



**NEW YORK STATE
TEAMSTERS COUNCIL
HEALTH & HOSPITAL FUND**



LEGAL BENEFIT PLAN

January 1, 2024



NEW YORK STATE TEAMSTERS COUNCIL HEALTH & HOSPITAL FUND LEGAL BENEFIT PLAN

The New York State Teamsters Legal Benefit Plan (“Plan”) was established under the New York State Teamsters Council Health & Hospital Fund (“Fund”) as part of a collective bargaining agreement to service your legal needs. The Plan is intended to provide important and frequently needed personal legal services to active Teamster members and their dependents. The Plan became effective July 1, 1999 and has been modified several times since then.

This Summary Plan Description describes who is eligible and what legal services are available to you under the Plan. Not every person or service is covered, so please read this booklet carefully. The Summary Plan Description replaces and supersedes all previous descriptions concerning the Plan as of January 1, 2024.

The Plan is governed by a Trust Agreement, and by the rules and regulations adopted by the Board of Trustees (“Trustees”) of the Fund. These documents control in the case of any differences between them and this Summary Plan Description.

The Fund has selected the law firm of Moyer & Associates, P.C., an experienced legal service provider, to assist in administering the provision of legal services under the Plan. In most cases, you will use an approved Participating Attorney or Law Firm, which may include an attorney with the law firm of Moyer & Associates, P.C. These arrangements are described more fully in this booklet.

The Trustees look forward to the continued successful operation of the Legal Benefit Plan, and are committed to ensuring that it provides Plan participants with the most competent, effective and professional legal representation available, in a most convenient and accessible manner.

Sincerely,

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TABLE OF CONTENTS

	Page
I. ELIGIBILITY FOR PLAN BENEFITS.....	1
II. HOW TO GET LEGAL SERVICES.....	1
III. LEVELS OF COVERAGE UNDER THE PLAN.....	2
IV. LEGAL SERVICES COVERED UNDER THE PLAN	4
FAMILY LAW.....	4
WILLS AND ESTATES	4
BANKRUPTCY AND DEBT MATTERS	4
REAL ESTATE MATTERS	4
TRAFFIC AND CRIMINAL MATTERS.....	5
WORKERS' COMPENSATION CLAIMS	5
PERSONAL INJURY AND PROPERTY DAMAGE CLAIMS	5
CONSUMER AND FINANCIAL SERVICES.....	5
COSTS	6
V. EXCLUDED SERVICES	6
VI. PROHIBITED SERVICES	6
VII. IF YOU HAVE A QUESTION OR PROBLEM	7
VIII. CLAIM AND APPEAL PROCEDURES	7
IX. AMENDMENTS AND FUTURE OF THE LEGAL BENEFIT	8

I. ELIGIBILITY FOR PLAN BENEFITS

Active Participants – Eligibility for Plan Benefits provided to active participants is determined by the Fund in accordance with the Fund's Eligibility Rules, which are contained in the General Eligibility & ERISA Rights Information booklet provided by the Fund. Please contact the Fund if you need a copy of this booklet or if you have any questions about the coverage terms.

Retired Participants – Effective June 1, 2011, retirees are also eligible for Plan Benefits on a self-pay basis, provided they enroll in the Plan for a minimum 12-month period. To be eligible for this retiree legal benefit, you must either (1) be receiving a pension from the New York State Teamsters Conference Pension & Retirement Fund ("Pension Fund") or (2) have been a participant in the New York State Teamsters Council Health & Hospital Fund at the time of your retirement.

Effective January 1, 2024, the current monthly cost of the retiree legal benefit is \$22.95. Effective January 1, 2025, this monthly amount will increase to \$23.55. Effective January 1, 2026 this monthly amount will increase to \$24.42. Payment options are as follows:

(1) If you are receiving a pension from the Pension Fund, payment can be made through a monthly deduction from your pension check in the required amount (Effective January 1, 2024 through December 31, 2024, the rate is \$22.95; effective January 1, 2025, the rate will be \$23.55. Effective January 1, 2026 that rate will be \$24.42.)

(2) If you are not receiving a pension from the Pension Fund, you must make a pre-payment of the full amount of monthly payments for the year as follows: (\$275.40 for 2024, \$282.60 for 2025 and \$293.04 for 2026).

Dependents – Eligibility for Plan Benefits provided to participants' dependents is determined by the Fund in accordance with the Fund's Eligibility Rules, which are contained in the General Eligibility & ERISA Rights Information booklet provided by the Fund. Please contact the Fund if you need a copy of this booklet or if you have any questions about the coverage terms. Except as set forth below, dependents are eligible for the same Plan Benefits as the participants.

II. HOW TO GET LEGAL SERVICES

To use the Plan, go to an approved "Participating Attorney" (i.e. an attorney who has an arrangement with the Fund and/or Moyer & Associates, P.C. to provide Benefits under the Plan) or call the law firm of Moyer & Associates, P.C. ("Moyer & Associates") at (585) 458-2800 or Toll Free at 1-888-NYS-TLBP (1-888-697- 8527) between 9 a.m. and 5 p.m., Monday through Friday. Be prepared to give the representative from Moyer & Associates your Social Security Number. (If you are a spouse or a child, you will need the Social Security number of the Teamster member through whom you are eligible.)

The attorney or legal assistant you speak with will:

- Request your Social Security Number to verify your eligibility for services;
- Request your Social Security Number to verify your eligibility for services;
- Ask you if you have preference for one of the Participating Attorneys in your geographic area;
- Give you an Authorization Number (similar to a claim number), which you must give to the Participating Attorney when you contact him or her;
- Give you an expiration date for that Authorization Number (see note below);

- Give you the telephone number of the local Participating Attorney you have expressed a preference for, or to a Participating Attorney most convenient to you; and
- Answer any questions you may have about the Plan.

You will need a new Authorization Number for each new case or matter that you have.

If you have already contacted Moyer & Associates, you will then contact the Participating Attorney you have been referred to for the purpose of obtaining either a telephone consultation or to schedule an office appointment to meet with the attorney in person.

In a few areas, where there are no attorneys and/or law firms who currently act as Participating Attorneys to the Plan, you will be given the opportunity to select your own attorney. Moyer & Associates will compensate the attorney you have selected, in accordance with the Plan's Fee Schedule. **This accommodation must first be arranged between the attorney you have selected and Moyer & Associates.** You must call Moyer & Associates prior to contacting any non-participating attorney, to verify your eligibility for services under the Plan. Unless Moyer & Associates makes a prior arrangement with the attorney you have selected, the terms of the Plan may not apply, and you may be responsible for fees charged by the attorney you have selected. For this reason, it is very important for you to contact Moyer & Associates before contacting any attorney.

You may consult with a Participating Attorney as often as you would like. There are no limits on your use of the Plan. However, the Participating Attorney you are referred to cannot represent you if he or she believes your legal position is without merit.

Your use of the Plan is confidential. No one will interfere with your attorney's independent exercise of professional judgment when representing you. Neither your employer nor your local union will ever know you have consulted with an attorney. However, certain data concerning benefits provided under the Plan may be released to the Fund, but the details of your legal representation will always remain confidential between you and the attorney representing you.

III. LEVELS OF COVERAGE UNDER THE PLAN

The Plan covers many types of legal services that you and your family may need. Some services are *Fully Covered*, some have *Limited Coverage*, and others are only covered for *Telephone Advice and/or Office Consultations*. There are also other types of matters that involve *Contingent Fees*. These types of coverage can be summarized as follows: **FULLY COVERED** – Many services offered under the Plan are Fully Covered. This means that the Plan will pay the Participating Attorney and/or Law Firm the entire fee associated with the handling of your legal matter, ***at no expense to you whatsoever.***

¹ PLEASE NOTE: All Authorization Numbers issued by Moyer & Associates will only be valid for a period of ninety (90) days from the date the number is issued. The Plan participant will be given an expiration date for this Authorization Number simultaneously. If the Plan participant fails to contact the attorney or law firm that they are referred to prior to this expiration date, the Authorization Number will no longer be valid. Under these circumstances, it will be necessary for the Plan participant to contact Moyer & Associates, which will again verify eligibility for this benefit and to issue a new Authorization Number.

LIMITED COVERAGE – Certain types of legal matters, for example, contested and/or uncontested divorce proceedings, are not Fully Covered services. The Plan will pay the Participating Attorney who provides this type of service a fixed flat fee to cover a set number of hours spent representing you. If, depending upon the circumstances of the case, additional attorney time is required to complete the matter, the Participating Attorney and/or Law Firm will bill you directly for this additional time at the fixed hourly reduced rate of \$250.00 per hour. This fixed hourly rate is likely considerably less than the amount you would otherwise be charged by experienced practitioners in this area of the law who do not act as Participating Attorneys to this Plan. Before representing you on a Limited Coverage type matter, you will be asked by the Participating Attorney to sign a written fee agreement explaining your responsibilities and obligations.

***Below is a Table of the scheduled allowances for certain Limited Coverage matters:

Contested Divorce	\$1,500
Uncontested Divorce	\$1,250
Change of Custody	\$1,000
Post Decree Enforcement	\$750
Paternity Defense	\$ 1,000
Chapter 7 Bankruptcy	\$1,250
Chapter 13 Bankruptcy	\$1,500
Consumer Transactions	\$500
Contract Matters	\$500
Small Claim Matters	\$500
Voluntary Administration	\$750
Standard Court Supervised Probate	\$1,000

TELEPHONE ADVICE/OFFICE CONSULTATION – In addition to Fully Covered or Limited Coverage matters, there are a number of other types of legal matters that are covered for telephone advice and/or an office consultation with a Participating Attorney. For example, if you or an eligible family member are charged with a misdemeanor or felony criminal offense, you are entitled to speak with a Participating Attorney by phone or in an office setting, at no charge, to discuss the facts and circumstances of your matter and be advised of your legal rights with regard to it. After consulting with this attorney, you may decide that you do not need to retain his or her services. If, however, after consulting with this attorney, you decide to retain his or her services to represent you in this matter, you may do so and the Participating Attorney will bill **you** for his or her services at the fixed hourly reduced rate of \$250.00 per hour. Again, you will be asked to sign a written fee agreement explaining your responsibilities and obligations.

CONTINGENT FEES – For certain types of legal services, most commonly, personal injury law suits, attorneys are paid only if they recover something for you, and in that event, their fee is a percentage of what is recovered. This type of fee is called a “Contingent Fee.”

Most attorneys who perform this type of work are paid 1/3rd of the net recovery, regardless of whether the case has been placed in suit. The Participating Attorneys performing this type of work agree to do so at a reduced rate of 25% of the net recovery, if the case can be settled prior to the case being put into suit. A fee of 30% of the net recovery applies if the case is settled after being put into suit. A full 33% of the net recovery may be charged by the Participating Attorney if the case goes to trial. If you have a type of case that will be a Contingent Fee, you will be asked to sign a written fee agreement explaining your responsibilities and obligations.

IV. LEGAL SERVICES COVERED UNDER THE PLAN

This booklet is a Summary Plan Description and is not intended to fully describe every service offered under the Plan. The following paragraphs describe the general types of services offered. If after reviewing the following paragraphs, you have any questions or concerns about whether a particular matter is covered, or what type of coverage is provided for a particular matter, call Moyer & Associates at (585) 458-2800 ext. 310 or Toll Free at 1-888-697-8527 ext. 310.

FAMILY LAW

Adoptions are Fully Covered.

Limited Coverage is provided for the following matters: Contested or Uncontested Divorces, Enforcement, Defense or Modification of a Support, Custody or Visitation Order, Contested or Uncontested Change of Custody Matters and Paternity Defense matters.

Telephone advice and/or office consultations are available to discuss pre-nuptial agreements, separation agreements or other types of family law matters not specifically mentioned.

WILLS AND ESTATES

Preparation of a Will for you and your spouse, Powers of Attorney, Codicils to existing wills, Health Care Proxies and Living Wills (documents that memorialize your wishes should you become incurably ill and detail what efforts you wish taken to keep you alive under those circumstances) are Fully Covered.

Limited Coverage is provided for Estate Administration and Probate Proceedings.

BANKRUPTCY AND DEBT MATTERS

If you need to file for Bankruptcy, either under Chapter 7 (straight Bankruptcy) or Chapter 13 (Reorganization), each of these types of proceedings are Limited Coverage matters under the Plan. Other debt-related matters such as reaffirming a particular debt or contesting a collection action are also Limited Coverage matters.

On a Chapter 7 proceeding, the Plan will pay a Limited Coverage legal fee of up to one thousand dollars (\$1,250.00) for the provision of this service.

On a Chapter 13 proceeding, the Plan will pay a Limited Coverage legal fee of up to one thousand two hundred fifty dollars (\$1,500.00) for the provision of this service.

REAL ESTATE MATTERS

A Participating Attorney will represent you in the Purchase or Sale of **your principal residence** or in the Refinance of an existing mortgage(s) **on your principal residence** as a

Fully Covered service. The Purchase and Sale and/or Refinance transactions involving second homes, investment or vacation properties are not covered.

In Landlord-Tenant matters, you are entitled to representation by a Participating Attorney if you are Tenant being evicted from the premises you are renting as a Fully Covered service.

Other Real Estate matters are covered for telephone advice/office consultations only.

TRAFFIC AND CRIMINAL MATTERS

A Participating Attorney will represent you on any traffic tickets or similar violations as a Fully Covered service. This service does not provide coverage for parking tickets or any misdemeanor or felony offenses (e.g., Driving While Intoxicated) even though such offense may be charged by a traffic citation (Appearance Ticket).

Expungement of Criminal Record, Driving Privileges Restoration and other traffic or criminal matters are covered for telephone advice/office consultation only.

If you are charged with a Misdemeanor or Felony criminal offense, you are entitled to telephone advice/office consultation with a Participating Attorney. If you decide to retain a Participating Attorney to represent you in a criminal matter after consulting with him or her, you may retain this Attorney at the fixed hourly reduced rate of \$250.00 per hour which will be billed to **you**. Again, you will be asked to sign a written fee agreement explaining your responsibilities and obligations.

WORKERS' COMPENSATION CLAIMS

The Participating Attorney will give you a twenty percent (20%) discount on the legal fee that they seek to be awarded by the Administrative Law Judge assigned to your case.

PERSONAL INJURY AND PROPERTY DAMAGE CLAIMS

In a Personal Injury case, the Participating Attorney representing you will offer you a Contingent Fee agreement that will compensate the attorney with a fee of 25% of the net recovery if the matter can be settled before the case is put into suit; a fee of 30% of the net recovery if the matter is settled after being placed in suit; and a fee of 33% of the net recovery if the case is settled at trial or goes to verdict.

Limited Coverage is available for a Participating Attorney to assist you with a Property Damage claim. Example: Your automobile is damaged in an accident and you wish to pursue the person who caused the damage to your vehicle without going through your auto insurance carrier.

CONSUMER AND FINANCIAL SERVICES

Under the Plan, you are entitled to telephone advice/office consultation with a Participating Attorney about Small Claims matters. The Participating Attorney will review the facts and circumstances of your particular claim or defense, and advise you how to present evidence in your case and how to argue your position in court.

Although it is generally not necessary for you to be represented by an attorney in Small Claims matters, if you wish a Participating Attorney to appear with you in Small Claims Court, the Plan will provide Limited Coverage. In these instances, the Plan will pay the Participating Attorney a fixed flat fee to cover a set number of hours spent representing you in this type of matter. If additional attorney time is required to represent your interests in

this matter, the Participating Attorney will bill you for this additional time at the fixed hourly reduced rate of \$250.00 per hour. As with all Limited Coverage matters, you will be asked to sign a written fee agreement explaining your responsibilities and obligations.

There is Limited Coverage for a Participating Attorney to assist you in *disputes*, but not litigation, involving Consumer Goods, Services or Transactions. This coverage includes gathering relevant information from you, writing a demand letter and, if possible, negotiating a settlement on your behalf.

There is also Limited Coverage for a Participating Attorney to consult with you for the purposes of reviewing any type of civil contract, which includes, but is not limited to, retail goods or services, auto, home and life insurance policies and/or contracts. The Participating Attorney will thoroughly review the document in question with you and address any questions or concerns that you may have regarding it.

COSTS

Under the Plan, certain legal-related costs are *Fully Covered*. Fully Covered costs are those that are paid to a court as filing fees for certain services such as an Adoption or a Bankruptcy proceeding, or filing fees and/or recording fees paid to a Municipal Clerk's Office for recording documents such as deeds or mortgages in Real Estate matters.

Fully Covered costs **do not include** any taxes or levies owed by you or any fees paid to a third-party, even if paid through or at the direction of a Court. For example, guardian ad litem fees or costs of service by publication that may be required in an Adoption proceeding; fees charged by a sheriff or a private process server; costs of a deposition paid to a court reporter; or costs incident to Real Estate transactions such as re-dating an abstract of title or an instrument survey map. Since matrimonial proceedings, e.g., Contested or Uncontested Divorce matters, are not Fully Covered matters, the filing fees for Index Numbers, Requests for Judicial Intervention, Notes of Issue and the like, are not Fully Covered costs. These costs and fees are your exclusive responsibility.

V. EXCLUDED SERVICES

Excluded Services are those legal services for which there is no coverage whatsoever under the Plan, but may be provided to you by a Participating Attorney at your own expense. Participating Attorneys will provide these "Excluded Services" to you at the fixed hourly reduced rate of \$250.00 per hour if you wish to retain them. You will be asked to sign a written fee agreement explaining your rights and responsibilities. Where such services are provided, you are solely responsible for all fees and costs.

Excluded Services include any disputes or proceedings involving:

- Appeals, Class Actions, Injunctions, Amicus Curiae Filings and Derivative actions; • Commercial, Farm, Business or Investment matters (This includes, but is not limited to, rental property transactions and any portion of a Bankruptcy proceeding related to a business or investment interest); and
- Admiralty, Patents, Trademarks, Copyrights and Income Tax preparation.

VI. PROHIBITED SERVICES

Certain matters are *Prohibited* from coverage under the Plan. No services or consultations may be provided by a Participating Attorney for any dispute or proceeding involving any of the following as an adverse party:

- any employer party to a Collective Bargaining Agreement with the New York State Teamsters Council (except for representation of a Plan Participant in a Workers' Compensation matter)
- the Trustees, Plan or Fund, or any employee or agent thereof;
- the Pension Fund, its Board of Trustees, or any employee or agent thereof;
- the New York State Teamsters Council or any labor union; or
- any Health, Welfare, Pension or other Fringe Benefits Program or Plan or the trustees, administrators, or employees thereof, in which any other labor union participates or has an interest.

Also Prohibited is representation in any proceeding or legal matter:

- where a union would be prohibited from defraying the costs of such representation by the provisions of the Labor-Management Reporting and Disclosure Act of 1959 and any proceeding arising under the National Labor Relations Act, as amended, or under the Labor-Management Relations Act, as amended;
- involving fines or penalties, whether civil or criminal;
- involving any judgment for civil damages;
- pending on or before July 1, 1999, or any legal action in which the participant is represented by an attorney other than a Participating Attorney or Law Firm, including Moyer & Associates;
- involving any legal service which is not a personal legal service within the meaning of Section 120 of the Internal Revenue Code of 1954, as amended;
- involving another eligible Plan Participant as an adverse party, unless the participants are separately represented. Nor shall the Plan provide benefits to a spouse or surviving spouse in connection with a divorce, separation, annulment or dissolution, unless the spouse or surviving spouse is or was an active or retired Teamster member separately eligible for benefits under the Plan; nor to a dependent child whose interest is adverse to that of the Employee through whom the dependent's eligibility is derived;
- involving election laws, or warrant to any civil office;
- involving any dispute regarding the Plan, Fund or Trustees.

VII. IF YOU HAVE A QUESTION OR PROBLEM

If you have any questions about the Plan, or a problem with coverage, your attorney or your case, call or email Vincent M. Moyer at Moyer & Associates, (585) 458- 2800 ext. 314 or toll free at 1-888-697-8527 ext. 314. Contact email address: vmoyer@mrresq.com.

If Mr. Moyer is unable to resolve the problem to your satisfaction, you may write to the Fund, Attention Mr. Kenneth R. Stilwell, Executive Administrator, 151 Northern Concourse, P.O. Box 4928, Syracuse, New York 13221-4928, for further assistance.

VIII. CLAIM AND APPEAL PROCEDURES

The procedures concerning initial determinations, adverse benefit determinations and appeals regarding legal benefits are set forth in Section 7 of the General Eligibility & ERISA Rights Information booklet provided by the Fund. If you need a copy of this booklet, please contact the Fund as set forth above.

IX. AMENDMENTS AND FUTURE OF THE LEGAL BENEFIT

It is hoped that the legal benefit as set forth in this Plan will be offered indefinitely, but the Trustees reserve the right to change or terminate the provision of legal benefits and the Plan in the future including, without limitation, changing the level of coverage, the services covered and excluded, and the premiums charged. Any such action would be taken only after careful consideration.

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