

**A GUIDE TO YOUR BENEFITS**

**FROM THE**

**SEAFARERS VACATION PLAN**



August 2007



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## **INTRODUCTION**

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This booklet describes the benefits available to you from the Seafarers Vacation Plan. It was written for you and other workers who are participants in the Plan.

The Seafarers Vacation Plan is a multi-employer employee benefit plan. It provides vacation benefits to employees of employers who have collective bargaining agreements with the Seafarers International Union, Atlantic, Gulf, Lakes and Inland Waters District/NMU. The Plan is funded through contributions made by these employers. The assets of the Plan are held in trust for the participants.

This booklet contains important information about your vacation benefits. Read it carefully and keep it for future use. You may find it useful to read this booklet through several times.

For disabled participants, this book also is available in large print and audio-cassette versions. To request these versions, you can contact the Plan's office at:

Seafarers Pension Plan  
5201 Auth Way  
Camp Springs, Maryland 20746

**This booklet is only a summary of the Seafarers Vacation Plan. The Rules and Regulations of the Plan and the Trust Agreement, together with laws that apply to benefit plans, control the payment of benefits.**

## **INFORMATION YOU SHOULD BE AWARE OF**

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The Seafarers Vacation Plan is directed by a group of people called the Board of Trustees. The Board of Trustees has the absolute authority to make changes to the Plan. As of the date of this booklet, the members of the Board of Trustees are:

John Cox	Patricia Bowman
Ambrose Cucinotta	William Cole
Neil Dietz	Kevin McMonagle
Nicholas Marrone	Thomas Murphy
Jeff Turkus	Anthony Naccarato
Chris Westbrook	William Pagendarm
	Robert Rogers

The Board of Trustees are called *fiduciaries*. As fiduciaries, they have a duty to make prudent decisions regarding the Plan and to act in the best interest of the participants.

The Board of Trustees appoints a person to take care of the daily operations of the Plan. This person is called the Plan Administrator. The Administrator of the Seafarers Vacation Plan is Margaret R. Bowen.

You can contact the Board of Trustees and the Administrator at:

Seafarers Vacation Plan  
5201 Auth Way  
Camp Springs, Maryland 20746  
(301) 899-0675

Legal process may be served on the Plan Administrator or the Board of Trustees at the above address. Since the Plan's records are kept on a calendar year basis, the end of the Plan year is December 31.

The Internal Revenue Service identification number for the Seafarers Vacation Plan is 13-5602047.

## **HOW DOES A SEAMAN OR GREAT LAKES SAILOR BECOME ELIGIBLE FOR VACATION BENEFITS?**

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To become eligible for vacation benefits, a deep sea seaman or Great Lakes sailor must have credit for at least 60 days of employment during a 15-month period. It does not matter if the 60 days of employment is with one employer or several employers, as long as each employer pays into the Plan for vacation benefits.

## **HOW DOES A BOATMAN BECOME ELIGIBLE FOR VACATION BENEFITS?**

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To become eligible for vacation benefits, a boatman must have credit for at least 75 days of employment during a 15-month period. It does not matter if the 75 days of employment is with one employer or several employers, as long as each employer pays into the Plan for vacation benefits.

## **CAN I RECEIVE VACATION BENEFITS FOR UNEARNED WAGES?**

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You may be eligible to receive vacation benefits for unearned wages. Check your contract to see if you qualify for the vacation benefit for unearned wages.

## **IF I HAVE UNCLAIMED BENEFITS FROM THE NMU VACATION FUND, CAN I RECEIVE VACATION BENEFITS FROM THE SEAFARERS VACATION PLAN?**

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On January 1, 2007, the NMU Vacation Fund merged with the Seafarers Vacation Plan. If you had credit for employment before January 1, 2007 and you did not claim a vacation benefit from the NMU Vacation Fund for this employment, you may receive a vacation benefit from the Seafarers Vacation Plan.

To receive unclaimed vacation benefits, your claim must be based on a period of employment of at least thirty (30) days. Your application for unclaimed vacation benefits must be filed with the Seafarers Vacation Plan by December 31, 2008.

Once you have credit for at least sixty (60) days of employment on or after January 1, 2007, you will be eligible to receive the regular vacation benefit from the Seafarers Vacation Plan.

## **HOW MUCH CAN A SEAMAN RECEIVE AS A VACATION BENEFIT?**

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A seaman can figure their vacation benefit by following these steps:

1. Multiply the monthly base wage for your rating by 12. This is your annual base wage.
2. Divide the result of step one by 365. This is your daily base wage.
3. Multiply the result of step two by the number of vacation days stated in your contract. This is your monthly vacation amount.
4. Divide the result of step three by 30. This is your daily vacation amount.
5. Multiply the result of step four by the number of days you have worked. This is the amount of your vacation benefit.

**EXAMPLE:**

Lloyd is a seaman who has worked 125 days. His base wage is \$2,400 per month. To figure his vacation benefit, he multiplies \$2,400 by 12 to find his base wage of \$28,800 per year. He then divides \$28,800 by 365 to find his base wage of \$78.90 per day. Lloyd checks his contract to find that it provides for 14 days of vacation for every thirty days of work. He then multiplies \$78.90 by 14 to find his vacation amount of \$1,104.60 per month. After dividing \$1,104.60 by 30, Lloyd finds his vacation amount of \$36.82 per day. Finally, Lloyd multiplies \$36.82 by the 125 days he has worked and finds that he has \$4,602.50 as a vacation benefit.

**HOW MUCH CAN A BOATMAN OR GREAT LAKES SAILOR RECEIVE AS A VACATION BENEFIT?**

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The amount that a boatman or Great Lakes sailor can receive as a vacation benefit is determined by the collective bargaining agreement between their employer and the Seafarers International Union, Atlantic, Gulf, Lakes and Inland Waters District/NMU. The exact amount of your benefit depends on how much your employer agrees to pay the Plan. For help in figuring your vacation benefit, check with your local port office.

**HOW DO I APPLY FOR BENEFITS?**

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To receive vacation benefits, follow these steps:

1. File an application with the Plan. You can obtain an application from either your local port office or the Plan's main office.
2. Complete and sign the application.
3. Include with your application, photocopies of your discharges, pay vouchers, or a letter from your employer that shows your days of employment. Your pay vouchers and any letters from your employer must include the name of the vessel, your rating, and the dates of your employment.
4. Take your completed application to your local port office. The port office will check your application and then forward it to the Plan's main office for processing.

Your application for benefits must be filed within 15 months following the date you were discharged from the earliest voyage for which you are applying.

However, if you are unable to apply for benefits because you are on board a vessel, you must apply for benefits within 90 days following the end of your voyage or before you sign up for another voyage whichever comes first.

**SHOULD I KEEP COPIES OF MY VACATION BENEFITS?**

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Beginning June 16, 2002, certain seamen whose employers are paying the proper amount to the Seafarers Pension Plan can receive service credit for each day of vacation benefits they receive. In addition, beginning June 16, 2002, the amount you receive in vacation benefits can be added to your average base monthly earnings, which is used to determine the wage-related pension benefit. For this reason, it is a good idea to keep copies of your vacation benefit checks.

## **UPON MY DEATH, WHAT HAPPENS TO BENEFITS I HAVE EARNED?**

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Upon your death, your beneficiary can collect any uncollected vacation benefits you had earned. Your last designated beneficiary will receive a vacation benefit based upon the number of days that you worked. If you do not name a beneficiary, the benefits you have earned will be paid to your estate.

To receive your vacation benefits, your beneficiary or the person representing your estate must file an application with the Plan's main office within the 15-month application period.

## **IF I RETIRE, WHAT HAPPENS TO BENEFITS I HAVE EARNED?**

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If you retire on a pension from the Seafarers Pension Plan or NMU Pension Plan and you do not have credit for enough days to become eligible for a full vacation benefit, you can collect a benefit based on the number of days you worked.

To receive your vacation benefit you must file an application with the Plan's main office within the 15-month application period.

## **CAN I HAVE THE PLAN GIVE MY VACATION BENEFITS TO SOMEONE ELSE?**

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Generally speaking, you cannot have the Plan give your vacation benefits to someone else. However, there are certain exceptions.

You can have the Plan pay union initiation fees, quarterly dues, working dues, and SPAD contributions from your vacation benefits. Payments also can be made from your vacation benefits to an organization that is related to the Plan such as the Seafarers Money Purchase Pension Plan. To have payments made from your benefits, you must first file an Assignment Form with the Plan. The Assignment Form must show both the organization's name and the amount of money you want the Plan to pay them.

## **CAN MY VACATION BENEFITS BE TAKEN FROM ME?**

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By law, the Plan must honor all lawful liens, attachments or garnishments. The Internal Revenue Service can place a tax lien against your vacation benefits. In addition, your vacation benefits can be attached to pay other legal obligations such as alimony, child support, state taxes and other lawful debts.

If the Plan receives an attachment, you will be notified in writing. The Plan will hold most liens for a 15 month period. If you apply for a vacation benefit within this 15-month period, the Plan will deduct the stated amount from your benefit check. After making this payment, the Plan will send you a statement that shows the amount paid towards the debt.

If the Plan receives an IRS tax levy or a Child Support Income Assignment Order, the Plan will hold the Order indefinitely until the Order is modified or released.

## **WHAT RIGHTS DO I HAVE IF THE PLAN DENIES MY APPLICATION FOR BENEFITS?**

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If your application for benefits is denied, you have the right to appeal the decision to the Plan's Board of Trustees.

A written explanation will be sent to you if the Plan denies your application. If you believe that the Plan should have approved your application, you can request a review by the Plan. You must make your request in writing and you must send it within 90 days of the date your application was denied. When making your request, you should include any supporting documentation you have.

Your application will be reviewed by the Trustees. They will look at all proof that they receive from you or anyone else. After completing their review, the Trustees will make their final decision.

Your written appeal should be sent to:

Board of Trustees  
Seafarers Vacation Plan  
5201 Auth Way  
Camp Springs, Maryland 20746

Any legal action based upon the Plan's denial of benefits must be commenced no later than two (2) years after your appeal is denied by the Plan's Board of Trustees.

## **WHAT LEGAL RIGHTS DO I HAVE?**

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As a participant in the Plan you have certain rights under the Employee Retirement Income Security Act of 1974. These rights include:

- The right to receive information about the Plan.
- The right to inspect Plan documents at the Plan's office.
- The right to receive copies of Plan documents for a small copying fee.
- The right to receive a listing of signatory employers, as well as the collective bargaining agreements with employers for whom you have worked, when requested in writing.
- The right to receive a summary of the Plan's financial report.
- The right not to be penalized or discriminated against by the Trustees of the Plan when you are applying for benefits.
- The right to hire a lawyer if you believe that your application for benefits was incorrectly denied, or if you believe that the Trustees of the Plan have not acted appropriately.
- The right to have your questions answered by the Plan, and if you are not satisfied, the right to ask the U.S. Department of Labor.

U.S. Department of Labor  
Employee Benefits Security Administration  
Room N5619  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210