

LEGAL DEFENSE FUND
SUMMARY PLAN DESCRIPTION

NEW YORK STATE CORRECTIONAL OFFICERS
AND
POLICE BENEVOLENT ASSOCIATION, INC.

July 2024

INTRODUCTION AND PURPOSE

The New York State Correctional Officers and Police Benevolent Association, Inc. (“NYSCOPBA”), maintains the NYSCOPBA Legal Defense Fund (the “Fund”) to provide benefits to its eligible members for certain legal actions.

Benefits of the Fund are provided through union dues collected pursuant to Article VII (A) of the NYSCOPBA Constitution and Bylaws and administered by the NYSCOPBA Executive Board based on the defined criteria and application process. Benefits are described in greater detail in the NYSCOPBA Legal Defense Fund Policy (the “Policy”) documents, which are available on the NYSCOPBA website and are also available upon request.

The purpose of the Fund is: (1) to provide benefits to members for the defense of criminal charges or criminal investigations based on actions alleged to have occurred while the member was acting within the scope of his or her public employment duties; and (2) to finance certain legal actions or matters for the benefit of the general membership, but which are not covered by the general legal retainer.

NYSCOPBA is providing this document to give you an overview of the Fund and to serve as the Summary Plan Description required by the Employee Retirement Income Security Act (“ERISA”) of 1974. This document is not intended to provide you any substantive rights to benefits that are not already provided by the NYSCOPBA Legal Defense Fund Policy documents. This document is not a substitute for the provisions of the Policy itself.

PLAN INFORMATION

Name of Client:	New York State Correctional Officers and Police Benevolent Association, Inc. (“NYSCOPBA”)
Name of Plan:	NYSCOPBA Legal Defense Fund
Primary Address:	20 Computer Drive West, Albany, NY 12205
Plan Administrator:	NYSCOPBA Executive Board
Phone Number:	(518) 427-1551
Plan Number:	501
EIN:	14-1802469
Plan Year:	January 1 through December 31, 2024
Designated Agent:	Steve Cox, Recording Secretary NYSCOPBA 20 Computer Drive West, Albany, NY 12205

ELIGIBILITY FOR PARTICIPATION

Any active NYSCOPBA member in good standing, and certain former members based on specific criteria, may apply to participate in the Fund for purposes of defense of criminal charges or criminal investigation if the events giving rise to the criminal charges or criminal investigation occurred while the individual was acting within the scope of his or her performance of public employment or duty.

Any member of the NYSCOPBA Executive Board, or a majority of the NYSCOPBA Executive Assembly, may apply to participate in the Fund for purposes of initiating legal actions or matters for the benefit of the general membership, but which are not covered by the general legal retainer.

Eligibility is subject to the application procedures and considerations described in the attached Policy.

DESCRIPTION OF BENEFITS/COVERAGE

An eligible member or former member seeking Fund benefits for purposes of criminal defense or investigation shall be entitled to receive not more than \$25,000 in the following manner:

- a. \$5,000 may be provided up to the time of arraignment.
- b. When a criminal information and/or indictment is issued, the member may request from the Legal Defense Fund additional funds in disbursements up to \$10,000 at a time.
- c. The total benefit available from the Legal Defense Fund for any qualifying incident may not exceed \$25,000.

For legal actions to benefit the general membership, the initial maximum benefit shall be up to \$150,000. Additional amounts may be requested based on the Policy. Such amounts shall be subject to the approval requirements in the NYSCOPBA Certificate of Incorporation and the NYSCOPBA Constitution and Bylaws.

EXCLUSION FROM BENEFITS/COVERAGE

The Fund benefits shall not be available to:

- a. An Applicant who has been formally removed from NYSCOPBA;
- b. An Applicant who has opted out of NYSCOPBA;
- c. An Applicant if six (6) months or more has passed between the time the Applicant has ceased being an active member in good standing and the time the Applicant has been made aware of a criminal prosecution or investigation;
- d. An Applicant whose criminal charges or allegations derived from off-duty misconduct or actions;
- e. An Applicant who misrepresents required information or fails to cooperate in the Fund procedures as described in the attached Policy;
- f. An Applicant who fails to demonstrate that a legal action or matter benefits the general membership; or

- g. An Applicant who seeks to file litigation that is frivolous, vexatious, or otherwise illegal.

Other exceptions and considerations are discussed in more detail in the attached Policy.

TERMINATION OF BENEFITS

Benefits for the defense of criminal charges or criminal investigations shall terminate automatically upon:

- a. Exhaustion of the monetary limits set forth in the Benefits/Amount of Coverage section;
- b. The member elects to opt out of NYSCOPBA;
- c. The member is suspended or removed from NYSCOPBA; or
- d. Termination of the Fund.

Benefits for legal actions to benefit the general membership shall terminate automatically upon:

- a. The Fund falls below \$3.5 million;
- b. The limit set per authorized legal action or matter has been reached;
- c. The Plan Administrator determines that the legal action is no longer in the best interest of the general membership or for any other lawful purpose; or
- d. Termination of the Fund.

CLAIMS PROCEDURE

Applicants seeking Fund benefits for the defense of criminal charges or criminal investigations shall follow the claims procedure outlined in the Policy and submit the required application to their Regional Vice President, who shall forward the application to the Plan Administrator. The Plan Administrator shall ensure compliance with applicable procedures prior to taking action on the application.

Applicants seeking Fund benefits for legal actions to benefit the general membership shall follow the claims procedure outlined in the Policy and submit the required application to the Plan Administrator. The Plan Administrator shall ensure compliance with applicable procedures prior to taking action on the application.

CLAIMS REVIEW AND APPEAL

An Applicant is only treated as filing a claim for Fund benefits when the Applicant submits a completed Legal Defense Fund Application to the Plan Administrator.

The Plan Administrator will notify the Applicant in writing if the Applicant's claim for Plan benefits is denied and indicate the specific reason(s) for the denial, reference to the specific Fund provisions on which the denial is based, a description of additional material or information necessary to perfect the claim, and a description of the review procedures and time limits.

The Plan Administrator will provide the written notice to the member as soon as possible, but not more than 90 days after the Plan Administrator receives the Applicant's claim, unless the Plan Administrator determines that an additional period of time, not to exceed 90 days, is required because of matters beyond the control of the Fund.

If the Plan Administrator denies an application, the Applicant or the Applicant's authorized representative must notify the Review Panel of the Plan Sponsor in writing of the Applicant's request for a review of the denial within 60 days after the Applicant receives written notice of the denial from the Plan Administrator.

The Review Panel will give the Applicant or the Applicant's authorized representative the opportunity to submit written comments, documents, records, and other information relating to the Participant's claim for Fund benefits. All documents, records, and other information relevant to the Applicant's claim will be made available to the Applicant upon request.

The Review Panel will notify an Applicant in writing of its decision upon review. The notification shall include the specific reason(s) for the decision, reference to the specific Fund provisions on which the denial is based, a description of additional material or information necessary to perfect the claim, and a description of the Applicant's right to bring an action under Section 502 (a) of ERISA.

The Review Panel will make its decision no later than 60 days after the date the Review Panel received the request for review unless extenuating circumstances require additional time. The Review Panel shall provide written notice indicating the need for additional time, which shall not exceed 120 days after the date the Review Panel received the request for review.

AMENDMENT OR TERMINATION OF THE FUND

The Fund may be amended or terminated by a duly implemented amendment to the NYSCOPBA Constitution and Bylaws. The Fund may be amended by duly implemented policy changes and actions approved by the NYSCOPBA Executive Assembly.

PRUDENT ACTIONS BY PLAN FIDUCIARIES

In addition to creating rights for Fund participants, ERISA imposes duties upon the people who are responsible for the operation of the Fund. The people who operate the Fund, called "fiduciaries" of the Fund, have a duty to do so prudently and in the interest of you and other Fund participants and beneficiaries.

