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THE NEW YORK HOTEL TRADES COUNCIL  
**EMPLOYEE BENEFIT FUNDS**  
THE HOTEL ASSOCIATION OF NEW YORK CITY, INC.

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**Training and  
Scholarship Fund**  
SUMMARY PLAN DESCRIPTION

OCTOBER 2001

**The New York Hotel Trades Council  
and  
Hotel Association of New York City, Inc.  
Training and Scholarship Fund  
305 West 44<sup>th</sup> Street, 3<sup>rd</sup> Floor  
New York, NY 10036**

Dear Member:

As Trustees of the Training and Scholarship Fund, we are pleased to present you with this booklet describing your valuable benefits. Whether you are enrolling in classes with the Training Program or your dependent is applying to compete for an award through our college Scholarship Program, you will find these benefits to be valuable assets for your entire family.

The courses offered through the Training Program are intended to give members whose employers make contractual contributions to this program the opportunity to advance their job skills and/or learn the necessary skills for another position in the hotel industry.

The Scholarship Program offers dependent children of members whose employers make contractual contributions to the Scholarship Program the opportunity to compete for financial assistance to further their education at a four-year (4-year) college or university of their choice.

Please keep this booklet in a safe, easy-to-find place for future reference. Members are advised of new developments in both the Training Program and Scholarship Program through the Hotel Voice newspaper, which each member receives at home.

You are encouraged to contact or visit the Training and Scholarship Fund Office at any time to find out if you are eligible for benefits, or to pick up applications for courses or the scholarship competition. Fund staff will be happy to provide you with information and assistance.

Sincerely,

BOARD OF TRUSTEES

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## **ADMINISTRATION OF THE FUND**

### **What is the Role of the Board of Trustees?**

The Fund is administered by an unpaid Board of Trustees, comprised of an equal number of Trustees representing contributing employers in the Hotel Association of New York City, Inc. (“the Employer”) and representing unions in the New York Hotel Trades Council (“the Union”). The Board of Trustees has the ultimate authority and bears the responsibility to make decisions on matters regarding the Training and Scholarship Fund and its programs. Trustee meetings are held at least twice each year to review the current status of both programs and the Fund’s finances. The Trustees review issues and, if deemed appropriate, enact any changes that need to be instituted. The Trustees reserve the right to adopt or amend the official rules, regulations, and policies regarding both programs at any time.

### **Who Directs the Fund?**

The day-to-day administration of the Fund is the responsibility of the Fund Director with the assistance of a dedicated staff. The Training Program enjoys the services of a training consultant. Professionals in the particular discipline are employed to teach the training classes. An impartial Selection Committee made up of college and university professionals selects the winners of the annual scholarship awards.

### **How Does the Training Program Relate to the Scholarship Program?**

The Training Program and the Scholarship Program are part of a single Fund (i.e., the Training and Scholarship Fund). They share the same Fund Office, Office staff and Board of Trustees, but they are separate benefit programs. Participation in one benefit program does not guarantee participation in the other. The collective bargaining agreement between the Union and the Employer will dictate whether a hotel, club or concession contributes to one or both programs. Employers make separate contributions to fund each program. These monies are invested and dispensed separately.

## **THE TRAINING PROGRAM**

### **When Did the Training Program Begin?**

The Training Program began in 1969 through the joint efforts of the Employer and the Union. It was created in response to the growing need for better-educated employees within the workplace and to promote and encourage worker advancement. Begun with only a few classes in the area of basic remedial education, and later expanded to include job-related training, the Training Program developed over the years. Today the Training Program remains committed to educating members and promoting and encouraging worker advancement.

### **How Is the Program Funded?**

Absolutely no member contributions are required. The program is financed by those employers (i.e., hotels, clubs and concessions) whose collective bargaining agreement with the Union requires them to make contributions to the Training Program on behalf of their bargaining unit employees. The amount of these contributions is determined by the terms of the bargaining agreement. In addition to employer contributions, the Training Program obtains city and state funding. Much of the state funding is made possible through the efforts of the Consortium for Worker Education (CWE), a non-profit organization comprised of labor unions as well as benefit fund training programs. CWE works to further legislation promoting expanded worker education. The Training Program was one of the seven (7) founding programs of CWE.

### **What Courses Are Available?**

The following courses are regularly offered: Banquet Server, Computer Skills, Plumbing Mechanic, and Boiler Mechanic. Members who need to study English-as-a-Second-Language or who wish to prepare for their High School Equivalency (GED) Diploma are referred to local agencies convenient to their homes, including the NYC Board of Education and local libraries. The Board of Trustees of the Fund has appointed a curriculum development subcommittee to research, design and develop new course offerings from time to time. All new courses are announced in the Hotel Voice newspaper. A list of available course offerings may be obtained at any time from the Fund Office.

### **Why Do Members Take Classes?**

Some members may be planning to change jobs within the hotel industry and wish to enroll in classes to learn new skills. Others may wish to remain in their chosen specialty, but would like to improve their current skills to enhance their chances for promotion. The Training Program has successfully assisted hundreds of members to achieve these goals, and credits a great deal of this success to members' enthusiasm, desire to learn and willingness to take on additional responsibility. The Program's knowledgeable staff is available to offer information and guidance. There are pre-requisites for some courses. These are outlined in the course descriptions that are distributed to the member with the program application. Members may choose whichever Training Program course they believe will help them achieve their goals.

### **Who Is Eligible to Take Classes?**

Classes are available to all active bargaining unit employees working in hotels, clubs or concessions that are obligated to contribute to the Training Program. Members must be employed in one of these hotels, clubs or concessions for at least nine (9) months to enroll in classes. (Special eligibility requirements for the Banquet Server course are below.) Although they are not eligible for classes offered by the Training Program, spouses of these active members, as well as pensioners and their spouses, may be referred by the Training Program for English-as-a-Second-Language or High School Equivalency (GED) Diploma classes given by a local agency convenient to their homes.

Applications are available throughout the year. The Fund Office is open Monday through Friday from 8:30 a.m. to 5:30 p.m. Evening hours are often extended. The Office is located on the third floor of 305 West 44th Street (corner of 8<sup>th</sup> Avenue), NY, NY 10036. The telephone number is (212) 586-6400, extension 4175. The fax number is (212) 237-3019. Applications are accepted without regard to age, race, creed, color, previous education, sex, sexual preference, handicap, geographic residence or national origin.

Although an employee's supervisor may suggest that an employee participate in the Training Program, supervisory approval or employer recommendations are not required.

### **What Are the Special Requirements for the Banquet Server Course and Certification?**

The special requirements for the Banquet Service course and certification are as follows:

To enroll in the Banquet Server course a member must:

- Be currently working for an employer who has signed the Industry-Wide Agreement with the Union and contributes to the Training Program, and
- Be currently working full-time for the employer for at least one (1) year.

To take the practical exam for certification a member must:

- Be currently working for an employer who has signed the Industry-Wide Agreement with the Union and contributes to the Training Program, and
- Be currently working for the employer as a full-time server for at least twelve (12) months within the past twenty-four (24) months.

To receive automatic certification a member must:

- Be currently working for an employer who has signed the Industry-Wide Agreement with the Union and contributes to the Training Program, and meet one of the following requirements:
  - Be currently listed on the employer's A-List or B-List
  - or
  - Be currently listed as a Roll Call server and hold an active Roll Call number.

### **When Are Classes Available?**

Classes are usually offered twice each year, in the fall and in the spring. Banquet Server courses run in short four-week (4-week) cycles throughout the year. To the extent possible, classes are scheduled to accommodate members' work schedules. Whenever possible, the Program offers a morning and an evening section for each course. However, due to the large number of members participating in the Training Program, it is impossible to schedule the number of classes at times convenient for all members. In addition, due to the popularity and demand for particular courses, some members may be closed out when courses become filled to the maximum capacity. Members who are closed out of classes, or whose schedule otherwise causes them to be unable to attend a particular class, will be placed on a waiting list for the following term's class. Every effort will be made to offer these members a space in the next class.

### **Who Are the Instructors?**

The Trustees are proud of the program of instruction given through the Training Program. Instructors are chosen for their experience and knowledge of the content area and for their ability to understand the special needs of the adult student. Instructors are responsible to report to the Fund Director all student-related information, including student attendance and pre-course and post-course assessment. The Fund Director calls department faculty meetings each semester. Instructors have the opportunity to take part in Program policy development and to exchange information and ideas with other faculty members.

### **Where Are Classes Held?**

The Training Program classes are conducted at various sites throughout Manhattan. All locations are conveniently accessible by public transportation. The main training location is at the Training Program's office on the third floor of 305 West 44<sup>th</sup> Street, (corner of 8<sup>th</sup> Avenue). Members referred to English-as-a-Second-Language or High School Equivalency (GED) Diploma classes will attend classes close to their homes at sites determined by their local agency. Members can receive further information from the staff at the Fund Office and main training site.

### **What Are the Assignment and Attendance Policies?**

Most courses require written assignments to be completed both in and out of the classroom. Students are required to take regular tests and quizzes throughout the term as well as a final exam. Students who successfully complete the course requirements will be issued a Certificate of Completion from the Training Program. Students who do not receive a certificate should not be discouraged. They are welcome and

encouraged to repeat their courses. Upon completion of Engineering Department courses, students will be eligible to take the corresponding state or city licensing exams.

The Training Program has a mandatory attendance and returnable deposit policy. Members are responsible to make a \$50.00 returnable deposit at the time they officially register for their class. This money is refunded when the member completes the course and meets the attendance requirement for the course. Members are expected to attend every class, with certain allowances for emergencies. The Training Program's attendance policy is as follows:

- Absences are not permitted during the four-week (4-week) Banquet Server course.
- If a class meets fifteen to twenty (15-20) times a semester, a member is permitted up to three (3) absences.
- If a class meets thirty to thirty-five (30-35) times a semester, a member is permitted up to five (5) absences.

A member who is absent more times than permitted may receive a deposit refund only if proof of the following is submitted to the Fund Office:

- Change in work schedule that prevents attendance.
- An extended illness or accident.
- A death in the family.
- Jury duty.

Please note: A member may at any time request to officially withdraw from the class. In this case, the deposit will be refunded.

## THE SCHOLARSHIP PROGRAM

### When Did the Scholarship Program Begin?

The Scholarship Program was created in 1985 through the joint efforts of the Employer and the Union. Contributions to the program began in 1986 and the first scholarships were awarded in 1987. The program was instituted because of the rising cost of college and university tuition. The scholarship competition awards a limited number of scholarships each year to reward students who have worked hard toward achieving their goals and to encourage them to continue to strive for excellence.

### How Is the Scholarship Program Funded?

The Scholarship Program is financed by those employers whose collective bargaining agreement with the Union requires them to make contributions to the Scholarship Program on behalf of all their bargaining unit employees. The amount of required monthly contributions is set by the terms of the collective bargaining agreement.

### Who May Compete for a Scholarship?

Students who wish to compete for a scholarship must meet all the following eligibility requirements as of April 15th (or the closest Monday) of the year in which they apply:

- The student's parent or legal guardian must be both: (1) currently working (or would be working if work were available, as determined by the Trustees in their discretion) for a hotel, concession or club\* that contributes to the Scholarship Fund, and (2) have worked at least one thousand (1,000) hours per year for at least *five (5)* consecutive years for a hotel, concession or club\* that contributes to the Scholarship Fund.
- The student must be listed as an eligible dependent of the member.
- The student must be a high school senior planning to attend an accredited four-year (4-year) college or university in the fall.

\*If funds are available in a given year in the "Club Endowment Account," children of club employees may receive scholarship awards from this account. Their parent or legal guardian needs only *one (1)* year of bargaining unit membership and employment at a participating club to make them eligible. The "Club Endowment Account" is a special account in the Scholarship Fund that was set up when the Club Employees Scholarship Fund was terminated. Club employees should call the Fund Office to see if these funds are available.

### How Does A Dependent Child Enter the Scholarship Competition?

Rules and information about the program are announced in the Hotel Voice newspaper, which is mailed to the members' homes each week. Members may pick up applications in person at the Fund Office located on the third floor at 305 West 44<sup>th</sup> Street (corner of 8<sup>th</sup> Avenue), or call 212-586-6400, ext. 4175, to request one by mail. The competition opens on January 15th each year. Completed applications are accepted until April 15th. Applicants are encouraged to return their completed applications as early as possible.

### How Are the Scholarship Winners Selected?

The Chairperson of the Scholarship Selection Committee reviews all the applications and chooses the competition finalists. The full committee then interviews each finalist and chooses the winners. Selection of the scholarship award winners is based on academic ability, character, goals, future promise, seriousness of purpose, and financial need. Winners and non-winners are notified immediately following the decision of the Scholarship Selection Committee. Scholarship certificates are distributed at the annual Awards Ceremony and Luncheon, which takes place early in June.

### How Many Scholarships Are Awarded?

The number of students to be awarded scholarships varies from year to year, based upon the current and projected financial status of the Trust Fund. The Fund must have sufficient funds to make a four-year (4-year) commitment to each scholarship winner. Each year the Scholarship Program office receives approximately two hundred (200) applications. Of these, approximately thirty (30) scholarships are awarded.

**What Is the Value of the Scholarship?**

Each scholarship totals eight thousand dollars (\$8,000), distributed in two thousand dollar (\$2,000) increments over the four (4) years of a winner's college education. Payments are made directly to the winner and may be used towards tuition, room and board, books, supplies, or any other education expenses. The student may attend any accredited four-year (4-year) college or university, whether public or private, in or outside of New York State. If a student decides to transfer to a different school, the scholarship will continue to be in effect, provided the new school is an accredited four-year (4-year) college or university.

**Are the Winners Required to Maintain a Certain Grade Point Average?**

Students awarded scholarships are expected to work up to their potential. No pressure is placed upon the student to maintain a specific grade point average. Students are free to choose any major or course of study they desire. Scholarship winners must submit proof each year of their enrollment as a full-time student in an accredited four-year (4-year) college or university. Proof may consist of an original bursar's receipt, a registrar's receipt, or a statement on school letterhead (with the school seal) confirming that the student is enrolled on a full-time basis for that year.

**Are Scholarship Winners Permitted to Take Leaves of Absence?**

Scholarship winners are expected to remain matriculated on a full-time basis at an accredited four-year (4-year) college or university. A student who has been awarded a scholarship may delay attending college for one year, or take a one-year (1-year) leave of absence during college, and still retain the scholarship. This delay or leave is renewable for up to two (2) years. To renew, the student must apply to the Fund Office for an "Extension of Time to Receive Benefits," specify the reason(s) for the request, and attach supporting documentation. If the student fails to register in an accredited four-year (4-year) college or university following an extension, the student's scholarship award will be forfeited unless the student's failure to enroll is due to serious illness or military duty.

**Does the Scholarship Program Maintain Correspondence with the Winners?**

During the spring semester of their first year of college, winners receive a questionnaire from the Scholarship Program asking them to comment on the scholarship selection process, college life, their goals and the effect the scholarship award has had on their ability to attend college. All scholarship winners are invited to keep in touch with the Scholarship Program annually regarding their progress. Winners are welcomed and encouraged to keep in touch even after graduation. Parents are also invited to comment on their feelings about their children's college experience.

## **RIGHTS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA)**

Members of the Training and Scholarship Fund are entitled to certain rights and protections under the Employee Retirement Income Security Act of 1974 (ERISA). ERISA provides that all members shall be entitled to:

### **Receive Information About the Plan and Benefits**

- Examine without charge, at the Fund Office and at all other specified locations, such as worksites and Union halls, all documents governing the Plan, including insurance contracts and collective bargaining agreements, and a copy of the latest annual report (Form 5500 series) filed by the Plan with the US Department of Labor, and available at the Public Disclosure Room of the Pension and Welfare Benefits Administration.
- Obtain copies of all Plan documents and other Plan information upon written request to the Fund Office. The Plan 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 member with a copy of this summary annual report.

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

In addition to creating rights for Plan members, ERISA imposes duties upon the people who are responsible for the operation of the employee benefit Plan. The people who operate the Plan, called "fiduciaries" of the Plan, have a duty to do so prudently and in the interest of Plan members and beneficiaries. No one, including a member's employer, union, or any other person, may fire a member or otherwise discriminate against a member in any way to prevent members from obtaining a welfare benefit or exercising their rights under ERISA.

### **Enforce Members' Rights**

If a member's claim for a welfare benefit is denied in whole or in part, the member has 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, and must receive a written explanation of the reason for the denial.

Under ERISA, there are steps that can be taken to enforce the above rights. For instance, if a member requests a copy of Plan documents or the latest annual report materials from the Plan and does not receive them within 30 days, the member may file suit in a federal court. In such a case, the court may require the Plan Administrator to provide the materials and pay the member up to \$110 a day until the materials are received, unless the materials were not sent because of reasons beyond the control of the Plan Administrator.

If a member has a claim for benefits that is denied or ignored, in whole or in part, the member may file suit in a state or federal court. If it should happen that Plan fiduciaries misuse the Plan's money, or if the member is discriminated against for asserting his/her rights, the member may seek assistance from the US Department of Labor, or may file suit in a federal court. The court will decide who should pay court costs and legal fees. If the member is successful, the court may order the person sued to pay these costs and fees. If the member loses, the court may order the member to pay these costs and fees if, for example, it finds the member's claim is frivolous.

### **Assistance with Members' Questions**

Members should contact the Plan Administrator with any questions regarding the Plan. If members have any questions about this statement or about their rights under ERISA, or if they need assistance in obtaining documents from the Plan Administrator, they should contact the nearest office of the Pension and Welfare Benefits Administration, US Department of Labor, listed in the telephone directory or the Division of Technical Assistance and Inquiries, Pension and Welfare Benefits Administration, US Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. Members may obtain certain publications about their rights and responsibilities under ERISA by calling the publications hotline of the Pension and Welfare Benefits Administration.

**OTHER IMPORTANT INFORMATION**

The following will help members properly identify the Plan if they have any questions about their benefits:

Official Name of Plan	The New York Hotel Trades Council & Hotel Association of New York City, Inc. Training and Scholarship Fund
Sponsor Name and Address	Board of Trustees The New York Hotel Trades Council & Hotel Association of New York City, Inc. Training and Scholarship Fund 305 West 44th Street, 3 <sup>rd</sup> Floor , NY, NY 10036
Sponsor Identification Number (EIN) Assigned by the Internal Revenue Service	13-6300270
Plan Number	501
Type of Plan	Welfare Benefits Plan
Plan Administrator	Board of Trustees The New York Hotel Trades Council & Hotel Association of New York City, Inc. Training and Scholarship Fund 305 West 44th Street, 3 <sup>rd</sup> Floor , NY, NY 10036 (212) 586-6400, Ext. 4175
Type of Administration	Jointly trustee administration consisting of Union and Employer representatives
Agent for Service of Legal Process	Linda McDowell, Chief Executive Officer The New York Hotel Trades Council & Hotel Association of New York City, Inc. Training and Scholarship Fund 305 West 44th Street, 3 <sup>rd</sup> Floor, NY, NY 10036 (Service of legal process may also be made upon any of the Plan Trustees)
Plan Year	January 1 - December 31
Source of Contributions	Employers in accordance with collective bargaining agreements with the Union. Additionally, in the case of the Training Program, the Consortium for Worker Education through the NY State Department of Education

We hope this booklet describing the Training and Scholarship Fund has been helpful. All members may request a listing of all employers contributing to the Training and Scholarship Fund or request information on whether a specific employer makes contributions to the Fund. For any additional information, or to ask any questions, members should feel free to contact the Fund office for assistance.

**This booklet is a summary and is not intended to have any legal effect. Nothing in this booklet is meant to interpret or extend or change in any way the provisions expressed in the Plan. To the extent that any of the information contained in this booklet conflicts with the official Plan documents, the Plan documents will govern in all cases. The Trustees reserve the right to amend, modify or discontinue all or part of this Plan whenever, in their judgment, conditions so warrant.**

**BOARD OF TRUSTEES**

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## NOTES