

Legal Benefit



Summary Plan Description



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ENROLLMENT

Coverage under the Plans offered by the CSEA Employee Benefit Fund (Fund) is not automatic. You must first enroll yourself and your dependents in the Fund. There is one enrollment form which enrolls you in the Plan(s) negotiated for you. If you have not already done so, you can obtain an enrollment form by visiting us at...

www.cseaebf.com

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.

Who Is Eligible?

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

Part-time employees are covered if your collective bargaining agreement includes coverage for certain part-time and seasonal employees.

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

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 or 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.

Your unmarried children, including stepchildren who permanently reside with you and legally adopted children, under the age of 19.

Your legal ward under the age of 19 who permanently resides with you pursuant to a court order awarding legal guardianship 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 19.

Any child or ward described above under the age of 25 who is a full time student. The Fund requires that current proof of student status be provided annually. Student Proof forms can be downloaded online. This form is used only to update the Fund dependent student eligibility file.

C.O.B.R.A.

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 C.O.B.R.A. Under these and certain additional circumstances, your spouse and/or dependent(s) may have rights to continue coverage through C.O.B.R.A. as well.

Appeal Procedure

If you feel that you did not receive full benefits, you may send a written appeal to the Fund.

Send a letter to the Fund 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 designed to cover clerical mistakes on claims, which may be corrected by a phone call to the Fund. Nor is it meant for services clearly not covered by the Plans or for exemptions to or waivers of required waiting periods.

LEGAL BENEFIT PLAN

- \$1,000 per calendar year per family.
- Provides assistance with legal expenses.
- 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.
- 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.

HOW TO USE THIS PLAN

Visit www.cseaebf.com to download a legal voucher. After legal services are completed, fill out parts 1 and 2. Attach a signed narrative statement from your Attorney specifying services rendered, date completed and fees charged and then forward to the CSEA EBF. Cancelled checks, retainer agreements and payment ledgers are not accepted for this benefit. All claims must be submitted no later than December 31st of the following year. The reimbursement will be sent directly to the member. Be sure your correct address is on the voucher.

CSEA Employee Benefit Fund

P.O. Box 516
Latham, NY 12110-0516

www.cseaebf.com

1-800-323-2732 • 518-782-1500

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TDD# 1-800-532-3833

NO DEDUCTIBLE BENEFITS

General Consultation

WHO IS ELIGIBLE? Member or spouse obtaining an in-person legal consultation with an attorney regarding an actual or assumed personal legal problem.

WHAT IS THE BENEFIT? Five, one half hour sessions on separate dates, each calendar year, concerning unrelated legal questions.

BENEFIT 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 Fund, the initial general consultation, as well as all other consultations related to that matter, are not covered by this provision.

Document Review At The Fund

WHO IS ELIGIBLE? Member or spouse seeking examination and analysis of a legal document.

WHAT IS THE BENEFIT? This benefit provides professional review and interpretation by an attorney designated by the Fund at no expense to the covered employee, of all personal legal documents, such as contracts, installment purchase agreements, loan agreements, guarantees, leases, insurance policies and court papers, excluding business documents.

LIMITATIONS. This benefit does not include the review of tax returns or documents that are in the process of being prepared or a document which the Fund has already reviewed or interpreted.

The Document Review Benefit provides for the review and interpretation of documents only and does not include legal representation or alteration. If such representation involves a covered matter, the Fund will pay an allowance. If the matter is not covered, then any legal costs must be borne directly by the employee.

Wills And Living Trusts

WHO IS ELIGIBLE? Member and their spouse.

WHAT IS THE BENEFIT? The preparation and execution of a Will or Living Trust, but not both.

BENEFIT ALLOWANCE. \$70.00 per Will or Living Trust.

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

Principle Residence Real Estate Closing

WHO IS ELIGIBLE? Member or spouse who is selling, purchasing or refinancing their principle residential dwelling, condominium or cooperative.

WHAT IS THE BENEFIT? Legal representation for the sale, purchase or refinancing of property as described.

BENEFIT 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.

Principle Residence Mortgage Protection

WHO IS ELIGIBLE? Member or spouse 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? Legal advice and/or representation in the defense of a mortgage foreclosure involving any of the above stated residences.

BENEFIT 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.

Tenant Defense

WHO IS ELIGIBLE? Member or spouse who rents for personal residential use, a private dwelling, condominium, apartment or rooms as a tenant.

WHAT IS THE BENEFIT? Legal advice and/or representation for a defendant in defense of a dispute between the member or spouse as tenant and the landlord.

BENEFIT ALLOWANCE. Up to \$150.

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

Change Of Name

WHO IS ELIGIBLE? Members and dependents are entitled to this benefit.

WHAT IS THIS BENEFIT? Legal advice and representation in a change of name procedure. Change may be of first name, middle name or last name, or any combination.

BENEFIT ALLOWANCE. Up to \$200 per family per lifetime.

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

Adoption

WHO IS ELIGIBLE? Member who seeks representation in an adoption proceeding.

WHAT IS THE BENEFIT? Legal advice and representation in an adoption proceeding, either as adoptive parent or natural parent.

BENEFIT ALLOWANCE. Up to \$300.

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

Contracts

WHO IS ELIGIBLE? Member or spouse who seeks to obtain legal services regarding a non-business contract.

WHAT IS THE BENEFIT? Legal advice and/or representation in the preparation, execution of a personal, non-business contract.

BENEFIT ALLOWANCE. Up to \$75.

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

Personal Bankruptcy

WHO IS ELIGIBLE? Member or spouse filing for personal bankruptcy.

WHAT IS THE BENEFIT? Representation by an attorney in a personal bankruptcy proceeding.

BENEFIT ALLOWANCE. Up to \$200.

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

Arraignment Service

WHO IS ELIGIBLE? Member or dependent, as defined by the Fund, who is a defendant in a criminal arraignment proceeding which does not involve a traffic related matter.

WHAT IS THE BENEFIT? Representation in an arraignment proceeding requiring a personal appearance by legal counsel.

BENEFIT 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.

Domestic Relations Representation

WHO IS ELIGIBLE? Member involved in a separation, annulment or divorce requiring legal representation.

WHAT IS THE BENEFIT? 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.

BENEFIT ALLOWANCE.

Uncontested Separation, Annulment or Divorce. Up to \$300.

Contested Separation, Annulment or Divorce. Up to \$400.

Litigated Separation, Annulment or Divorce. Up to \$500.

LIMITATIONS. Domestic relations benefits limited to one per elapsed year. Allowances may be reduced if court awards payment of attorneys fees or portions thereof. Combination of award and benefit may not exceed fees charged.

Example - If a separation is completed by June 15, 2012, you would not be eligible for payment on a divorce until June 15, 2013.

Court Ordered Support

WHO IS ELIGIBLE? Member or spouse 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? Legal advice and representation in a court proceeding to award or modify support payments, or to commence or defend contempt or enforcement proceedings.

BENEFIT ALLOWANCE. Up to \$200 maximum per calendar year for combined matters.

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

Veteran and Servicemen's Rights

WHO IS ELIGIBLE? Member or dependent as defined by the Fund, 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? Legal services in:

- 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.

BENEFIT 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 dependents rights as a veteran are covered by the Plan.

\$50 DEDUCTIBLE BENEFITS

Members or dependents as defined by the Fund, are required to pay the first \$50 of the fee for the following legal services in order to be eligible for these allowances.

Legal Guardianship

WHO IS ELIGIBLE? Member and/or spouse 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 or 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? Legal representation in the guardianship proceeding.

BENEFIT ALLOWANCE. Up to \$300, after deductible, per guardianship proceeding.

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

Juvenile Delinquency Representation

WHO IS ELIGIBLE? Dependent of member, as defined by the Fund, who is charged as a juvenile delinquent.

WHAT IS THE BENEFIT? Legal representation of the dependent in the juvenile delinquency proceeding.

BENEFIT ALLOWANCE. Up to \$150 after deductible.

LIMITATIONS. Only one juvenile delinquency proceeding per dependent per calendar year.

Traffic Violation Representation

WHO IS ELIGIBLE? Member or dependent as defined by the Fund, who is charged with a traffic violation.

WHAT IS THE BENEFIT? Legal services are covered 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.

BENEFIT ALLOWANCE. Without trial up to \$150 after deductible. With trial up to \$300 after deductible.

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.

Automobile Defense Overage Matters

WHO IS ELIGIBLE? Member or dependent as defined by the Fund, who is a defendant in an action involving an on road vehicle.

WHAT IS THE BENEFIT? Legal services for the defense of an action involving operation of vehicle wherein damages or personal liability exceed face amount of insurance policy.

BENEFIT ALLOWANCE. Up to \$300 after deductible.

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.

Debt Collection Defense

WHO IS ELIGIBLE? Member or dependent as defined by the Fund, who is a defendant in a claim involving debt collection.

WHAT IS THE BENEFIT. 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 Fund will determine the applicable benefit allowance.

BENEFIT ALLOWANCE.

Without trial, District, City or County Court...Up to \$150 after deductible.

Without trial, Civil or Supreme Court...Up to \$250 after deductible.

With trial, District, City or County Court...Up to \$300 after deductible.

With trial, Civil or Supreme Court...Up to \$500 after deductible.

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

Legal Defense Benefit In Other Civil Matters

WHO IS ELIGIBLE? Member or dependent as defined by the Fund, 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?

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.

BENEFIT ALLOWANCE. Without trial up to \$250 after deductible
With trial up to \$500 after deductible.

Examples of this legal defense benefit would be costs of a lawsuit alleging breach of contract or a lawsuit concerning a garnishment or medical expense claims. 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.

\$20 CONSULTATION FEE MATTERS

Members or dependents as defined by the Fund, are eligible to receive \$20 of the fee for the following legal services.

Personal Injury (Negligence) Matter

WHO IS ELIGIBLE? Member or dependent as defined by the Fund.

WHAT IS THE BENEFIT? Payment for this type of legal proceeding is customarily by 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.

BENEFIT ALLOWANCE. Up to \$20.

Estate Settlement Matter

WHO IS ELIGIBLE? Member or dependent as defined by the Fund who is a named distributee, named beneficiary or named fiduciary to an estate.

WHAT IS THE BENEFIT? \$20 toward preliminary legal consultation in connection with the probate or settlement of an estate.

Benefit 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.

LIMITATIONS AND EXCLUSIONS

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 proceeding or dispute or controversy with or against the employer or their agents or officers.
- Any proceeding, dispute or controversy directed against the CSEA or any of its affiliated or parent bodies, e.g. the Civil Service Employees Association, Inc., the CSEA Employee Benefit Fund or any of the officers, agents or attorneys of these bodies.
- 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 retained before the employee became eligible to receive the benefit under this Plan, regardless of when a bill for said services was rendered.
- The Fund will not pay or reimburse members, spouses, and/or dependents for court costs and/or filing fees, fines or penalties or interests.
- The Fund 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.
- Any benefit that is claimed after a period that exceeds one year from the calendar year in which legal services were rendered.
- 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.
- Once you decide to retain legal counsel, you may be required to make an initial payment.
- If a court awards full or partial payment for legal fees, the Fund's reimbursement shall be reduced by the amount awarded. The total of the court award and the Fund'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.
- Only matters specified in this brochure are covered.

CSEA Employee Benefit Fund
P.O. Box 516
Latham, NY 12110-0516

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