

A nighttime photograph of a city skyline, featuring several tall skyscrapers. The central building is the most prominent, with its windows glowing with light. Other buildings are visible on either side, also lit up. The sky is dark, and the overall scene is illuminated by the city lights.

Training Fund

of the

International Union of Operating Engineers, Local 94-94A-94B, AFL-CIO

**331-337 West 44th Street
New York, NY 10036
(212) 956-4854**

Summary Plan Description

July 1, 2015

Training Fund of the International Union of Operating Engineers, Local 94-94A-94B, AFL-CIO

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TABLE OF CONTENTS

Introduction.....	1
Who Is Eligible To Participate?	1
How Does the Training Program Help My Career?	2
Local 94 Certificates	2
International Union of Operating Engineers Certificates	2
BOMI Certificates.....	3
Tuition Reimbursement Program.....	3
Other Professional Programs	3
What are the Training Program Requirements?	4
Course Duration	4
Standard Program Format	5
Attendance	6
Making Up Missed Information	6
Grading System.....	6
Misconduct.....	6
Continued Enrollment.....	6
How is the Training Program Funded and Administered?	7
Board of Trustees.....	7
Duration and Amendment of the Training Program	8
Training Advisory Committee	8
What Else Do I Need to Know?	9
Office Hours and Telephone Number.....	9
Change of Status	9
Student Transfers	9
Administrative Information.....	9

Introduction

This Training Program, known as the Training Fund of the International Union of Operating Engineers, Local 94-94A-94B, AFL-CIO (the "Training Program" or "Program"), was established in June 1979 in accordance with the collective bargaining agreement between the International Union of Operating Engineers, Local 94-94A-94B, AFL-CIO (the "Union"), and various employers and/or associations. These employers and/or associations, along with any other entities which participate in the Training Program pursuant to a written agreement, are collectively referred to in this document as "Contributing Employers."

The Union and Contributing Employers established and maintain the Program to provide training to and improve the skills of the engineering employees who are employed by Contributing Employers within the jurisdiction of the Union.

The Training Program is designed to enable participants to keep up with the technological advancements of environmental control and human comfort and well-being. The Program also provides participants with a foundation for advancement to the highest levels of the industry.

The terms and provisions of the Training Program are contained in the official Agreement and Declaration of Trust (the "Trust Agreement") and any policies and procedures adopted by the Training Fund's Board of Trustees (the "Board of Trustees" or "Trustees"), including those set forth in this Summary Plan Description, as may be amended or modified by the Trustees from time to time.

It is important that you understand how the Training Program works. Therefore, we urge you to read this Summary Plan Description very carefully. Please understand that no general explanation can adequately give you all the details of the Training Program, and your full rights can be determined only by referring to the full text of the Training Program's plan documents. If there is any conflict between the wording in this Summary Plan Description and the wording in the official Training Program plan documents, the plan documents will govern.

Who Is Eligible To Participate?

A "participant" is any employee employed by a Contributing Employer who is permitted to participate in the program based on the qualifications and conditions as established by the Trustees (in their sole and absolute discretion), for whom contributions to the Program's trust fund are made (or to be made), and who continues to remain in "good standing" in the Program as further explained on page 4.

Only Union members and certain other individuals actually employed at job sites of Contributing Employers will be permitted to participate in the Training Program. The Training Program consists of two components: a mandatory program and a voluntary program. Participation in the "mandatory portion" of the Training Program is required for all Union members newly hired within the jurisdiction of the collectively bargained agreement between the involved Contributing Employer and the Union. Other individuals may voluntarily participate in the Training Program as permitted by the Trustees.

How Does the Training Program Help My Career?

The Training Program is an important part of your career development as an engineering employee. Local Union and International Union certificates can be earned through the Training Program, as well as other Professional Program Certificates and college credits.

Local 94 Certificates

The Board of Trustees has approved two types of Local 94-94A-94B Union documents that are issued to Union member-participants meeting certain requirements:

1. A letter of Attendance Verification is issued to participants who maintain adequate attendance.
2. A Certificate of Completion is issued to participants who:
 - Maintain adequate attendance, and
 - Achieve a written exam grade of 70% or better in each of the six (6) mandatory program units of study.
 - The Local 94-94A-94B Union Certificate of Completion will read Cum Laude if the participant achieves a final exam grade of 80% or better, and will read Magna Cum Laude if the participant achieves a final exam grade of 90% or better.

International Union of Operating Engineers Certificates

Certificates of Completion are available from our International Union Headquarters, located in Washington, D.C., for Union member-participants who complete any of the following courses:

- HVACR 1
- HVACR 2
- Basic Electricity
- Basic HVAC Controls
- Basic Boiler
- Mission Critical Seminar
- Indoor Air Quality
- Energy Conservation
- Chief Engineer Training

To receive a Certificate of Completion from our International Union Headquarters, a participant must successfully pass a final exam in the applicable course with a 70% grade or better. The test is administered by the International Union of Operating Engineers, and participants can take the test at 331-337 West 44th Street, New York, NY 10036.

BOMI Certificates

Since May of 1995, the Building Owners and Managers' Institute (BOMI) has extended its accreditation to the Training Program, and continues to award credits toward its SMT ("System Maintenance Technician") and SMA ("System Maintenance Administrator") Certificates to Program participants who successfully complete comparable Local 94-94A-94B Union courses within the standards set for these Certificates.

In order to meet the BOMI standards, you must:

- Maintain adequate attendance, and
- Achieve a written exam grade of 70% or better in each of the six (6) mandatory program units of study.

To be eligible to receive BOMI's SMT (System Maintenance Technician) Certificate, you must:

- Graduate from the Training Program while meeting BOMI standards, and
- Complete two additional units (Units EC and IAQ).

To be eligible to receive BOMI's SMA (System Maintenance Administrator) Certificate, you must:

- Complete the SMT Certificate requirements, and
- Complete three (3) additional units (Units 6, 7 and 8).

Tuition Reimbursement Program

If you have successfully completed the mandatory portion of the Training Program and the Energy Conservation and Mechanical Drafting courses, you will be awarded 15 tuition free credits towards the 60 required credits for an Associates degree in Environmental Control Technology with the New York City College of Technology ("NYCCT"). If you complete the Associates degree in Environmental Control Technology, you can then apply your 60 credits towards a Bachelor of Technology degree in Facilities Management at NYCCT. If you enroll in either of these degree programs after Fall 2006 and are currently an active member, the Training Fund will reimburse you up to a maximum of 30 credits that pertain either one of these degrees (after proof for your costs and completion for such credits (e.g., a copy of the degree) is substantiated and/or verified by the Fund). The availability of 15 of the 30 credits is contingent year to year subject to the Fund's receipt of certain grants.

Other Professional Programs

Graduates of the Training Program may also qualify for various professional certificates and licenses offered by the Department of Energy Conservation, Environmental Protection Agency, Building Operator Certification, and the Fire Department, City of New York. If you have further questions about these professional certificates and licenses please contact the Training Fund Office for more detail.

What are the Training Program Requirements?

The mandatory portion of the Training Program has been in place since April 1, 1986. Prior to that time, refrigeration and air conditioning and pneumatic control courses were taught to the employees of Contributing Employers on a voluntary enrollment basis.

The mandatory portion of the Training Program entails 360 hours of training.

The Union and the Contributing Employers have established criteria of “good standing” for admission to the Training Program as well as for continued enrollment in it. The criteria involve qualifying employment with a Contributing Employer, certain safety-related eligibility requirements, and attendance standards. You should contact the Training Director at the Training Fund Business Office to obtain a description of any existing or anticipated future course of study sponsored or established under the Training Program, including any prerequisites for enrolling in any particular course, the specific criteria for establishing good standing for eligibility, as well as a description of the procedure by which to enroll in such course.

Course Duration

Courses (units) run on a spring and fall semester basis. There are six (6) mandatory units, the duration of which equals six (6) semesters.

Each unit consists of 60 hours over a five-month period (classes meet for three (3) hours once a week, with a total of 20 weeks for each unit), with the exception of Unit 1, which is 63 hours. Unit 1 consists of three (3) hours of Orientation prior to the participant’s starting classes plus 60 hours of classroom instruction. Participants in the mandatory portion of the Training Program and participants registered for Unit 1 must attend the three (3) hour Orientation class.

Unless authorized in writing by the Fund Director for situations involving special circumstances, participants must complete the Training Program in three (3) consecutive years (six (6) units). As described above, upon completion of all six (6) mandatory portion units with a passing grade of 70% or higher, the participant receives a Certificate of Completion. The BOMI (Building Owners and Managers' Institute) SMT and SMA Certificates require additional course work.

There are also other courses which are offered periodically, including the Fire Safety Director, Emergency Action Plan, and the Universal Technician Certification.

Standard Program Format

Below is the program format for the Training Program, consisting of six (6) mandatory units and twelve voluntary units. Prerequisites are courses that must be taken prior to enrollment in the course for which they are shown as being prerequisites.

Mandatory Courses (Six (6))

<u>Unit</u>	<u>Subject</u>
1	Introduction to Commercial Office Buildings
2	Heating Systems and Pumps
3A	Basic Refrigeration
3B	Chiller Systems
4	Electricity for Building Equipment Operations
5	Controls and Control Strategies

Voluntary Courses (Twelve)

<u>Unit</u>	<u>Subject</u>
EC	Energy Conservation (SMT)
CE	Chief Engineer
2B	Water Treatment & Pesticide Applicator Certification
3C	Refrigerating System Operating Engineer Certificate of Qualification
3R	Universal Technician Certification
IAQ	Indoor Air Quality
CS	Critical Systems
MD	Mechanical Drafting
LPB	High Efficiency Low-Pressure Boilers
DDC/ BMS	Advanced Direct Digital Controls & Building Management Systems
BOC	Building Operator Certification
FSD	Fire Safety Director
EAP	Emergency Action Plan Director
PU	Package Unit (Hands-On)
OSHA	OSHA General Industry
6	Building Design and Maintenance (<i>Prerequisite – BOMI SMT Certification</i>)
7	Managing the Organization (<i>Prerequisite – BOMI SMT Certification</i>)
8	Environmental Health and Safety Issues (<i>Prerequisite – BOMI SMT Certification</i>)

Attendance

In accordance with the rules and regulations adopted by the Board of Trustees, the maximum allowable absenteeism rate is 10% of the total class hours.

Since the time established for each unit of the present Training Program is 60 hours (20 sessions of three (3) hours each), **six (6) hours** (i.e., **two sessions**) is the maximum amount of time you may be absent from any course and remain in the Training Program without being in default of training requirements.

Note: Participants with excessive absences may be in default. Participants in default will be placed on a default termination list; such lists are provided to the Contributing Employers. Reinstatement may be established through the participant's Union representative and management representative. If reinstatement cannot be resolved, participants in default may be terminated from the Program and prohibited from attending training courses in the future.

Making Up Missed Information

Because there are circumstances beyond your control that may cause you to be absent, the training staff is committed to assisting participants in making up missed information. Wherever and whenever practical, you will be assisted in making up either exams missed or failed, or sessions or parts of sessions missed. You must attempt to make up any and all lessons missed.

If you are aware of a scheduling conflict in advance and you notify the training staff, the training staff may also be able to arrange for you to attend an alternate session.

Grading System

A minimum passing grade for receiving a Local 94-94A-94B Union Certificate of Completion is 70%. If a participant achieves a grade of 80%, the Certificate will read Cum Laude; if 90%, then Magna Cum Laude. All grades issued by your instructor are final and not subject to appeal.

Misconduct

The Training Program expects participants to exhibit professional behavior.

Any misconduct will be considered a failure to meet the requirements of the Training Program, and can result in dismissal from the Program.

Continued Enrollment

It is the responsibility of each participant to re-enroll in the Training Program each semester until the required hours of study have been completed. As a reminder, you must complete the mandatory courses within three (3) consecutive years in order to complete that program.

You must re-enroll each semester through the Student Services and Records Office. When in doubt about your enrollment status, call Student Services at (212) 956-4854.

How is the Training Program Funded and Administered?

Each Contributing Employer makes contributions to the Training Program's Trust Fund as may be required by the applicable agreement.

The Training Program was created and is used to provide:

- The financing and establishment of the facilities to be used for training.
- The financing of a regular faculty who present courses in the various skills required in the industry.
- Reasonable amounts for the tuition and related expenses of participants.
- The operational and other expenses (including taxes) of the Program.

No Contributing Employer or participant has any right, title, interest or claim in or to a Contributing Employer's payments or contributions to the Fund. Neither the Contributing Employer, the Union, nor the individual participant, has any vested rights in or to the Fund. You may not assign any benefits to which you may be entitled, nor shall any benefit be subject to attachment or other legal process for or against you.

Fees

There are fees for all Voluntary Courses. There are also fees for the Mandatory Courses for those participants NOT covered by a collective bargaining agreement with a Contributing Employer. Please contact the Fund Office for the applicable fees, if any, charged for voluntary or mandatory courses.

Board of Trustees

The operation and administration of the Training Program is the joint responsibility of five trustees appointed by the Union as designated by Local 94-94A-94B, and five trustees appointed by the Contributing Employers as designated by the Realty Advisory Board on Labor Relations, Inc.

The Board of Trustees (and/or its duly authorized designee(s)) has the exclusive right, power, and authority, in its sole and absolute discretion, to administer, apply and interpret the Program, including this booklet, the Trust Agreement and any other plan documents, and to decide all matters arising in connection with the operation or administration of the Program. Without limiting the generality of the foregoing, the Board of Trustees and/or its duly authorized designee(s) shall have the sole and absolute discretionary authority to:

- Take all actions and make all decisions with respect to the eligibility for, and the amount of, benefits under the Program;
- Formulate, interpret and apply rules, regulations and policies necessary to administer the Program;

- Decide questions, including legal or factual questions, relating to the calculation and payment of benefits under the Program;
- Resolve and/or clarify any ambiguities, inconsistencies and omissions arising under the Program, including this booklet, the Trust Agreement or other plan documents;
- Invest and reinvest the monies of the Trust Fund;
- Process and approve or deny benefit claims and rule on any benefit exclusions; and
- Determine the standard of proof required in any case.

All determinations and interpretations made by the Board of Trustees and/or its duly authorized designee(s) shall be final and binding upon all participants, beneficiaries and any other individuals claiming benefits under the Program.

The official plan documents stipulate additional responsibilities of the Trustees relative to the Training Program.

Duration and Amendment of the Training Program

Generally, the Training Program will continue so long as any collective bargaining agreement between a Contributing Employer and the Union continues in effect, and may be extended thereafter by continuation of the agreement to maintain a Training Program in any future collective bargaining agreement.

However, if the Training Program is amended or terminated, your ability to participate in and receive benefits from the Training Program may be modified or terminated.

The Board of Trustees reserves the right, in its sole and absolute discretion, to amend, modify or terminate, in whole or in part, any or all of the provisions of the Training Program (including any related documents and underlying policies), at any time and for any reason, by action of the Board of Trustees, or any duly authorized agent(s) of the Board of Trustees, in such manner as may be duly authorized by the Board of Trustees. Upon the dissolution of the Training Program, the assets held in the Program's trust fund will be distributed for one or more exempt purposes (within the meaning of Section 501(c)(3) of the Internal Revenue Code), or shall be distributed to the Federal government, or to a state or local government, for a public purpose.

Without limiting any other Training Program provisions for the discontinuance of training benefits, your coverage will terminate when the Board of Trustees terminates the Training Program, or when you are no longer eligible to receive benefits under the Training Program, whichever occurs first.

Neither you, your beneficiaries, nor any other person have or will have a vested or nonforfeitable right to receive benefits under the Training Program.

Training Advisory Committee

The Training Advisory Committee consists of representatives from Management and from Local 94-94A-94B. This Committee is responsible for reviewing all content of the Training Program, and making recommendations to the Board of Trustees on any changes.

All program-related issues or changes should be brought to the attention of the Training Director before being presented to the Board of Trustees.

What Else Do I Need to Know?

Office Hours and Telephone Number

The Training Program Business Office is open Monday through Friday, from 8 a.m. to 4 p.m. The office telephone number is **(212) 956-4854**.

Change of Status

You should notify the Training Fund Business Office immediately if any of the items on the following list changes:

- Your Name
- Your Social Security Number
- Your Home Address and/or Telephone
- Your Employer
- Your Work Address, Telephone, or Work Hours.

You should also notify the Training Fund Business Office of any other personal or work commitments that may affect your standing in the Training Program, such as attendance at another school, family hardship, or personal disability.

To verify your current information, or to report changes, please contact the Training Fund Business Office.

Student Transfers

Any student who transfers from the public schools or hotels to a commercial signatory facility is subject to the same qualifications as any candidate entering the commercial contract.

Administrative Information

NAME OF PLAN

Training Fund of the International Union of Operating Engineers, Local 94-94A-94B, AFL-CIO

EMPLOYER IDENTIFICATION NUMBER

13-3056021

TYPE OF PLAN

Training

PLAN YEAR/FISCAL YEAR

January 1 - December 31

PLAN SPONSOR/PLAN ADMINISTRATOR

Board of Trustees

I.U.O.E., Local 94-94A-94B, AFL-CIO Training Program

331-337 West 44th Street

New York, NY 10036

(212) 956-4854

TYPE OF PROGRAM ADMINISTRATION/TRAINING FUND BUSINESS OFFICE

The Plan Administrator keeps the records and is responsible for the administration of the Training Program. The Plan Administrator has delegated certain duties to the Training Director, who can be reached at the Training Fund Business Office, I.U.O.E., Local 94-94A-94B, AFL-CIO Training Program, 331-337 West 44th Street, New York, NY 10036 (212) 956-4854. You may obtain a description of any existing or anticipated future course of study sponsored or established by the Training Program, including any prerequisites for enrolling in such course, as well as a description of the procedure by which to enroll in such course, from the Training Director.

PARTICIPATING EMPLOYERS AND EMPLOYEE ORGANIZATIONS

You may obtain a complete list of the Contributing Employers and employee organizations sponsoring the Program upon written request to the Plan Administrator. Such list is available for your examination at the Training Fund Business Office. You may receive from the Plan Administrator, upon written request, information as to whether a particular employer or employee organization is a sponsor of the Program and, if so, the sponsor's address.

AGENT FOR SERVICE OF LEGAL PROCESS

Service of legal process may be made upon a Trustee or the Plan Administrator at the address listed above.

METHOD OF FUNDING

Employer contributions and earnings from the Fund's investments.

COLLECTIVE BARGAINING AGREEMENT

The Training Program is maintained pursuant to one or more collective bargaining agreements, which are available for your examination at the Training Fund Business Office. You may obtain a copy of any such agreement upon written request to the Plan Administrator.

Training Fund of the I.U.O.E
Local Union 94-94A-94B, AFL-CIO
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