



STATIONARY ENGINEERS LOCAL 39 TRUST FUNDS

To: All Participants and Dependents
From: Board of Trustees of Stationary Engineers Local 39 Health and Welfare Plan
Re: Changes to Claims and Appeals Procedures
Waiver of Class, Collective and Representative Actions
Date: October 31, 2019

This Summary of Material Modifications (“SMM”) will advise you, that effective November 15, 2019, the Board of Trustees of Stationary Engineers Local 39 Health and Welfare Plan has adopted a change to the Claims and Appeals Procedures as it relates to waiver of class, collective and representative actions. **This information is VERY IMPORTANT.** Please take the time to read it carefully.

Effective November 15, 2019, the new language is added to 14. Claims and Appeal Procedures, Filing Your Claims and Filing Disability Claims. Specifically, the sentence below is added to the end of the section entitled “Following Exhaustion of an Appeal” on page 75 and section entitled “Timeframes for Sending Notices of Appeal Determinations for Disability Claims” on page 78:

By participating in the Plan, to the fullest extent permitted by law, whether in court or otherwise, Participants and Dependents waive any right to commence, be a party to in any way, or be an actual or putative class member of any class, collective, or representative action arising out of or relating to any dispute, claim or controversy, and Participants and Dependents agree that any dispute, claim or controversy may only be initiated or maintained and decided on an individual basis.

Because this Plan is a “grandfathered health plan,” we are required by law to provide this notice to you:

This group health plan believes this plan is a “grandfathered health plan” under the Patient Protection and Affordable Care Act (the Affordable Care Act). As permitted by the Affordable Care Act, a grandfathered health plan can preserve certain basic health coverage that was already in effect when that law was enacted.

Being a grandfathered health plan means that your plan may not include certain consumer protections of the Affordable Care Act that apply to other plans, for example, the requirement for the provision of preventive health services without any cost sharing. However, grandfathered health plans must comply with certain other consumer protections in the Affordable Care Act, for example, the elimination of lifetime limits on benefits.

Questions regarding which protections apply and which protections do not apply to a grandfathered health plan and what might cause a plan to change from grandfathered health plan status can be directed to the Trust Fund Office at 925-208-2280. You may also contact the Employee Benefits Security Administration, U.S. Department of Labor at 1-866-444-3272 or www.dol.gov/ebsa/healthreform. This website has a table summarizing which protections do and do not apply to grandfathered health plans.

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This SMM is intended to supplement and update the most recent Summary Plan Description/Plan Document (the “SPD”). Please keep this important notice with your SPD for easy reference to all Plan provisions.

Receipt of this notice does not constitute a determination of your eligibility for health and welfare benefits. If you have any questions regarding the Plan changes, please contact the Administrative Office at 925-208-2280.

In accordance with ERISA reporting requirements this document serves as your Summary of Material Modifications.

This document has been uploaded and is available on the participant website at:

www.Local39benefits.org