

Summary of Material Modifications

Dear Participant:

This document is a Summary of Material Modifications intended to notify you of changes made to the Buffalo Laborers Welfare Fund (the “Plan”). Since this document contains important changes to the Summary Plan Description (“SPD”) you received previously for the Plan, you should review it carefully (and share it with your family), and keep it with your copy of the SPD. If you need another copy of the SPD, or if you have any questions concerning this notice, please contact the Fund Office.

The Board of Trustees of the Plan has recently amended the Plan’s paid sick leave benefit – specifically the penalty for fraud or misrepresentations and the filing deadline. Please review the following for additional information.

Penalty for Fraud or Misrepresentations on Applications for Paid Sick Leave Benefits

As you are aware, Participants may receive up to 5 days of paid sick leave benefits a year from the Plan when unable to work for a Contributing Employer due to a covered reason listed in the SPD, provided that the Plan’s accrual and eligibility requirements have been satisfied.

To be eligible for a paid sick day(s), you must have been unable to work for a Contributing Employer on the applicable day(s) due to a covered reason listed in the SPD.

This means you cannot receive a paid sick day for a day on which you would not have been working for a Contributing Employer.

For example, you are not eligible to apply for a paid sick day for any day on which you were, (1) on the out of work list, (2) receiving wage replacement benefits from the Plan, or (3) receiving state unemployment benefits.

When applying for paid sick leave benefits you are required to list the name of the Contributing Employer you were unable to work for and the specific day or days you were unable to work.

The Fund Office verifies this information with your Contributing Employer, so it is important that your filing be accurate. As described below, there are potentially significant consequences for fraudulent filings.

If the Plan pays sick leave benefits that are in excess of what a Participant is entitled to due to fraud or for any other reason, the Plan reserves the right to recover such overpayment through

whatever means are necessary, including, without limitation, deduction of the excess amounts from future claims and/or legal action.

In addition, please be aware that the Plan has adopted a rule that provides that, if a Participant makes a false statement or furnishes false or fraudulent information, at a minimum, the Plan will deduct **\$500** from the Participant's Health Care Account for a first offense and **\$1,000** for a second offense (in addition to any action taken under the preceding paragraph to recover the amount that was overpaid).

Finally, if you make a false statement, or furnishes fraudulent or incorrect information (including, for example, submitting false information to receive paid sick leave benefits), your or your Dependent's (or Dependents') benefits under the Plan (and participation in the Plan – even if you or your Dependent(s) would otherwise meet the eligibility requirements) may be denied, suspended or discontinued at any time and for any length of time (including permanently) by duly authorized representatives of the Fund Office or the Trustees (or any of their designees) in their sole and absolute discretion.

New Application Deadline

Effective, March 1, 2022, the deadline for submitting an application for paid sick leave benefits has been changed to **15 days** after your absence from work due to one of the covered reasons listed in the SPD (previously, the deadline was 60 days).

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The Board of Trustees reserves the right to modify the Plan at any time and in any respect. If you need another copy of your SPD, or if you have any questions regarding these changes, please contact the Fund Office during normal business hours at (716) 894-8061.

Sincerely,

Board of Trustees
Buffalo Laborers Welfare Fund