each month of coverage.

### **MAXIMUM HOURLY BANK**

The maximum number of hours that can be accumulated in the Hour Bank will be 1,040 or 8 months of eligibility.

### **LAG MONTH**

The Lag Month is the time between when hours are worked and when eligibility is earned. The Lag Month is required so the Administration Office can process the employer reports. The Lag Month is always a full calendar month (e.g. March 1 through March 31).

## **ELIGIBILITY TESTS**

The Plan uses 2 eligibility tests:

1. Industry Test – used to determine the benefits you and your dependents are entitled to during a month in which you are initially eligible.
2. Current Work Test – used to determine the months you are eligible for benefits after satisfying the industry test.

### **Industry Test**

Benefits are based on the total number of credited hours recorded by this Fund on your behalf since the Plan was established. The Lag Month is also used in this test. The covered benefits for you and your dependents are listed in the Summary of Benefits section of this booklet.

### **Current Work Test**

Once the Industry Test has been satisfied, the Current Work Test is required. As a new employee or an employee returning after a break in eligibility, you will become eligible for coverage under this Plan by meeting the following requirement: accumulation of 360 Credited Hours in a period of 3 months or less and waiting 1 lag month.

Example:

You work a total of 360 hours in January, February and March. Your Lag Month is April. You are eligible for 2 months of coverage (May and June) and you have 100 hours remaining in your hour bank.

## **CONTINUING ELIGIBILITY**

All hours worked and paid are credited to your Hour Bank. In order to remain covered by the Plan, you must have 130 hours in the Hour Bank. 130 hours will be withdrawn from your Hour Bank for the current month's coverage.

## **TERMINATION OF ELIGIBILITY**

Your coverage will cease on the last day of any month in which your Hour Bank falls below 130 hours. Your eligibility will be restored on the 1<sup>st</sup> day of the 2<sup>nd</sup> month after you satisfy the requirements explained in the Eligibility Reinstatement.

## **ELIGIBILITY REINSTATEMENT**

If you have been covered by the Legal Fund, then lose eligibility and subsequently return to work, the initial eligibility requirements (as noted above) do not have to be satisfied - provided you return to work and become eligible for benefits in the Plan within 14 months following the date you were last covered for benefits as an active Employee.

If you do not return to work and become eligible for benefits within 14 months following the date you were last covered for benefits as an active Employee, you must meet the 360 hour initial eligibility requirement before again being eligible for benefits.

Hours may be retained in the Hour Bank for no more than 14 months. Hours older than 14 months will be dropped and replaced with current months' hours.

## **NON-HOUR BANK ELIGIBILITY**

### **INITIAL AND ONGOING ELIGIBILITY**

Participants covered under Plan 502 for Health and Welfare benefits and whose Collective Bargaining Agreement requires the employer to contribute to the Legal Fund will be eligible for Legal benefits on the first day of the second month following the month in which the participant has 130 or more covered hours. Eligibility will continue as long as the Participant continues to earn 130 credited hours each month.

### **RETIRED PARTICIPANTS ELIGIBILITY**

Retired Participants who elected at the time of retirement to continue Legal plan coverage are eligible for benefits. Coverage

will continue until you cease making the required contributions for coverage. Contributions are due on the first of each month for that month's coverage and must be sent to the Administration Office. Coverage will be terminated if payment is not postmarked or received by the Administration Office within 30 days of this due date.

## **DEPENDENTS ELIGIBILITY**

Your dependents become eligible the same date as you do. Your eligible dependents are your wife or husband and any of your children from birth through age 18 who are still dependent upon you for principal support.

## **TERMINATION OF ELIGIBILITY**

Coverage for you and your dependents will cease on the last day of the month in which you fail to meet the eligibility provisions set forth above.

However, if you have a Legal matter in progress under the Plan when eligibility terminates, your benefits will continue until you have reached the maximum amount available to you with respect to that legal matter or until 1 year has elapsed, whichever occurs first.

## **ELIGIBILITY INFORMATION**

Eligibility records are maintained by the Administration Office. If you have questions about your eligibility, check with the Administration Office:

Labor Trust Services, Inc.  
375 W. 36<sup>th</sup> Ave, Suite 200  
P.O. Box 93870  
Anchorage, AK 99509-3870  
(907) 561-5119 or  
toll-free (855) 815-2323  
Fax (907) 561-4802

## **PARTICIPATING EMPLOYERS**

This Plan covers Employees of Employers whose Collective Bargaining Agreements with the Alaska State District Council of Laborers and Affiliated Local Unions or under special agreements which provide for legal service fund contributions. Not all agreements cover legal services, so check with your Local Union if you have questions.

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# INTRODUCTION

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This Legal Services Plan has been established by the Alaska Chapter of Associated General Contractors of America and the Alaska State District Council of Laborers and Affiliated Local Unions, for the benefit of participants and their dependents regarding their personal affairs.

The Plan is designed to amply cover the usual and foreseeable needs of a participant for legal services. It is not meant to cover reckless, frivolous or vindictive litigation. Such use by a few of the participants would cause an eventual reduction in overall benefits available to all participants.

The Plan is meant to encourage the use of lawyers as counselors and advisors. A participant may telephone and talk to a Plan lawyer for most legal problems. Later legal troubles can often be avoided before they start. Besides advice by telephone, a generous amount of consultation time in the lawyer's office is also provided.

To keep the Plan financially solvent, there are dollar limitations placed upon various categories of service. There are also exclusions of certain kinds of legal problems such as problems related to personal business ventures of the member or lawsuits prohibited under the Plan by Federal Law.

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# GENERAL TYPES OF SERVICES

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The Plan shall provide three types of services:

1. Educational services to all participants so that they learn more about their legal rights and when to seek the advice and assistance of a lawyer.
2. Legal services to the individual participant and their dependents regarding their personal affairs, subject to the limitations and exclusions imposed by the Plan.
3. Actions initiated in furtherance of the common interest of all participants when such action has been approved by the Board of Trustees of the Plan.

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# CHOICE OF LAWYERS

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The Trustees of the Plan designate the lawyers who will perform services under the Plan. All questions and inquiries regarding choice of lawyers should be directed to:

Labor Trust Services, Inc.  
375 W. 36<sup>th</sup> Ave, Suite 200  
P.O. Box 93870  
Anchorage, AK 99509-3870  
(907) 561-5119 or  
toll-free (855) 815-2323  
Fax (907) 561-4802

*Servicing Law Firms:*

*In Anchorage*  
Aglietti, Offret & Woofter  
Suite 206  
733 West Fourth Avenue  
Anchorage, AK 99501-2161  
(907) 279-8657 or  
toll-free (800) 770-8657 (in or out of Alaska)  
Fax (907) 279-5534

*In Fairbanks & Rural Northern Alaska*  
Gazewood & Weiner  
1008 16thth Ave, Suite 200  
Fairbanks, AK 99701-6078  
(907) 452-5196

Participants or their eligible dependents seeking legal services from an Anchorage or Fairbanks attorney must first contact the servicing firm in their area in order to receive benefits under the Plan. If an active participant or retired participant living in the State of Alaska wishes to consult a different lawyer, authorization must *first be* obtained from the servicing law firm in the area with each new claim for legal benefits. The participant must complete and submit the referral form to the Administration Office explaining the

reason for using another attorney other than the servicing law firm in their area.

IF A PARTICIPANT OR DEPENDENT USES A LAWYER OTHER THAN ONE AUTHORIZED BY THE SERVICING LAW FIRMS, THE COST SHALL BE BORNE ENTIRELY BY THE PARTICIPANT WITH NO BENEFITS PAYABLE BY THE PLAN.

Retired participants living outside Alaska will not be required to obtain prior authorization for using a law firm other than one of the servicing law firms.

Forms can be obtained on the Plan's website at [www.aklaborerstrust.com](http://www.aklaborerstrust.com)

In no case shall the Trustees or agents of the Plan, the Unions, or the Employers infringe upon the independent exercise of the professional judgment of the lawyer furnishing service under the Plan. The confidential relationship between lawyer and client shall be preserved. The participant or dependent shall be considered the sole client of the lawyer.

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# LEGAL SERVICE BENEFITS TO INDIVIDUAL PARTICIPANTS AND DEPENDENTS

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*Yearly Covered Legal Service Maximum.* For each category of Covered Legal Services, the Plan has a calendar year maximum, listed in the Summary of Benefits, which applies regardless of the number of legal services rendered within the category.

Legal Service expenses are charged to the calendar year during which the service is performed. Expenses which exceed the category limit in a year are not covered by the Plan and will be the responsibility of the participant or dependent.

*Aggregate Yearly Maximum.* In addition to the Covered Legal Service Category Maximum, the Plan will not pay for Covered Legal Services in excess of \$10,000 rendered to each covered participant or dependent in a calendar year. Covered Legal Services in excess of \$10,000 in a calendar year cannot be reimbursed under this Plan in succeeding calendar years.

*Extension of Benefits upon Termination of Eligibility.* When eligibility terminates, Plan benefits will continue up to the maximum allowable for service in progress on or before your date of termination for up to one year following your date of termination. The maximum benefit during this period is limited to the category maximum per calendar year shown in the Summary of Benefits on the following page.

# SUMMARY OF BENEFITS

## Allowable reimbursement rate:

Up to \$200.00 per hour

Code	Consultative Services	*Maximum Per Calendar Year
100	Conference in Law Office	\$ 1,500
150	Document Preparation - Aggregate Per Year (individual document limits will be developed between the Supervising Attorney and the three law firms)	2,000
200	Simple Wills	\$ 450
210	Wills with Trust Provisions	1,200
220	Real Estate Papers	750
230	Powers-of-Attorney	150
240	Non-business Related Partnership Papers	600
242	Guardianship	1,000

## Civil Litigation

Claims for code services of 300 to 340 and 500 submitted and incurred on or after January 1, 2018, are subject to a 30% copay with the Fund paying 70%. In other words, the Plan covers 70% of the participant's legal fees up to the allowed maximum for the category of service.

### Example:

Assume a participant generates legal fees in a year of exactly \$7,000 in a code 300 Defendant Action. The plan pays 70% of \$7,000 or \$4,900. The participant pays 30% or \$2,100. In this example the plan's payment of \$4,900 has not reached the maximum covered legal fee of \$7,000 for a code 300 Defendant Action.

<b>Code</b>	<b>Consultative Services</b>	<b>*Maximum Per Calendar Year</b>
300	Defendant Actions (Non-Criminal matters)	\$ 7,000
311	Consumer Transactions	2,000
312	Bankruptcy (Voluntary or Involuntary)	2,500
313	Change of Name	350
314	Administrative Agency Proceedings	2,000
315	Quiet Title to Real Estate	2,000

### **Family Law Actions**

330	Termination of Marriage (contested and uncontested – combined)	\$ 5,000
332	Adoption	2,500
333	Modification or Enforcement of support or custody orders	5,000
	Maximum Lifetime benefit	\$10,000
340	Probate	4,000
500	Investigative Services Expenses, Depositions, Recording Costs, etc.	\$ 2,000

The allowable reimbursement rate is \$200 per hour.

Aggregate Calendar Year Maximum for all  
Legal Services, Per Each Covered  
Family Member - \$10,000

Legal fees are capped at \$10,000 per participant per calendar year. Fees in excess of \$10,000 in one year may not be paid in succeeding calendar years.

\*The schedule maximum applies regardless of the number of legal services rendered in each category.

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# COVERED LEGAL SERVICES

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All covered legal services are subject to the limits contained in the Summary of Benefits.

## **CONSULTATIVE SERVICES**

1. The Plan will pay for legal advice and general correspondence obtained by a covered family member through office conferences with a lawyer according to the following schedule:

- a) One hour on consultation per general case;
- b) Up to 5 hours of consultation regarding workers' compensation cases; and
- c) Up to 2 hours of consultation regarding matters of personal injury;

not to exceed the aggregate limit of \$1,500 per year for all consultative services.

Consultation relative to the preparation of a legal document shall be covered exclusively under Document Preparation.

2. The Plan will also pay for advice given by a lawyer over the telephone under a telephone answering system established in Anchorage. Call the Administration Office for information.

## **DOCUMENT PREPARATION**

The Plan will pay for the actual cost of documents prepared for a participant or dependent by a lawyer including, charges made by the lawyer for time spent gathering information relative to the preparation of the document and for services performed prior to and subsequent to the completion of said document. Aggregate

limit \$2,000 per year with separate limits on individual documents as set forth in Summary of Benefits. Limits for documents not listed shall be established by the Plan's Administrator.

## **CIVIL LITIGATION**

Civil litigation shall include all forms of hearings or appearances before any court or any administrative tribunal of federal, state or local government. The Plan will pay for legal fees charged by a lawyer in the following civil actions:

- (a) Defendant Actions: Up to \$7,000 per year when the participant or dependent is a party respondent or defendant.
- (b) Consumer transactions in which the participant or dependent has suffered a direct loss or damage (excluding claims for personal injury) and where the participant or dependent is the plaintiff.
- (c) Voluntary or Involuntary Bankruptcy Actions, including Chapter XIII proceedings. Only personal actions are included, no business-related actions are covered.
- (d) Change of Name actions.
- (e) Administrative Agency Proceedings, filed to assert a benefit or claim due from a federal, state or local government agency.
- (f) Family Law Actions:
  - (1) Termination of Marriage -This benefit is limited to the member only. Shall include preparation and drafting of Qualified Domestic Relations Orders (QDRO).
  - (2) Adoption of a child by the participant, the spouse or by the participant and spouse.
  - (3) Enforcement and modification of support and custody order entered in family law actions. Maximum life time benefit is \$10,000.

- (g) Probate cases for services rendered to a covered participant or dependent with an interest in an estate.

## **INVESTIGATIVE SERVICES AND EXPENSES**

The Plan will pay for the expenses incurred by the participant or dependent listed below. Each expense must be incurred in connection with any matter for which coverage is provided under Civil litigation.

- (a) Investigation and research. Investigation and research include any activity performed by a lawyer or others under the lawyer's direction in ascertaining facts. Finding and taking statements of witnesses and gathering information of any kind that may reasonably be necessary for the adequate legal representation of the covered family member will constitute investigation and research.
- (b) Witness fees.
- (c) Court costs in civil actions in which the covered family member is a defendant.
- (d) Out-of-Pocket expenses and costs. Out-of-pocket expenses and costs shall consist of depositions, stenographic fees, printing and copying, long distance toll calls, photography, bond premiums, scientific or technical assistance and reports or tests (including medical examinations).
- (e) The Plan will pay the costs of Trustee Sale Guarantees for foreclosures and similar actions. Under the sale of real estate, the Plan will pay that amount of money equal to the current costs of the Trustee Sale Guarantee. This amount may be applied toward the cost of the title insurance premium.

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# EXCLUSIONS AND SERVICES NOT AVAILABLE UNDER THE PLAN

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The following services are excluded, and payment shall not be provided by the Plan for:

1. The initiation of any proceeding or the defense of any proceeding or the intervention in any proceeding against any contributing Employer or its Officers or Agents, except in Workers Compensation cases, or the initiation of any proceeding or the defense of any proceeding, or the intervention in any proceeding against the Union or Local Unions or their Officers or Agents, or the participation in a proceeding or in defense of or in intervention against any other Employer or any Labor Organization.
2. The initiation of any proceeding against the Plan, Fund, Trustees, Employees or Agents of this Plan; the initiation of any proceeding against any other joint trust or plan of the Alaska Chapter of the Associated General Contractors of America and the Alaska State District Council of Laborers and Affiliated Local Unions, or the Trustees, Employees or Agents against any other Employer-Union joint trust or its Trustees, Employers or Agents.
3. Services in connection with any personal business in which, for Federal income tax purposes, the cost of legal services would normally constitute a business expense or a capital investment; or in which the participant or dependent derives income or charges for his or her services or products.
4. Any legal proceeding in which the participant or dependent is entitled to legal representation (or reimbursement for the costs thereof) from any source other than this Plan whether or not the covered family member, perfects or exercises this right. A right, however, by reason of his indigence or low income, to legal services provided by either governmental or voluntary

agencies shall not preclude his right to obtain services under this Plan.

5. Any action for personal injury or worker's compensation or any other legal action in which the services of a lawyer are available to the member under a contingent fee arrangement; provided that the Investigative Services and Expenses benefits of this Plan (Covered Legal Services on page 16) shall be available to the participant or dependent for such action if the participant or dependent and the lawyer furnish the trustees of the Plan an arrangement for reimbursement of the Plan out of any recovery or settlement.
6. Any proceeding in a small claims court except that the participant or dependent is entitled to the Consultative Services benefit in order to determine the manner in which to handle such a case.
7. Payment of fines or penalties.
8. Any action brought against a participant by a spouse or divorced spouse if such action alleges failure to make payments of child support or alimony in the manner and in the amount specified by a court order. This exclusion, however, will not apply to the first such action brought against a member under this Plan.
9. Expense and fees for services not performed by lawyers except as specified in Investigative Services and Expenses.
10. Expenses arising out of completing or filing of income tax returns of the participant or dependent.
11. Expenses and fees for services performed by a person related to the participant by blood, marriage or adoption or who is a resident of the participant's household.
12. Attorney fees which are assessed against the covered participant or dependent by the court.
13. Actions which had been filed and in which a lawyer had been retained before the member or dependent became eligible.

14. Class actions, interventions, *amicus curiae* filings or other actions not involving the personal, immediate and direct interest of the participant or dependent.
15. Duplication of services previously claimed and relating to the same cause of action.
16. Actions which, in the judgment of the lawyer, are frivolous or which are disproportionate in legal cost to the possible benefits to be gained by the participant or dependent.
17. Appeals to any court.
18. Criminal and Juvenile Litigation. Defense of a felony, misdemeanor, or operating any vehicle while intoxicated or under the influence, this includes Juvenile matters.

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# GENERAL PROVISIONS

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1. *Coordination of Benefits.* If benefits under any other group legal services program are available to a covered family member for expenses also covered by this Plan, this Plan will pay its regular benefits either (a) in full or (b) in a reduced amount which, when added to the benefits payable by the other group legal service program, will equal 100 percent of covered expenses. There shall be no duplicate payments, so that in no event shall a covered family member recover more than the total expense incurred.
2. *Territory.* The Plan applies only to legal fees and expenses incurred within the United States or Canada.
3. *Notice of Claim, Proof of Expenses Incurred, Payment of Claims.* Complete instructions for submitting your claims and appeals in the event your claim is denied, in whole or in part, are given in a separate section entitled **CLAIM SUBMISSION AND APPEAL PROCEDURES.**
4. *Right of Recovery.* Any amounts obtained by a participant, eligible dependent or attorney for fees or expenses provided under this Plan shall be reportable and payable to the Plan.
5. Legal expenses are charged to the calendar year during which the service is performed. Expenses which exceed the Legal Services Category Limit in any year are not covered by the Plan and are the responsibility of the participant.
6. The Plan provides for payment of legal fees at \$200 per hour for services rendered by an attorney.

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# CLAIM SUBMISSION AND APPEAL PROCEDURES

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The following section provides the claim submission and appeal procedures for the Alaska Laborers-Construction Industry Legal Fund.

If you have any questions concerning your benefits under the Trust Fund or the material covered in this section, contact the Administration Office:

Labor Trust Services, Inc.  
P.O. Box 93870  
Anchorage, AK 99509-3870  
(907) 561-5119 or  
toll-free (855) 815-2323

or your Local Union office:

Laborers' Local No. 341  
2501 Commercial Drive  
Anchorage, AK 99501-3050  
Benefit Representative  
(907) 272-4571

Laborers' Local No. 942  
2740 Davis Road  
Fairbanks, AK 99709-5231  
Benefit Representative  
(907) 456-4584

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# HOW TO SUBMIT YOUR LEGAL CLAIM

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1. When you have a legal problem, you must first contact the Administration Office:

Labor Trust Services  
375 W. 36<sup>th</sup> Ave, Suite 200  
P.O. Box 93870  
Anchorage, AK 99509-3870  
(907) 561-5119 or  
toll-free (855) 815-2323  
Fax (907) 561-4802

or

The servicing law firm of Aglietti, Offret & Woofert:  
In Anchorage:  
733 West 4th Avenue, Suite 206  
Anchorage, AK 99501-2161  
(907) 279-8657 or  
toll-free (800) 770-8657  
Fax 9907) 279-5534

or

The servicing law firm of Gazewood & Weiner  
In Fairbanks & Rural Northern Alaska:  
1008 16th Ave, Suite 200  
Fairbanks, AK 99701-6078  
(907) 452-5196

2. In certain circumstances, you may use an attorney other than the servicing law firm in your area. However, prior authorization must *first* be obtained from the servicing law firm in your area. You must then complete and submit the referral form to the Administration Office explaining the reason for using another attorney other than the servicing

law firm in your area. Failure to obtain prior approval will result in the loss of all Plan benefits.

3. Written proof of expenses incurred must be furnished to the Plan not more than 60 days after completion of the matter at issue.
4. If an action will be protracted, interim billings may be sent and are encouraged.
5. Hearing of Complaints. In the event the participant or dependent member and Plan cannot agree upon the coverage, amount of payments made, or operation of the Plan, the covered family member may first complain to the Supervising Attorney. If the dispute is not resolved, a complaint may be made to the Administration Office. If still unresolved, the complaint may be brought before the Board of Trustees of the Alaska Laborers-Construction Industry Legal Services Trust for hearing and settlement. Settlement of any monetary dispute, however, shall not exceed the limits of liability stated in the Summary of Benefits.

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# HOW TO APPEAL YOUR CLAIM FOR LEGAL BENEFITS IF THEY ARE DENIED

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If your application for benefits is denied, you or your beneficiary can appeal the denial.

- (1) If you apply for benefits and are ruled ineligible by the Trustees, or if you believe you did not receive the full amount of benefits you were entitled to, or you are otherwise adversely affected by any action of the Trustees, you will have the right to a hearing before the Trustees if requested, in writing, within sixty (60) days of notice of the adverse action. The Trustees shall then conduct a hearing at which you will be able to present your position and any evidence which supports your claim. You may be represented at the hearing by an attorney or other representative of your choice. Thereafter, the Trustees shall issue a written decision affirming, modifying, or setting aside the former action.
- (2) If you are dissatisfied with the written decision of the Trustees, as described in Part (1) of this section, you will have the right to appeal the matter to arbitration in accordance with the labor arbitration rules of the American Arbitration Association. You must submit a request for arbitration to the Trustees, in writing, within sixty (60) days of receipt of the written decision. If an appeal to arbitration is requested, the Trustees shall submit to the arbitrator a certified copy of the record upon which the Trustee's decision was made.

The questions for the arbitrator shall be (1) whether the Trustees were in error upon an issue of law, (2) whether they acted arbitrarily or capriciously in the exercise of their discretion, or (3) whether their findings of fact were supported by substantial evidence.

The decision of the arbitrator shall be final and binding upon the Trustees, upon the appealing party, and upon all other parties whose interests are affected thereby.

The expenses of arbitration shall be borne equally by the appealing party and by the Trust Fund, unless otherwise ordered by the Arbitrator.

## CLAIM APPEAL PROCESS

CLAIMS ADMINISTRATOR (Administration Office)  
DECISION AND REVIEW

CLAIMANT REQUESTS HEARING TO  
TRUST ADMINISTRATOR IN WRITING  
WITHIN 60 DAYS OF  
CLAIMS ADMINISTRATOR'S DECISION/DENIAL

TRUST/CLAIMANT PRODUCTION OF  
DOCUMENTS 14 DAYS BEFORE HEARING

CLAIM APPEAL HEARING WITH OR WITHOUT  
APPEARANCE BY CLAIMANT AND/OR ATTORNEY  
WITHIN 60 DAYS (UNLESS OTHER AGREEMENT  
MADE BY PARTICIPANT)

WRITTEN DECISION RENDERED  
WITHIN 30 DAYS OF HEARING

APPEAL GRANTED

APPEAL DENIED  
OR COMPROMISED

CLAIMANT MAY APPEAL  
TO ARBITRATOR  
WITHIN 60 DAYS

CLAIM APPROVED OR  
DENIAL DECISION  
UPHELD

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# SPECIAL REPORTING AND DISCLOSURE REQUIREMENTS

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## NAME OF PLAN

Alaska Laborers-Construction Industry Legal Services Fund

## BOARD OF TRUSTEES

This plan is operated by a joint labor-management Board of Trustees, with the assistance of administrative agents. The name, address, and telephone number of the administrative agents are:

Alaska Laborers-Construction Industry Trust Funds  
Welfare & Pension Administration Service, Inc.  
7525 SE 24th St., Suite 200  
Mercer Island, WA98040

Mailing Address :  
P.O. Box 34203  
Seattle, WA98124-1203  
(206) 441-7574 or  
toll-free (800) 331-6158

Labor Trust Services, Inc.  
375 W. 36<sup>th</sup> Ave, Suite 200  
P.O. Box 93870  
Anchorage, AK 99509-3870  
(907) 561-5119 or  
toll-free (855) 815-2323

# MEMBERS OF THE BOARD OF TRUSTEES

This Trust is administered and maintained by a labor-management Board of Trustees. The names and addresses of the Trustees as of the printing of this booklet are as follows:

## EMPLOYER TRUSTEES

Steve Geraghty  
Great Northwest, Inc.  
PO Box 74646  
Fairbanks, AK 99707-4646

Jaysen Mathiesen  
M-Alaska Construction, LLC  
3701 Spenard Rd  
Anchorage, AK 99503-5674

Jeff Miller  
Cruz Construction, Inc.  
7000 E. Palmer-Wasilla Hwy  
Palmer, AK 99645-7715

David Duclos  
Nesser Construction Inc.  
2501 Blueberry Rd  
Anchorage, AK 99503-2621

## UNION TRUSTEES

Augustine J. (Joey) Merrick II,  
Laborers' Local 341  
2501 Commercial Dr  
Anchorage, AK 99501-3049

Brandon Calcaterra  
Laborers' Local 341  
2501 Commercial Dr  
Anchorage, AK 99501-3049

Scott Eickholt  
Laborers' Local 942  
2740 Davis Rd  
Fairbanks, AK 99709-5231

Jacob Howdeshell  
Laborers' Local 942  
2740 Davis Rd  
Fairbanks, AK 99709-5231

## LEGAL COUNSEL

The name and address of the Fund's legal counsel is:

Jermain, Dunnagan & Owens  
3000 "A" Street, Suite 300  
Anchorage, AK 99503

## AGENT FOR SERVICE OF LEGAL PROCESS

Any member of the Board of Trustees, the Administrative Agents (Welfare & Pension Administration Service, Inc., or Labor Trust Services, Inc.) and the Attorney (Jermain, Dunnagan & Owens) are agents for the purposes of accepting service of legal process

on behalf of this Plan.

## IDENTIFICATION NUMBER

The Employer Identification Number and Plan Number assigned to this Plan by the Internal Revenue Service is listed below:

Alaska Laborers-Construction Industry Legal  
Services Fund EIN 51-0234876, PN 501

## TYPE OF PLAN

This Plan is a prepaid legal services plan.

## TYPE OF ADMINISTRATION

The Plan is administered by the Board of Trustees with assistance of Welfare & Pension Administration Service, Inc., and Labor Trust Services, Inc., contract administrative organizations.

## DESCRIPTION OF COLLECTIVE BARGAINING AGREEMENTS

The Plan is maintained under several Collective Bargaining Agreements between contributing Employers and Alaska State District Council of Laborers and Laborers' Local 341 and 942, which control the duties, rights and benefits under the Plan. These Collective Bargaining Agreements, along with a list of participating employers, can be examined at the offices of the Plan Administrator.

## FUNDING MEDIUM

This Plan is funded through the payment by employers of the negotiated contribution rate and contributions paid by retirees. These contributions are held in trust and invested by an independent investment consultant, Benefits are provided from these funds.

## PLAN AMENDMENT AND TERMINATION

### *Plan Amendment*

The Board of Trustees of the Alaska Laborers-Construction Industry Legal Services Fund reserves the right to amend all or any part of this Plan at any time; to amend any contract providing benefits or other services and to remove or change any service company at any time.

Any amendment must be in writing and shall be effective upon adoption by the Board of Trustees, or at any such time as may be otherwise specified in the amendment, unless prohibited by applicable law.

### *Termination*

The Board of Trustees of the Alaska Laborers-Construction Industry Legal Services Fund reserves the right to terminate the Plan at any time, and any contract providing benefits or other services.

## PLAN YEAR

The fiscal year for the Legal Services Fund ends June 30. The Plan year, however, ends December 31.

## YOUR RIGHTS UNDER ERISA

As a participant in the Alaska Laborers-Construction Industry Legal Services Fund, you are entitled to certain rights and protections under the Employee Retirement Income Security Act of 1974. ERISA provides that all Plan participants shall be entitled to:

1. Examine without charge, at the Plan Administrator's office, all Plan documents, including insurance contracts, collective bargaining agreements and copies of all documents filed by the Plan with the U.S. Department of Labor, such as annual reports and Plan descriptions.
2. Obtain copies of all Plan documents and other Plan information upon written request to the Plan Administrator. The

Administrator may make a reasonable charge for the copies.

3. Receive a summary of the Plan's annual financial report. The Plan Administrator is required by law to furnish each participant with a copy of this summary financial report.

In addition to creating rights for Plan participants, ERISA imposes obligations upon the persons 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 to prevent you from obtaining a legal benefit or exercising your rights under ERISA.

If your claim for a legal benefit is denied in whole or in part, you may receive a written explanation of the reason for the denial. You have the right to have your claim reviewed and reconsidered.

Under ERISA, there are steps you can take to enforce the above rights. For instance, if you request materials from the Plan and do not receive them within 30 days, you may file suit in 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 which is denied or ignored, in whole or in part, you may file suit in a state or federal court. If 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.

If you have any questions about this statement of your rights under ERISA, you should contact the Plan Administrator or the nearest area office of the U.S. Labor-Management Service Administration, Department of Labor.

## HOW TO APPEAL YOUR CLAIM FOR BENEFITS IF THEY ARE DENIED

Complete details regarding filing of claims and appeals can be found in the Claims Submission and Appeal Procedures section of this booklet.

## AVAILABILITY OF INFORMATION

Plan documents and all other pertinent documents required to be made available under ERISA are available for each of the Trusts for inspection at the Administration Office during regular business hours. Upon written request, copies of these documents will be provided. However, the trustees may make a reasonable charge for the copies; the Plan Administrator will state the charge for specific documents upon request so you will know the cost before ordering.





For more information regarding your benefits  
visit the Trust website:

**[aklaborertrust.com](http://aklaborertrust.com)**