LEGAL PLAN

SUMMARY PLAN DESCRIPTION



CSEA
NEW YORK
Employee Benefit Fund

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General Information

ENROLLMENT

Coverage under the plans offered by the CSEA Employee Benefit Fund is not automatic. You must first enroll yourself and your dependents in the Fund. If you have not already done so, you can obtain an enrollment form by calling the CSEA EBF at 1-800-323-2732 or by visiting **www.cseaebf.com** to use the "Enroll Online" option. You can also download an enrollment form from the website for later submission. Enrollment in the plan does not vest any right in the covered employee except the right to receive benefits under the plan only so long as payments are being received by the Fund on behalf of the employee.

Return the completed enrollment form and any additional information required by the Fund.

SUBMIT ALL ENROLLMENT FORMS TO:
CSEA Employee Benefit Fund
P.O. Box 516
Latham, NY 12110-0516

WHO IS ELIGIBLE?

Full-Time Employee

- If you are a full-time employee in a CSEA represented bargaining unit that has negotiated with your employer for Fund coverage.

Part-Time or Seasonal Employee

- If your collective bargaining agreement includes coverage for certain part-time and seasonal employees.

NOTE: An employee may not be covered both as an employee and as a dependent of an employee. If both parents are Fund members, coverage for children may not be claimed under both parents.

Dependents

- If your collective bargaining agreement includes dependent coverage, your dependents become eligible at the same time you do.
- You must notify the Fund promptly of changes in dependent status to ensure that new dependents receive the appropriate coverage and to avoid responsibility for charges incurred by an individual after he/she has ceased to be your dependent.

Dependents Include:

- Your Spouse - This includes a person of the same sex to whom the covered employee was married in a jurisdiction permitting same sex marriages. A spouse can be removed upon entry into a legal separation. If you become divorced, **you must** remove your ex-spouse upon the finalization of divorce.
- Domestic Partner - Domestic partner coverage may be offered by your employer. Please contact your employer's personnel office for more information.

Children (EFFECTIVE 7/1/2020)

- Your children, stepchildren and legally adopted children, under the age of 26 whether residing with you or not and regardless of marital status and/or student status.
- Your legal ward under the age of 26 who permanently resides with you pursuant to a court order awarding legal guardianship/ custody to you.
- Any child or ward described above, regardless of age, who is incapable of self-support by reason of mental or physical disability, provided he or she became so disabled prior to reaching the age of 26.

COBRA

If you become ineligible for Fund coverage because of retirement, termination, layoff, leave without pay or reduction in hours, you may have certain rights to continue Plan coverage through COBRA.

If you die, or become divorced or legally separated, or a dependent ceases to be a dependent, your spouse and/or dependent has certain rights to continue Plan coverage through COBRA. In the event of divorce, legal separation or a child losing dependent status, you or a family member must inform the Fund of the qualifying event within 60 days of the event or the date on which coverage would be lost because of the event.

Appeal Procedure
If you feel that you did not receive full benefits, you may send a written appeal to the EBF. Send a letter to the EBF Member Services Department explaining why you feel you did not get the full amount to which you were entitled. Include copies of any supporting documentation.

This procedure is not meant for services clearly not covered by the plans or for exemptions to or waivers of required waiting periods.

Legal Plan Highlights

- $1,000 per calendar year maximum.
- Free to choose any attorney, according to individual needs and type of case.
- Reimbursement sent directly to the member.
- Many services also cover the spouse and dependents.

How To Use This Benefit

Visit **www.cseaebf.com** to download a legal claim form. **After legal services are completed**, fill out parts 1 and 2. Attach a signed statement from your attorney specifying services rendered, date completed, fees charged, and then mail it to the EBF at the address below.

CSEA Employee Benefit Fund
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Canceled checks, retainer agreements and payment ledgers are not accepted. All claims must be submitted no later than December 31st of the following year. The reimbursement will be sent directly to the member.

Legal Plan Benefit Summary

ADOPTION

Who is eligible? Member who seeks representation in an adoption proceeding.

What is the benefit? Reimbursement for attorney fees up to the EBF fee schedule allowance related to legal advice and representation in an adoption proceeding, either as adoptive parent or natural parent.

Fee Schedule Allowance: Up to $300.

Limitations: Benefit allowance does not cover the payment of any fees or expenses to adoption or other agencies.

ARRAIGNMENT SERVICE

Who is eligible? Member or dependent, as defined by the EBF, who is a defendant in a criminal arraignment proceeding which does not involve a traffic related matter.

What is the benefit? Reimbursement for attorney fees up to the EBF fee schedule allowance related to representation in an arraignment proceeding requiring a personal appearance by legal counsel.

Fee Schedule Allowance: Up to $150.

Limitations: Costs of legal representation beyond

the arraignment stage are not covered. Thus, should a covered member or dependent desire to retain an attorney beyond the arraignment stage, such individual must make necessary fee arrangements directly with the attorney of choice. This arraignment service does not cover arraignments on traffic related matters.

AUTO DEFENSE OVERAGE MATTERS

Who is eligible? Member or dependent as defined by the EBF, who is a defendant in an action involving an on road vehicle.

What is the benefit? Reimbursement for attorney fees up to the EBF fee schedule allowance related to legal services for the defense of an action involving operation of a vehicle wherein damages or personal liability exceed face amount of insurance policy.

Fee Schedule Allowance: Up to $300.

Limitations: Overage cases only: That is a suit for damages that would exceed the face amount of the insurance policy. Legal representation provided by insurance companies is not reimbursable.

CHANGE OF NAME

Who is eligible? Members and dependents are entitled to this benefit.

What is this benefit? Reimbursement for attorney fees up to the EBF fee schedule allowance related to legal advice and representation in a change of name procedure. Change may be of first name, middle name or last name, or any combination.

Fee Schedule Allowance: Up to $200 per family per lifetime.

Limitations: Limited to one change of name sought by member for self and dependents, per lifetime.

CONTRACTS

Who is eligible? Member or spouse/domestic partner who seeks to obtain legal services regarding a non-business contract.

What is the benefit? Reimbursement for attorney fees up to the EBF fee schedule allowance related to legal advice and/or representation in the preparation and execution of a personal, non-business contract.

Fee Schedule Allowance: Up to $75.

Limitations: Does not provide allowances for the preparation and execution, or review of business contracts.

COURT ORDERED SUPPORT

Who is eligible? Member or spouse/domestic partner who is involved in an action for support, modification of an existing support order, or an enforcement proceeding concerning a support order, provided, however, that if the action or proceeding is between the member and the spouse, no benefit shall be payable to the spouse.

What is the benefit? Reimbursement for attorney fees up to the EBF fee schedule allowance related to legal advice and representation in a court proceeding to award or modify support payments, or to commence or defend contempt or enforcement proceedings.

Fee Schedule Allowance: Up to $200 maximum per calendar year.

Limitations: Covers only proceedings not commenced in conjunction with a divorce, separation or annulment.

DEBT COLLECTION DEFENSE

Who is eligible? Member or dependent as defined by the EBF, who is a defendant in a claim involving debt collection.

What is the benefit? Reimbursement for attorney fees up to the EBF fee schedule allowance related to defense in a legal action started against the defendant involving their rights in resisting a claim before District, City, Civil, County or Supreme Courts. For claims which are asserted in Courts outside New York, the EBF will determine the applicable benefit allowance.

Fee Schedule Allowance:
Without trial, District, City or County Court: Up to $150.

Without trial, Civil or Supreme Court: Up to $250.

With trial, District, City or County Court: Up to $300.

With trial, Civil or Supreme Court: Up to $500.

Limitations: Only one debt collection defense allowance is permitted per calendar year.

DOMESTIC RELATIONS REPRESENTATION

Who is eligible? Member involved in a separation, annulment or divorce requiring legal representation.

What is the benefit? Reimbursement for attorney fees up to the EBF fee schedule allowance related to representation by an attorney in a separation, annulment or divorce proceeding.

Uncontested matters are those resolved up to and including a pre-trial conference.

Contested matters are those not settled at the pre-trial conference but settled prior to an actual court trial.

Litigated matters are those resolved only after a Supreme Court trial commences and include any referral to and representation at Family Court.

Fee Schedule Allowance:
Uncontested Legal Separation, Annulment or Divorce: Up to $300.

Contested Legal Separation, Annulment or Divorce: Up to $400.

Litigated Legal Separation, Annulment or Divorce: Up to $500.

Limitations: Allowances may be reduced if court awards payment of attorney fees or portions thereof. Combination of award and benefit may not exceed fees charged.

ESTATE SETTLEMENT MATTER

Who is eligible? Member or dependent as defined by the EBF who is a named distributee, named beneficiary or named fiduciary to an estate.

What is the benefit? Reimbursement for attorney fees up to the EBF fee schedule allowance related to a preliminary legal consultation in connection with the probate or settlement of an estate.

Fee Schedule Allowance: Up to $20.

Limitations: As Fees are generally set as a percentage of the estate no benefit allowance is payable other than a $20 consultation benefit.

GENERAL CONSULTATION

Who is eligible? Member or spouse/domestic partner obtaining an in-person legal consultation with an attorney regarding an actual or assumed personal legal problem.

What is the benefit? Reimbursement for attorney fees up to the EBF fee schedule allowance for up to five, one half hour sessions on separate dates, each calendar year, concerning unrelated legal questions.

Fee Schedule Allowance: $20 per visit to an attorney's office.

Limitations: Business matters, excluded matters, and telephone consultations are not covered. When an attorney is retained to provide a specific service for which benefit allowances are provided for by other provisions in this plan by the EBF, the initial general consultation, as well as all other consultations related to that matter, are not covered by this provision.

JUVENILE DELINQUENCY REPRESENTATION

Who is eligible? Dependent of member, as defined by the EBF, who is charged as a juvenile delinquent.

What is the benefit? Reimbursement for attorney fees up to the EBF fee schedule allowance related to legal representation of the dependent in the juvenile delinquency proceeding.

Fee Schedule Allowance: Up to $150.

Limitations: Only one juvenile delinquency proceeding per dependent per calendar year.

LEGAL DEFENSE BENEFIT IN OTHER CIVIL MATTERS

Who is eligible? Member or dependent as defined by the EBF, who is resisting a claim which does not fall within any of the specified benefits and which is specifically excluded by other provisions of this plan.

What is the benefit? Reimbursement for attorney fees up to the EBF fee schedule allowance related to defense in a civil legal proceeding in which the member or dependent is a named defendant in an action brought before a court or administrative agency that involves him or her.

Fee Schedule Allowance: Without trial up to $250. With trial up to $500.

Examples of this legal defense benefit would be costs of a lawsuit alleging breach of contract

or a lawsuit concerning a garnishment. Such problems may be successfully resolved after consultation or it may require steps leading to actual representation and defense before an administrative agency.

This provision does not provide benefits for any Family Court proceedings or any civil proceedings which pertain to family or domestic relations matters. Any benefit for Family Court or such civil proceedings are exclusively within the provisions of the benefits entitled Domestic Relations Representation and Court Ordered Support.

LEGAL GUARDIANSHIP

Who is eligible? Member and/or spouse/domestic partner seeking legal guardianship of a person under the age 18 who permanently resides with the member and spouse or will permanently reside with the member and spouse if guardianship is granted or a child or legal ward of the member and/or spouse 18 years or older who is incapable of self-support by reason of mental or physical disability.

What is the benefit? Reimbursement for attorney fees up to the EBF fee schedule allowance related to legal representation in the guardianship proceeding.

Fee Schedule Allowance: Up to $300 per guardianship proceeding.

Limitations: Maximum of one proceeding for each person of whom guardianship is sought.

PERSONAL BANKRUPTCY

Who is eligible? Member or spouse/domestic partner filing for personal bankruptcy.

What is the benefit? Reimbursement for attorney fees up to the EBF fee schedule allowance related to representation by an attorney in a personal bankruptcy proceeding.

Fee Schedule Allowance: Up to $200.

Limitations: Limited to one personal bankruptcy per family per calendar year. Does not cover business bankruptcies.

PERSONAL INJURY (NEGLIGENCE) MATTER

Who is eligible? Member or dependent as defined by the EBF.

What is the benefit? Reimbursement for attorney fees up to the EBF fee schedule allowance related to a payment for a type of legal proceeding in which there is customarily a contingent fee. Contingent fee matters are those in which a recovery of monies is attempted through a legal action, with an agreement with your attorney that fees are charged only if the action is successful.

Anyone who desires legal services in connection with the commencement of a claim for personal injuries suffered as a consequence of negligence can contact a law firm of their choice. However, legal counsel has a right to judge whether the case is worthy of prosecution before acceptance of your retention. For contingency fee matters, the only benefit payable under this plan is a $20 consultation benefit if the attorney you consult is not retained and charges you a consultation fee.

Fee Schedule Allowance: Up to $20.

PRINCIPLE RESIDENCE MORTGAGE PROTECTION

Who is eligible? Member or spouse/domestic partner who is a defendant in a proceeding to foreclose a mortgage regarding a dwelling, condominium or cooperative, which the covered member and/or spouse owns and in which the member principally resides.

What is the benefit? Reimbursement for attorney fees up to the EBF fee schedule

allowance related to legal advice and/or representation in the defense of a mortgage foreclosure involving any of the above stated residences.

Fee Schedule Allowance: Up to $150 if the matter is resolved before trial. Up to $300 should the matter proceed to trial.

Limitations: One foreclosure proceeding per calendar year per family and not exceeding a two-family dwelling. Business property is not covered.

PRINCIPLE RESIDENCE REAL ESTATE CLOSING

Who is eligible? Member or spouse/domestic partner who is selling, purchasing or refinancing their principle residential dwelling, condominium or cooperative.

What is the benefit? Reimbursement for attorney fees up to the EBF fee schedule allowance related to legal representation for the sale, purchase or refinancing of property as described.

Fee Schedule Allowance: Up to $300 per calendar year per sale, purchase or refinancing.

Limitations. Only one sale, one purchase and one refinancing per family in a calendar year is covered. This benefit provides representation with respect to one's personal residence (not to exceed a two family dwelling). Business property is not covered.

TENANT DEFENSE

Who is eligible? Member or spouse/domestic partner who rents for personal residential use, a private dwelling, condominium, apartment or rooms as a tenant.

What is the benefit? Reimbursement for attorney fees up to the EBF fee schedule allowance

related to legal advice and/or representation for a defendant in defense of a dispute between the member or spouse as tenant, and the landlord.

Fee Schedule Allowance: Up to $150.

Limitations: Once the benefit is utilized, it may not be utilized again for one year.

TRAFFIC VIOLATION REPRESENTATION

Who is eligible? Member or dependent as defined by the EBF, who is charged with a traffic violation.

What is the benefit? Reimbursement for attorney fees up to the EBF fee schedule allowance related to legal services during the defense of an alleged traffic violation. The violation charged must be of a serious nature that may affect the status of the defendant's driver's license.

Fee Schedule Allowance: Without trial up to $150. With trial up to $300.

Limitations: Member or dependent must be the driver of the vehicle. Multiple allowances for violations charged on the same date are payable only if adjudicated on different dates.

VETERAN & SERVICEMEN'S RIGHTS

Who is eligible? Member or dependent as defined by the EBF, seeking remedial action in relation to denial of their veteran's rights by any military board or agency of the United States government.

What is the benefit? Reimbursement for attorney fees up to the EBF fee schedule allowance related to legal services for:

- a denial of veteran's benefit or right.
- changes in type of military discharge.
- cases of court martial.
- connection with military boards convened

for the purpose of imposing a penalty, an administrative discharge or a less than honorable discharge from military service.

Fee Schedule Allowance: Legal advice and counsel upon a denial of veteran's rights for benefit. Up to $100. Legal representation to effect changes in types of military discharges. Up to $250. Legal representation in convened court martials or military boards. Up to $500.

Limitations: Only the above stated matters that relate directly to member's or dependent's rights as a veteran are covered by the plan.

WILLS & LIVING TRUSTS

Who is eligible? Member and their spouse/ domestic partner.

What is the benefit? Reimbursement for attorney fees up to the EBF fee schedule allowance related to the preparation and execution of a Will or Living Trust, but not both.

Fee Schedule Allowance: $70 per Will or Living Trust.

Limitations: Once the benefit is utilized, the member and spouse may not utilize this benefit again for five years.

Exclusions & Limitations

This Legal Services Plan provides benefits through allowances only as specifically stated and described herein. Legal services that have not been described are excluded from the plan. As a guide to employees in their utilization of the Legal Benefit Plan, the following list provides certain examples of the exclusions from the plan:

- Any benefit that is claimed after a period that exceeds one year from the calendar year in which legal services were rendered.

- Any proceeding or dispute or controversy with or against the employer or their agents or officers.

- Any proceeding, dispute or controversy directed against CSEA or any of its affiliated or parent entities, e.g. the Civil Service Employees Association, Inc. (CSEA), the CSEA Employee Benefit Fund (EBF) or any of the officers, agents or attorneys of these entities. This includes CSEA sponsored programs and the companies/organizations who administer them.

- Any proceeding, dispute or controversy where there is a prohibition against defraying the cost of such services by provision of law.

- Any business matter wherein as an officer, proprietor or shareholder, etc. a member or dependent is directly or indirectly involved.

- Matters that concern all federal, state and local income tax matters, including but not limited to preparation or filing of income tax returns.

- Any proceeding, action or controversy wherein two or more parties pool or combine benefits for the purpose of ascertaining a claim for their mutual benefit, e.g. class actions.

- Any Amicus Curiae activities.

- No benefits or allowances will be paid for services or advice when it involves a duplication of the same service or advice which was previously obtained in connection with the same problem.

- Any action, dispute, proceeding or controversy in which insurance will cover legal services or through which any government agency or attorney, such as Federal, State or Local provides legal services.

- Any matter for which legal services were obtained and completed before the employee

became eligible to receive the benefit under this plan, regardless of when a bill for said services was rendered.

- The EBF will not pay or reimburse members, spouses/domestic partners, and/or dependents for court costs and/or filing fees, fines or penalties or interests.

- The EBF will not pay for more than one benefit if a member and spouse are eligible for a benefit and both claim payment for the same action.

- Members are reimbursed for legal expenses up to the lesser of the fees charged or the identified maximum for each service. It is important that you discuss with your attorney the estimated charges before you commence any legal work. Charges over the allowances are the responsibility of the member.

- If a court awards full or partial payment for legal fees, the EBF's reimbursement shall be reduced by the amount awarded. The total of the court award and the EBF's reimbursement will not exceed the amount charged by the attorney.

- Costs of document reproduction, filings, court fees, etc. are not covered nor are second opinion fees.

- If you are a covered employee at the time you retain counsel but are no longer on active payroll status at the time a legal matter is completed, you are not covered under this plan and the costs are your responsibility.

- Only matters specified in this brochure are covered.

CSEA
NEW YORK
Employee Benefit Fund

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Latham, NY 12110-2395

(800) 323-2732 | **WWW.CSEAEBF.COM**

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