

Mahoning & Trumbull County Building Trades Insurance Fund

33 Fitch Boulevard • Austintown, Ohio 44515

Phone: (330) 270-0453

Toll Free: 800-435-2388

SUMMARY OF MATERIAL MODIFICATIONS FOR THE SUMMARY PLAN DESCRIPTION OF THE MAHONING & TRUMBULL COUNTY BUILDING TRADES INSURANCE FUND

The Trustees have made a *change* to the Plan provisions. This "Summary of Material Modifications" explains the change and should be kept with your Summary Plan Description.

* * *

The section entitled "Family and Medical Leave Act of 1993" (p. 55) has been **revised** to include additional criteria and will now read as follows:

FAMILY AND MEDICAL LEAVE ACT

The Family and Medical Leave Act (FMLA) requires your Employer to provide you with up to twelve (12) weeks of unpaid leave during any twelve (12) month period for specified family and medical reasons, if you are eligible. During this period, your Employer must provide health coverage for you on the same terms and conditions that you receive if you continue to work.

To be eligible for leave under FMLA, you must work for the same contributing Employer for at least twelve (12) months and for at least 1,250 hours during the twelve (12) month period before the leave begins. Generally your Employer is obligated to provide Family and Medical Leave only if your Employer employs fifty (50) or more employees each working day during each of twenty (20) or more workweeks during the current or preceding calendar year.

During the FMLA leave, your Employer must make contributions to the Fund on your behalf so that your health coverage will be continued. Federal law requires that you receive continued eligibility.

A covered Employer must grant an eligible participant up to a total of twelve (12) workweeks of unpaid leave during any twelve (12) month period for one or more of the following reasons:

- For the birth or placement of a child for adoption or foster care;
- To care for an immediate family member (spouse, child, or parent) with a serious health condition; or

- To take medical leave when the participant is unable to work because of a serious health condition.
- **Eligible employees are entitled to up to twelve (12) weeks of leave because of “any qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation.**
- **An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to leave up to twenty-six (26) weeks in a single twelve (12) month period to care for the service member. This military care giver leave is available during “a single twelve (12) month period” during which an eligible employee is entitled to a combined total of twenty-six (26) weeks of all types of FMLA leave.**

Arrangements will need to be made for participants to pay their share of health insurance premiums while on leave.

Upon return from FMLA leave, a participant must be restored to his or her original job or to an equivalent job. In addition, participant’s use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave.

Please contact the Fund office if you have any questions regarding your options under the FMLA.

Repayment of Contributions to Employer. If you take leave under the FMLA and you fail to return to your Employer for any reason after such absence under the Act, your Employer has the right to collect all contributions made on your behalf during such leave of absence. Thus, to insure your continuing coverage under this Plan and to prevent possible repayment of all contributions to your Employer, you should return to work at the end of your leave under the FMLA.

* * *

Please keep this information with your Summary Plan Description. Also, if you have any questions regarding these changes, please contact the Fund Office.

BOARD OF TRUSTEES
 MAHONING & TRUMBULL COUNTY
 BUILDING TRADES INSURANCE FUND

November 3, 2008