

**DIVISION 1181 A.T.U. - NEW YORK WELFARE FUND
SUMMARY OF MATERIAL MODIFICATIONS**

The Board of Trustees of the Division 1181 A.T.U. - New York Welfare Fund is pleased to announce that the Trustees have adopted the following additional changes to the Division 1181 A.T.U. - New York Welfare Fund's Plan of benefits ("Plan"). Please keep this document with your Summary Plan Description ("SPD").

1. Effective January 1, 2009, the definition of Dependent in Section 1 of the SPD is amended to include a spouse of the same sex if the Participant and spouse are legally married.

2. Effective April 1, 2009, Section 2(G) is amended to reflect a new right to enroll yourself and your dependents in certain situations.

Effective April 1, 2009, you may be able to enroll yourself and your dependents, in this Plan, if you or your dependents lose eligibility for financial assistance under Medicaid or the State Children's Health Insurance Program ("CHIP"). However, you must request enrollment within 60 days of the date that CHIP or Medicaid assistance is terminated for you or your dependent.

In addition, effective April 1, 2009, you may be able to enroll yourself and your dependents in this Plan if you or your dependents become eligible to participate in a health insurance premium assistance program under Medicaid or CHIP. However, you must request enrollment within 60 days of the date you or your dependent is eligible for are determined to be eligible for the premium assistance through Medicaid or CHIP.

3. Effective January 16, 2008, Section 17 is amended to reflect the following new types of FMLA leave under the law:

Effective January 16, 2008, the FMLA also requires Employers with 50 or more Employees to provide Participants with up to 12 weeks per year of unpaid leave in the case of a qualifying exigency that arises in connection with the active military service of a child, spouse, or parent. Please contact the Fund Office for more information on what constitutes a qualifying exigency. In addition, effective January 28, 2008, employers with 50 or more Employees must also provide Participants with up to 26 weeks of unpaid leave during a single year to care for a child, spouse, parent or next of kin (i.e., nearest blood relative) who is a member of the Armed Forces and is either undergoing medical treatment or is on a temporary disability retired list as a result of a serious injury or illness. To qualify, the injury or illness must have been sustained in the line of military duty and rendered the servicemember medically unfit to perform his or her duties.

4. Section 2F of the Plan is amended to clarify that you may be eligible to receive weekly disability benefits and/or life insurance benefits from the Fund even if you waive

coverage under the collective bargaining agreement if your Employer contributes to the Fund for such benefits.

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