

## **Employee Rights under Benefit Plans**

### **Right to Amend or Terminate the Plan**

It is the intent of **School of VISUAL ARTS** that their health and welfare plans will continue indefinitely. However, **School of VISUAL ARTS** reserves the right to amend, modify, suspend or terminate any or all of its health and welfare plans, in whole or in part, for any reason, and at any time, and may, in certain circumstances, result in the reduction or elimination of benefits or other features of a plan to the extent permitted by law.

### **Discretion to Interpret the Plan**

The administration of the health and welfare plans will be under the supervision of the applicable plan administrator (the "Plan Administrator"). To the fullest extent permitted by law, the Plan Administrator will have the exclusive discretion to determine all matters relating to the plans, including but not limited to eligibility, coverage and benefit determinations under the plans. The Plan Administrator will also have the exclusive discretion to determine all matters relating to interpretation and operation of the plans. The Plan Administrator may delegate any of its duties and responsibilities to one or more persons or entities. Decisions by the Plan Administrator, or any authorized delegate, will be conclusive and legally binding on all parties.

### **Plan Document Controls**

These notices contained herein are, in some instances, required by law and are intended to help you understand some of the features of the plans. It should not be considered a substitute for the applicable plan documents, which govern the operation of the plans. Those official documents set forth all of the details and provisions concerning the plans and are subject to amendment. If any questions arise that are not covered in these notices or if this document appears to conflict with the official plan documents, the text of the official plan documents will determine how questions will be resolved. To request a copy of any plan document, please contact Nicole Wendorff, Benefits Supervisor at (212)592-2691 or Mairead Reardon, Benefits Coordinator (212) 592-2640.

### **No Contract of Employment**

These notices provide information about the health and welfare plans, and how they work. These notices do not constitute an implied or express contract or guarantee of employment. Similarly, your eligibility or your right to benefits under the plans should not be interpreted as an implied or express contract or guarantee of employment. Employment decisions are made without regard to benefits to which you are entitled upon employment.

### **Military Leaves of Absence (USERRA)**

You are entitled to continue health benefits under the Uniformed Services Employment and Reemployment Rights Act (USERRA). USERRA guarantees certain rights to eligible employees who enter military service. For more information, see: [http://www.dol.gov/vets/programs/userra/USERRA\\_Private.pdf](http://www.dol.gov/vets/programs/userra/USERRA_Private.pdf)

### **Family and Medical Leave Act (FMLA)**

If you qualify for an approved family or medical leave of absence as defined in the Family and Medical Leave Act of 1993 (FMLA), health care coverage may continue if you pay any required contributions for coverage. Failure to make payment will result in the termination of your health care coverage. If you fail to return to work after the leave of absence, **School of VISUAL ARTS** has the right to recover any contributions toward the cost of your health care coverage incurred during your leave.

### **Qualified Medical Child Support Order (QMCSO)**

The Plan will comply with all the terms of a qualified medical child support order (QMCSO). A QMCSO is an order or judgment from a court or administrative body that directs the Plan to cover a child of a participant under the medical plan. Federal law provides that a medical child support order must meet certain form and content requirements in order to be a qualified medical child support order. When an order is received, each affected participant and each child (or the child's representative) covered by the order will be given notice of the receipt of the order and a copy of the Plan's procedure for determining if the order is valid. Coverage under the Plan pursuant to a medical child support order will not become effective until the Plan Administrator determines that the order is a QMCSO. If you have any questions or if you would like to receive a copy of the written procedure for determining whether a QMCSO is valid, please contact Nicole Wendorff, Benefits Supervisor at (212)592-2691 or Mairead Reardon, Benefits Coordinator (212) 592-2640.

### **YOUR RIGHTS UNDER ERISA**

If you are a participant in any of the plans that are subject to the Employee Retirement Income Security Act of 1974 (ERISA), you will be entitled to certain rights and protections under those plans. ERISA provides that all plan participants shall be entitled to:

Receive Information About Your Plan and Benefits

- Examine, without charge, at the Plan administrator's office, union halls, and at other specified locations, such as work sites, all documents governing the Plan, including insurance contracts, and a copy of the latest annual report (Form 5500 Series) filed by the Plan with the U.S. Department of Labor and available at the Public Disclosure Room of the Employee Benefits Security Administration.

- Obtain, upon written request to the Plan administrator, copies of documents governing the operation of the Plan, including insurance contracts, collective bargaining agreements, and copies of the latest annual report (Form 5500 Series) and updated summary plan description. The administrator may make a reasonable charge for the copies.
- 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 annual report.

### **Continue Group Health Plan Coverage**

- Continue group health coverage for yourself, your spouse or your dependents if there is a loss of coverage under the Plan as a result of a qualifying event. You or your dependents may have to pay for such coverage.
- Review this summary plan description and the documents governing the Plan for the rules governing your COBRA continuation coverage rights.

### **Prudent Actions by Plan Fiduciaries**

In addition to creating rights for plan participants, ERISA imposes duties upon the people 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, or any other person, may fire you or otherwise discriminate against you in any way to prevent you from obtaining a plan benefit or exercising your rights under ERISA.

### **Enforce Your Rights**

If your claim for a plan benefit is denied or ignored, in whole or in part, you have a right to know why this was done, to obtain copies of documents relating to the decision without charge, and to appeal any denial, all within certain time schedules. Under ERISA, there are steps you can take to enforce the above rights. For instance, if you request a copy of Plan documents or the latest annual report from the Plan and do not receive them within 30 days, you may file suit in a 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 that is denied or ignored, in whole or in part, you may file a suit in a state or federal court but only after you have exhausted the Plan's claims and appeals procedure as described in the summary plan description. In addition, if you disagree with the Plan's decision or lack thereof concerning the qualified status of a medical child support order, you may file suit in a federal court.

If it should happen that 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 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.

### **Assistance with Your Questions**

If you have any questions about your Plan, you should contact the Plan administrator. If you have any questions about this statement or about your rights under ERISA, or if you need assistance in obtaining documents from the Plan administrator, you should contact the nearest office of the Employee Benefits Security Administration (EBSA), U.S. Department of Labor, listed in your telephone directory, or the Division of Technical Assistance and Inquiries, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue N.W., Washington, DC 20210.

You may also obtain certain publications about your rights and responsibilities under ERISA by calling the publications hotline of the Employee Benefits Security Administration.