

**SUMMARY OF MATERIAL MODIFICATIONS  
TO THE NEW YORK HOTEL TRADES COUNCIL AND  
HOTEL ASSOCIATION OF NEW YORK CITY, INC.  
INDUSTRY TRAINING PROGRAM & SCHOLARSHIP FUND**

April 2023

*This notice is a Summary of Material Modifications (“SMM”) intended to notify you of an update to the New York Hotel Trades Council and Hotel Association of New York City, Inc. Training & Scholarship Fund (the “Plan” or “Fund”). This summary is intended to satisfy the requirements for issuance of a SMM under the Employee Retirement Income Security Act of 1974 (“ERISA”), as amended. You should take the time to read this SMM carefully and keep it with the copy of the Summary Plan Description (“SPD”) that was previously given to you. If you need another copy of the SPD or if you have any questions regarding the change to the Plan, please contact the Fund Office during normal business hours at: 43-47 37th Street, Long Island City, NY 11101 telephone number (718) 361-5100, ext. 3600.*

The Fund’s Board of Trustees wish to inform you that the Union has changed its name. Also, the Trustees are pleased to announce that, the Training Program has been expanded to include gaming course offerings. Active employees are eligible for Training Program benefits provided certain conditions are met. Certain members who are laid-off as a result of the COVID-19 or Coronavirus National Emergency may be eligible for Training Program benefits, as determined by the Trustees, from time to time, provided certain conditions are met.

As you may recall, in February 2021, the Trustees agreed to amend the scholarship eligibility provisions of the Plan to recognize the effect the COVID-19 pandemic has had on the membership and the fact that the majority of members were laid off from March 2020 to the assessment period. Therefore, when eligibility for the 2021 scholarships was determined, the Fund Office (1) temporarily disregarded the “currently working” eligibility requirement and (2) used the cut-off date of February 29, 2020 (instead of December 31, 2020) to measure the five (5) year or one (1) year lookback periods, as appropriate, for the Vito J. Pitta Scholarships or the “Club Endowment Account” Award.

In light of the continuing effects of the on-going pandemic, the Trustees have agreed to utilize the 2021 Scholarship Program special eligibility criteria for the 2022 Scholarship Program. Accordingly, when determining eligibility for the 2022 scholarships, the Fund Office will (1) temporarily disregard the “currently working” eligibility requirement and (2) use the cut-off date of February 29, 2020 (instead of December 31, 2021) to measure the five (5) year or one (1) year lookback periods, as appropriate, for the Vito J. Pitta Scholarships or the “Club Endowment Account” Award.

This change is applicable for the 2022 Scholarship Program competitions, thereafter, the rules will revert to the regular Fund rules, unless the Trustees decide otherwise. Note, the Fund’s Board of

Trustees continue to reserve the right to amend, modify or discontinue all or part of the Plan whenever, in their judgment, conditions so warrant.

The Trustees wish to clarify that in connection with the Scholarship Program's five (5) year and one (1) year lookback rules, any year subject to special eligibility criteria (*e.g.*, 2020 and 2021) will always be based on that special eligibility criteria. **For example**, when the Fund Office is determining eligibility for the 2024 Scholarship Program, in addition to other criteria, the Fund Office will review whether a dependent's parent or legal guardian (1) is currently working for a hotel, gaming employer, concession or club that contributes to the Scholarship Fund, and (2) has worked at least 56 hours per month and at least one thousand (1,000) hours per year for at least sixty (60) current and consecutive months (*i.e.*, 2019, 2020, 2021, 2022 and 2023) for a hotel, gaming employer, concession or club that contributes to the Scholarship Fund. The Fund Office will apply the regular Fund's rules for 2019, 2022 and 2023, however, for 2020 and 2021, the special eligibility rules will continue to apply. In other words, the special eligibility rules will continue to apply to a given year for lookback purposes.

The SPD has been updated effective January 1, 2022, as follows:

**I. The definition of "Union" on page 5 of the SPD has been changed to:**

"Hotel and Gaming Trades Council, AFL-CIO"

**II. Any other references to the "New York Hotel and Motel Trades Council, AFL-CIO" that appear in the SPD are changed to:**

"Hotel and Gaming Trades Council, AFL-CIO"

**III. Any references in the SPD to the "hotel industry" are changed to the "hotel and gaming industry". Any references in the SPD to "the industry" are changed to "the industries" as they are intended to include the hotel and gaming industries. Likewise, any references in the SPD to "hotel, concession or club" are changed to "hotel, gaming employer, concession or club".**

**IV. III. The "Board of Trustees" list on page 3 of the SPD has been updated to read as follows:**

## BOARD OF TRUSTEES

### UNION TRUSTEES:

RICHARD MAROKO, Co-Chairman  
NY Hotel Trades Council, AFL-CIO, President  
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### EMPLOYER TRUSTEES:

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**LEGAL COUNSEL**  
Pitta LLP  
Ellenoff Grossman & Schole LLP

**ACCOUNTANT**  
Moore Stephens CPAs

**CONSULTANT**  
The Segal Company

**V. The Training Program section on page 6 of the SPD captioned “What Courses Are Available?” has been updated to read as follows, with the new language underscored:**

The Training Program offers courses related to the hotel and gaming industries. The Board of Trustees of the Fund appoints a curriculum development subcommittee from time to time, to research, design and develop new course offerings. All new courses are announced in the Hotel Voice newspaper. Members may obtain a list of available course offerings at any time from the Fund Office.

Members who need to study English as a Second Language (ESL), or who wish to prepare for their High School Equivalency Diploma (GED), are referred to local agencies convenient to their homes, including the NYC Board of Education and local libraries.

**VI. The Training Program section on page 7 of the SPD captioned “Who Is Eligible to Take Classes?” has been updated to read as follows, with the new language underscored:**

Classes are available to all active and eligible bargaining unit employees currently working in or for hotels, gaming employers, clubs or concessions that are obligated to contribute to the Training Program. Members must be employed in or for one of these hotels, gaming employers, clubs or concessions for at least nine (9) months with a minimum number of hours worked in each month to enroll in most classes.

Certain members who are laid-off as a result of the COVID-19 or Coronavirus National Emergency will remain eligible for Training Program benefits until such time as the Trustees so determine or the reserves of the Fund are reduced to the equivalent of one year’s worth of reserves, whichever is earlier. The Fund’s staff will monitor the Fund’s reserve level and promptly alert the Trustees in advance of reaching one year’s worth of reserves.

Upon determination by the Trustees or the Fund’s reserve level decreasing to one year, whichever is earlier, eligibility for Training Program benefits will end for those members who were laid-off and were eligible for Training Program benefits for more than ninety (90) days.

Spouses and dependents of these active (including eligible laid-off members), as well as pensioners and their dependents are not eligible for classes offered by the Training Program, but they may be referred by the Training Program staff for ESL or GED classes available at a local agency convenient to their homes.

If a member is out of work because of worker’s compensation, disability, or a pending arbitration, they will not be eligible to attend classes at ITP after more than 30 days from their last day of employment.

The Training & Scholarship Fund office is open Monday through Friday from 7:30am to 5:00pm. The office is located on 37th Street just off the corner of Queens Boulevard and right around the corner from the Queens Health Center.

**The Training & Scholarship Fund Office**

43-47 37th Street

Long Island City, NY 11101

Telephone # (718) 361-5100, extension 3600

Fax # (718) 361-8511

Applications are available throughout the year. Applications are accepted without regard to age, race, creed, color, previous education, sex, sexual preference, handicap, geographic residence or national origin.

- VII.** Although an employee's supervisor may suggest that an employee participate in the Training Program, supervisory approval or employer recommendations are not required. **The Training Program section on page 8 of the SPD captioned "Where Are Classes Held?" has been updated to read as follows, with the new language underscored:**

Generally, the Training Program classes are conducted at the Training Center, which opened its doors to members for the first time on October 31, 2007. The Training Center is located at 43-47 37th Street, Long Island City, NY 11101, off the corner of Queens Boulevard and right around the corner from the Queens Health Center. Classes may be held at a different location, from time to time.

- VIII.** **The Training Program section on page 8 of the SPD captioned "What Are the Assessment and Attendance Policies?" has been updated to read as follows:**

Most classes require written assignments to be completed both in and out of the classroom. Students take regular tests and/or quizzes throughout the class cycle as well as a final exam. Students who successfully complete the course requirements will be issued a Certificate of Completion from the Industry Training Program. Those who finish a Training Program course but do not meet the course requirements for certification should not be discouraged. They are counseled and encouraged to repeat the course.

Members are responsible for submitting a refundable deposit when they officially register for class. This deposit is refunded at the end of the class if the member has completed the mandatory attendance requirement.

A member who is absent more times than permitted, or who otherwise wishes to officially withdraw from the class, may receive a refund check, only if proof of one the following is submitted to the Fund Office:

- Change in work schedule that prevents meeting mandatory attendance requirements
- An extended illness or accident
- Jury duty

**IX. The Scholarship Program section on page 9 of the SPD captioned “Who May Compete for a Scholarship?” has been updated to read as follows, with the new language underscored:**

**Who May Compete for a Scholarship?**

Dependents who wish to compete for a college scholarship must meet all the following eligibility requirements. The dependent’s parent or legal guardian must be both: (1) currently working for a hotel, gaming employer, concession or club that contributes to the Scholarship Fund, and (2) have worked at least 56 hours per month and at least one thousand (1,000) hours per year for at least sixty (60) current and consecutive months for a hotel, gaming employer, concession or club that contributes to the Scholarship Fund.

- The dependent must be registered for benefits as a dependent of the member.
- The dependent must be a high school senior planning to attend an accredited four-year (4-year) college or university in the fall of the application year.

In addition, if funds are available in a given year in the “Club Endowment Account,” a child of a club employee may receive one (1) scholarship award from this Account. The parent or legal guardian needs only one (1) year of current and consecutive bargaining unit membership and employment with at least 56 hours per month and at least one thousand (1,000) hours per year at a participating club to make him or her eligible. The “Club Endowment Account” is a special account in the Scholarship Fund that was setup when the Club Employees Pension Fund was terminated.

All members, including those who were laid-off as a result of the COVID-19 or Coronavirus National Emergency, remain eligible to submit a scholarship application for the 2021 and 2022 Scholarship Program competition for their dependents provided they satisfy the requirements below.

**Special Eligibility Rules for the 2021 and 2022 Scholarship Program competitions**

Note, the special eligibility rules will continue to apply to a given year for lookback purposes.

*Eligibility requirements for the 2021 Scholarship Program competition will be as follows:*

The dependent's parent or legal guardian must have, measured by looking back from February 29, 2020, worked at least 56 hours per month and at least one thousand (1,000) hours per year for at least sixty (60) current (as of February 29, 2020) and consecutive months for a hotel, gaming employer, concession or club that contributes to the Scholarship Fund.

- The dependent must be registered for benefits as a dependent of the member.
- The dependent must be a high school senior planning to attend an accredited four-year (4-year) college or university in the fall of the application year (*i.e.*, 2021).

In addition, if funds are available in a given year in the "Club Endowment Account," a child of a club employee may receive one (1) scholarship award from this Account. The parent or legal guardian needs, measured by looking back from February 29, 2020, only *one (1)* year of current (as of February 29, 2020) and consecutive bargaining unit membership and employment with at least 56 hours per month and at least one thousand (1,000) hours per year at a participating club to make them eligible.

*Eligibility requirements for the 2022 Scholarship Program competition will be as follows:*

The dependent's parent or legal guardian must have, measured by looking back from February 29, 2020, worked at least 56 hours per month and at least one thousand (1,000) hours per year for at least sixty (60) current (as of February 29, 2020) and consecutive months for a hotel, gaming employer, concession or club that contributes to the Scholarship Fund.

- The dependent must be registered for benefits as a dependent of the member.
- The dependent must be a high school senior planning to attend an accredited four-year (4-year) college or university in the fall of the application year (*i.e.*, 2022).

In addition, if funds are available in a given year, a child of a club employee may receive one (1) scholarship named the Frank E. Saris Award. In this case, the parent or legal guardian needs, measured by looking back from February 29, 2020, only *one (1)* year of current (as of February 29, 2020) and consecutive bargaining unit membership and employment with at least 56 hours per month and at least one thousand (1,000) hours per year at a participating club to make them eligible.

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The Board of Trustees of the Fund or its duly authorized designee, reserves the right, in its sole and absolute discretion, to amend, modify or terminate the Fund, or any benefits provided thereunder, in whole or in part, at any time and for any reason, in accordance with the applicable amendment procedures established under the Fund and its related Trust Agreement. The Fund's Document and the Trust Agreement are available upon request at the above address and may be inspected by you free of charge during normal business hours.

No individual other than the Board of Trustees (or its duly authorized designee) has any authority to interpret the plan documents, make any promises to you about benefits under the Fund, or to change any provision of the Fund. Only the Board of Trustees (or its duly authorized designee) has the exclusive right and power, in its sole and absolute discretion, to interpret the terms of the Fund and decide all matters arising thereunder.