

**Industry And Local 338
Welfare Fund**
911 Ridgebrook Road
Sparks, MD 21152-9451
Telephone No. (855) 412-3797 (toll free)
www.associated-admin.com

AGENDA

October 20, 2023

- I. CALL MEETING TO ORDER
- II. SEI REPORT
- III. APPROVAL OF MINUTES – June 28, 2023
- IV. FUND MANAGER’S ADMINISTRATIVE REPORT
 - a. Fund Financial Matters
 - b. Changes in Employer Contribution Rates
 - c. Delinquent Employer Report
 - d. Participant Report
 - e. Other Fund matters
 - 1. Participant Appeal
- V. CONSULTANT REPORT
- VI. COUNSEL REPORT
- VII. NEXT MEETING DATE
- VIII. ADJOURNMENT

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Minutes of the Meeting of the Board of Trustees

Held on June 28, 2023
Via
WebEx

The following Trustees were present:

UNION TRUSTEES

Dan Maldonado
Lori Polesel

EMPLOYER TRUSTEE

Chris Palmer

Also present were:

Pat Blizzard – SEI Institutional Group
Alicia Cochran – Associated Administrators, LLC
Rachel Grant – Associated Administrators, LLC
Elizabeth O’Leary, Esq. – Kauff McGuire & Margolis LLP
John Urbank – The Segal Company

I. CALL TO ORDER

The meeting was called to order at 12:06 p.m.

II. INVESTMENT CONSULTANT REPORT

Mr. Patrick Blizzard of SEI referred the Trustees to SEI’s report. He provided commentary on the market, noting the market volatility during the 2022 Calendar Year.

Mr. Blizzard reported that the Fund’s market value of assets was \$6,653,034 as of May 31, 2023, and its fiscal year-to-date rate of return is 2.69%, compared to the 3.15% return for the index. Mr. Blizzard reviewed the Fund’s asset allocation: 8.6% World Equity Ex-US

Fund, 6.0% US Equity Factor Allocation Fund, 6.1% Large Cap Index Fund, 16.1% Core Fixed Income Fund, 41.4% Limited Duration Fund, 3.0% High Yield Bond Fund, 8.0% Real Return Fund, 3.0% Emerging Markets Debt Fund, and 7.8% Multi Asset Real Return Fund. He then reported on the performance of each asset class.

After questions and answers, the Trustees thanked Mr. Blizzard for his report.

III. APPROVAL OF MINUTES

The minutes of the meeting held on March 17, 2023 were reviewed.

MOTION was made, seconded and unanimously adopted to approve the minutes of the meeting held on March 17, 2023.

IV. ASSOCIATED ADMINISTRATORS, LLC REPORT

A. Cash Operating Statement

Ms. Cochran reviewed the Cash Operating Statement from July 1, 2022 through June 30, 2023. The report is attached hereto as **Exhibit "A."**

B. Claims Paid Detail Report

Ms. Cochran reviewed a report detailing medical claims paid by type of benefit from July 1, 2022 through December 31, 2022. The report showed paid claims by the following categories: anesthesia, COVID-19 testing, hospital, laboratory and x-ray, medical, surgery, and COVID-19 vaccines. The report also indicated claims paid in network and out-of-network ("OON"). The report is attached hereto as **Exhibit "B."**

C. Disbursement Report

Ms. Cochran referred to the Authorization for Disbursements reports for October, November, and December 2022. The reports are attached hereto as **Exhibit "C."**

MOTION was made, seconded and unanimously adopted authorizing the disbursements listed in Exhibit "C."

D. Delinquency Report

Ms. Cochran reviewed the report in detail. The report is attached hereto as Exhibit "D."

E. Withdrawal Liability

Ms. Cochran reviewed the report showing the status of withdrawal liability payments owed to the Pension Fund by the Welfare Fund in connection with the 2013 closing of the former Fund Office. The report is included at the bottom of Exhibit "D."

F. Employer Contribution Rate Report

Ms. Cochran reviewed the report in detail. The report is attached hereto as Exhibit "E."

G. Active Members and COBRA Participants Receiving Benefits

Ms. Cochran referred to the report for the period from January 2022 through December 2022. The report is attached hereto as Exhibit "F."

H. Summary Annual Report ("SAR")

Ms. Cochran reported that the SAR for Plan Year ending June 30, 2022 was mailed to participants on May 24, 2023.

I. Orange County Transit Collective Bargaining Agreement ("CBA")

Ms. Cochran reported that the new CBA was received from Orange County Transit with a ratification date of February 24, 2023. She said that the CBA is for period September 1, 2022 through August 31, 2027 and that it contains language related to the Opt-Out provision with ancillary benefits.

J. Consolidated Appropriations Act - Prescription Drug and Health Care Spending Report

Ms. Cochran reported that Associated submitted the medical portion to the Centers for Medicare and Medicaid Services (“CMS”) on May 26, 2023. She stated that Express Scripts confirmed the prescription reporting was also submitted prior to the deadline.

K. Mondelez Payroll Audit

Ms. Cochran reported receipt of payment in the amount of \$32,649.61 for the payroll audit for the period from January 1, 2019 through December 31, 2021.

L. First Student Credit Request

Ms. Cochran reported that First Student requested a credit of \$1,474.00 for 5 weeks of contributions paid in error for a termed employee. She stated that Associated confirmed that the contributions were paid in error. Ms. O’Leary noted that the employer has an outstanding liability of \$11.20 to the Fund for late fees.

MOTION was made, seconded and unanimously adopted to approve the credit request of \$1,474.00 minus \$11.20, which is owed in late fees, for a total approved credit of \$1,462.80.

M. Patient- Centered Outcomes Research Institute (“PCORI”) Fee

Ms. Cochran stated that the PCORI fee, imposed by the Affordable Care Act for self-insured group plans, must be filed by July 31, 2023. She explained that the fee is \$2.79 multiplied by the average number of lives covered under the Plan for that Plan year. Ms. Cochran said that the Plan selected the snapshot method for the prior filings to determine the average number of lives covered under the Plan. Ms. Cochran noted that Schultheis & Panettieri, LLP (“S&P”) files the Form 720, which is a tax form associated with the fee.

After discussion,

MOTION was made, seconded and unanimously adopted to approve the snapshot method and to engage the auditor to prepare the Form 720.

N. Subrogation

Ms. Cochran reported that, according to Anthem, there were no open cases to report.

O. Westchester Local 860 Payroll Audit

Ms. O'Leary stated that she sent a demand letter and follow up email correspondence to the employer regarding the payroll audit findings for the period from January 1, 2019 through December 31, 2021. She noted that the Employer sent an email to Associated on June 27, 2023 stating that the amounts have been paid. Ms. Cochran stated that no payment has been received to date and that she followed up with the Employer but has not yet received a response. She said that she will provide an update when available.

V. CONSULTANT'S REPORT

A. COBRA Rates for the Year Beginning July 1, 2023

Mr. Urbank reviewed the COBRA rates for the plan year beginning July 1, 2023. The rates reflect the April 1, 2023 stop loss rate renewal and the revised May 1, 2023 Empire JAA fee renewal rates, while the Hospital, Medical, Prescription Drug, Dental and Optical claims costs are based on Segal's projections by benefit for the fiscal year beginning July 1, 2023. Mr. Urbank reported that the core rates are increasing 1.8% to \$1,545.93 for individuals and 2.3% to \$3,767.27 for families, respectively. He said that the core plus non-core individual and family rates are increasing to \$1,567.90 (1.3%) and \$3,886.60 (1.3%), respectively.

After discussion,

MOTION was made, seconded and unanimously adopted approving the proposed COBRA rates, effective July 1, 2023.

B. New York Labor Health Care Alliance/ Market Check

Mr. Urbank reported that the New York Labor Health Care Alliance (“NYLHCA”), the coalition that the Fund participates in to access coalition pricing for the Express Scripts pharmacy benefit program, recently retained Segal to perform a market check of the pharmacy contract pricing terms. He explained that a market check is conducted in the second year of a three-year contract to determine if the third-year pricing is competitive in the market if the program was put out to bid. Mr. Urbank stated that the market check resulted in revised pricing terms and a new three-year agreement that is estimated to provide first year savings of \$22,300 and \$77,600 for three years for the 338 Fund. He said that the one-year savings is \$765,000 and \$2.7 million for three years for all Funds that participate in the coalition and use ESI.

Mr. Urbank reported that the NYLHCA recently engaged Segal to perform data mining of the participating funds’ prescription and medical claims experience. He said that the service, Segal’s Health Analysis of Plan Experience (SHAPE), analyzes the data to determine underlying drivers of cost and utilization and to recommend strategies to control and/or reduce costs. He stated that the program is being funded by the coalition and each participating Fund will receive a \$.05 per member per month coalition fee credit.

Following discussion, the Trustees approved participation in SHAPE and authorized Associated to proceed with any needed engagement requirements.

VI. L.P. TRANSPORTATION, INC. PAYROLL AUDIT

Ms. Cochran referred to the discussion at the Board of Trustees' meeting held on March 17, 2023 regarding the payroll audit findings for L.P. Transportation. She noted that the employer disputed a portion of the findings but nonetheless paid the principal audit findings. She stated, however, that the employer did not pay the interest amount. On behalf of the employer, Mr. Palmer requested that the Trustees waive the interest. He said that L.P. Transportation has been a loyal employer for many years and that it paid the findings notwithstanding its good faith dispute that they are owed. He thanked the Trustees for their consideration. Ms. Cochran said the total amount due to the Pension and Welfare Funds for interest is \$1,136.95. It was noted that Trustee Palmer was recused from participating in this decision.

Trustee Palmer left the video conference.

Ms. O'Leary stated that a waiver of interest on late paid contributions is considered a prohibited transaction under ERISA. She stated that, unless there was a question about collectability, which is not an issue in this case, the Trustees do not have discretion regarding the assessment of interest.

After discussion,

MOTION was made, seconded and unanimously adopted to deny the request to waive the interest owed on the L.P. Transportation payroll audit.

Ms. O'Leary stated she would contact Trustee Palmer and inform him of the Trustees decision.

VII. NEXT MEETING DATE/ADJOURNMENT

It was agreed that the next regular meeting of the Board of Trustees was scheduled for October 20, 2023 at 12:00 p.m. via WebEx. With no further business to come before the Board, the meeting was adjourned at 12:56 p.m.

Exhibits

A – Cash Operating Statement

B – Claims Paid Detail Report

C – Authorization for Disbursements

D – Delinquency Report and Withdrawal Liability Report

E – Employer Contribution Report

F – Active Members and COBRA Participants Receiving Benefits

INDUSTRY & LOCAL 338 WELFARE FUND

JULY 1, 2022 THROUGH JUNE 30, 2023

CASH OPERATING STATEMENT

	OCTOBER	NOVEMBER	DECEMBER	OCTOBER - DECEMBER	YEAR TO DATE
Remittances					
Employer Contributions *	159,872.26	133,717.04	182,586.68	476,175.98	980,149.42
COBRA	0.00	2,568.99	0.00	2,568.99	2,568.99
Payroll Audit	0.00	0.00	0.00	0.00	1,452.00
Payroll Audit Interest	0.00	0.00	0.00	0.00	135.89
Interest- Delinquent Employer	21.41	158.96	126.45	306.82	1,506.63
Dividend Income	17,151.75	13,432.37	105,011.70	135,595.82	163,207.56
SEI Investments Realized G/L	0.00	0.00	(168,239.47)	(168,239.47)	(175,389.22)
SEI Investments Unrealized G/L	30,102.69	208,663.20	41,424.36	280,190.25	2,567.57
SEI Fund Rebate	0.00	1,858.77	0.00	1,858.77	3,818.65
NY Labor Health Care Rebate	0.00	0.00	0.00	0.00	0.00
NY Taxes Refund	0.00	0.00	0.00	0.00	0.00
Stop Loss Reimbursement	327,681.11	0.00	0.00	327,681.11	327,681.11
Prescription Rebate	0.00	27,308.11	20,335.16	47,643.27	86,625.16
IRS Interest	0.00	0.00	0.00	0.00	0.00
Class Action Proceeds	0.00	0.00	0.00	0.00	802.93
Total Income	534,829.22	387,707.44	181,244.88	1,103,781.54	1,395,126.69
Benefit Expenses *					
Benefits Paid	66,688.00	1,194.00	0.00	67,882.00	154,493.40
Anthem- Medical	154,468.85	127,992.46	146,754.09	429,215.40	733,914.44
Anthem- Retention	5,251.04	5,144.60	5,020.42	15,416.06	31,151.44
Anthem- NY Taxes	798.19	792.50	801.20	2,391.89	4,757.09
Medco Claims	35,493.13	42,354.02	18,116.34	95,963.49	186,961.64
Admin. Fee	633.96	655.78	1,416.86	2,706.60	5,909.72
ASO Dental Claims	2,677.00	4,182.00	0.00	6,859.00	18,994.00
Admin. Fee	279.50	275.20	277.35	832.05	1,679.15
NVA Optical Claims	314.00	106.00	54.00	474.00	1,364.00
Admin. Fee	49.00	14.00	8.03	71.03	193.55
Amalgamated: Life Insurance	458.25	451.20	451.20	1,360.65	2,745.98
Paid Family Leave	4,590.30	4,519.68	4,519.68	13,629.66	27,506.49
Disability	884.65	871.04	871.04	2,626.73	5,301.10
Teamster Center Services	266.50	266.50	262.40	795.40	1,607.20
Stop Loss Insurance	20,966.40	20,643.84	20,805.12	62,415.36	125,959.68
Total Benefit Expenses	293,818.77	209,462.82	199,357.73	702,639.32	1,302,538.88
Administrative Expenses *					
AA, LLC- Admin. Fees	6,728.00	6,728.00	6,728.00	20,184.00	40,368.00
Legal Fees	8,960.00	0.00	0.00	8,960.00	12,520.00
Consulting Fees	12,500.00	0.00	0.00	12,500.00	25,000.00
SEI Invest./Custody Fees	0.00	6,463.26	0.00	6,463.26	13,239.14
Fiduciary Liability Insurance	0.00	0.00	0.00	0.00	3,196.98
Actuary Fees	0.00	2,350.00	0.00	2,350.00	4,700.00
Year End Audit	0.00	0.00	0.00	0.00	0.00
Payroll Audits	902.50	941.15	3,206.25	5,049.90	7,043.70
Fidelity Bond Insurance	0.00	0.00	0.00	0.00	1,669.92
Convention & Seminars	0.00	0.00	0.00	0.00	0.00
Printing & Stationery	25.41	0.00	0.00	25.41	25.41
Postage	68.97	0.00	0.00	68.97	68.97
Office Supplies & Expenses	0.00	0.00	0.00	0.00	0.00
Bank Charges	210.00	205.00	190.00	605.00	1,210.00
Travel Expenses	0.00	0.00	0.00	0.00	0.00
Meeting Expenses	0.00	0.00	0.00	0.00	0.00
Dues & Membership	0.00	0.00	0.00	0.00	429.40
Withdrawal Liability	1,479.58	1,479.58	1,479.58	4,438.74	8,877.48
NY Labor Health Care Dues	0.00	0.00	0.00	0.00	0.00
PCORI Fee	0.00	0.00	0.00	0.00	0.00
Transitional Reinsurance Fee	0.00	0.00	0.00	0.00	0.00
Cyber Liability	584.00	0.00	0.00	584.00	584.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Total Admin. Expenses	31,458.46	18,166.99	11,603.83	61,229.28	118,933.00
TOTAL EXPENSES	325,277.23	227,629.81	210,961.56	763,868.60	1,421,471.88
INCREASE/(DECREASE)	209,551.99	160,077.63	(29,716.68)	339,912.94	(26,345.19)

FUND RESERVE AS OF 12/31/22: \$6,773,025.71

* Cash to Accrual

INDUSTRY AND LOCAL 338 WELFARE FUND

2ND QUARTER 2022 (OCTOBER, NOVEMBER, DECEMBER)

	Anthem Network		
Benefit	Out-of-Network	In-Network	Grand Total
ANESTHESIA	\$0.00	\$13,923.55	\$13,923.55
COVID-19 TESTING	\$0.00	\$8,896.62	\$8,896.62
HOSPITAL	\$0.00	\$159,689.34	\$159,689.34
LABORATORY & X-RAY	\$0.00	\$44,767.75	\$44,767.75
MEDICAL	\$2,882.00	\$83,991.78	\$86,873.78
SURGERY	\$65,000.00	\$30,900.53	\$95,900.53
COVID-19 VACCINE	\$0.00	\$80.00	\$80.00
	\$67,882.00	\$342,249.57	\$410,131.57

1ST QUARTER 2022 (JULY, AUGUST, SEPTEMBER)

	Anthem Network		
Benefit	Out-of-Network	In-Network	Grand Total
ANESTHESIA	\$0.00	\$13,045.66	\$13,045.66
COVID-19 TESTING	\$0.00	\$5,938.07	\$5,938.07
COVID-19 TREATMENT	\$0.00	\$3,652.07	\$3,652.07
HOSPITAL	\$0.00	\$243,333.06	\$243,333.06
LABORATORY & X-RAY	\$0.00	\$49,239.39	\$49,239.39
MEDICAL	\$2,611.40	\$71,568.38	\$74,179.78
SURGERY	\$84,000.00	\$20,523.61	\$104,523.61
COVID-19 VACCINE	\$0.00	\$40.00	\$40.00
	\$86,611.40	\$407,340.24	\$493,951.64

**INDUSTRY AND LOCAL 338 WELFARE FUND
AUTHORIZATION FOR DISBURSEMENTS
OCTOBER 31, 2022**

WELFARE FUND CHECKING		
CHECK	DESCRIPTION	AMOUNT
	NVA OPTICAL CLAIMS 9/22-10/22	333.03
	ANTHEM EMPIRE- MEDICAL CLAIMS 10/22	129,251.38
	MEDCO RX CLAIMS 10/22	36,127.09
	ASO DENTAL CLAIMS 10/22	2,449.00
	TOTAL PAYMENTS	168,160.50

**INDUSTRY AND LOCAL 338 WELFARE FUND
AUTHORIZATION FOR DISBURSEMENTS
NOVEMBER 30, 2022**

WELFARE FUND CHECKING		
CHECK	DESCRIPTION	AMOUNT
	NVA OPTICAL CLAIMS 10/22-11/22	246.00
	ANTHEM EMPIRE- MEDICAL CLAIMS 10/22-11/22	165,196.26
	MEDCO RX CLAIMS 11/22	43,009.80
	ASO DENTAL CLAIMS 10/22	228.00
	TOTAL PAYMENTS	208,680.06

**INDUSTRY AND LOCAL 338 WELFARE FUND
AUTHORIZATION FOR DISBURSEMENTS
DECEMBER 31, 2022**

WELFARE FUND CHECKING		
CHECK	DESCRIPTION	AMOUNT
	NVA OPTICAL CLAIMS 11/22-12/22	115.00
	ANTHEM EMPIRE- MEDICAL CLAIMS 12/22	152,575.71
	MEDCO RX CLAIMS 12/22	19,533.20
	ASO DENTAL CLAIMS 11/22	4,182.00
	TOTAL PAYMENTS	176,405.91

Local 338 Delinquency Log

Delinquencies as of 12/31/22

Employer	Month(s) Delinquent
Orange County Transit (Valley & Wallkill)	11/22 *

Late Fees

Employer	Welfare	Total Balance Owed	Month(s) Owed
First Student (Roundout)	\$11.20	\$11.20	11/19, 8/21
Orange County Transit (Valley & Wallkill)	\$130.61	\$130.61	2/23
Mondelez Global	\$269.62	\$269.62	3/23

Status of Withdrawal Liability Payments as of 12/31/22

Employer	Start Date	Amount of W/L Pymt Mthly	Total # of Pymts Required	Pymts Made to Date	Past Due?	Employer ID#	Date of withdrawal
Local 338 Welfare Fund	3/1/2014	\$1,479.58	240	106	No	36	6/30/2013

* Orange County Transit Paid November Contributions on 1/3/23

Local 338 Welfare Fund Employer Contribution Rates							
Employer	Employer #	*Wel Count	Contract Effective Date	Contract Expiration Date	Current Weekly Welfare Rate	Current CBA on file	Which Union?
First Student (Kingston)	59	7	9/1/2016 9/1/2017 1/1/2018 9/1/2018 1/1/2019 1/1/2020 1/1/2021	8/31/2021	290.00 300.00 280.00 284.80 293.20 294.80	No	445
First Student (Rondout)	65	3	9/1/2022 9/1/2022 1/1/2023 1/1/2024 1/1/2025	8/31/2025	332.00 360.00 376.00 396.00	Yes	445
L.P. Transportation	43	27	8/16/2022 8/16/2022 8/16/2023 8/16/2024	8/15/2025	332.00 376.00 396.00	Yes	445
Mondelez International was Kraft Foods Global Inc.	49	62	9/1/2019 9/1/2019 9/1/2020 9/1/2021 9/1/2022 9/1/2023	8/31/2024	294.80 296.00 296.00 296.00 296.00	Yes	445

* Participant Count as of 5/2/23

Local 338 Welfare Fund Employer Contribution Rates							
Employer	Employer #	*Wel Count	Contract Effective Date	Contract Expiration Date	Current Weekly Welfare Rate	Current CBA on file	Which Union?
Orange County Transit (includes Wallkill and Valley Central)	70	13	9/1/2019 3/23/2020 1/1/2022	8/31/2022	294.80 296.00	Yes	445
Paraco Gas Corp.	54	8	2/1/2021 2/1/2021 2/1/2022 2/1/2023 2/1/2024	1/31/2025	312.00 332.00 360.00 376.00	Yes	445
PreCast Concrete	55	3	1/1/2016 7/1/2016 1/1/2017 1/1/2018	12/31/2017	266.40 290.40 290.40	No	445
Westchester Local 860	21	1	10/1/2021 10/1/2021 10/1/2022 10/1/2023 10/1/2024	9/30/2025	312.00 332.00 360.00 376.00	Yes	445

* Participant Count as of 5/2/23

INDUSTRY AND LOCAL 338 WELFARE FUND NUMBER OF ACTIVE MEMBERS RECEIVING BENEFITS JANUARY 2022 - DECEMBER 2022		
MONTH	WELFARE	COBRA
January-22	128	1
February-22	133	1
March-22	132	1
April-22	133	1
May-22	131	1
June-22	131	1
July-22	133	0
August-22	129	0
September-22	130	0
October-22	127	1
November-22	126	0
December-22	126	0

INDUSTRY & LOCAL 338 WELFARE FUND

JULY 1, 2022 THROUGH JUNE 30, 2023

CASH OPERATING STATEMENT

	April	May	June	4th Qtr Apr-Jun	YEAR TO DATE
Remittances					
Employer Contributions *	152,296.00	153,430.40	170,224.60	475,951.00	1,941,836.70
COBRA	1,032.39	0.00	0.00	1,032.39	3,601.38
Payroll Audit	30,526.40	6,752.00	0.00	37,278.40	38,730.40
Payroll Audit Interest	2,123.21	0.00	0.00	2,123.21	2,259.10
Interest- Delinquent Employer	18.51	385.09	161.61	565.21	2,471.50
Dividend Income	18,494.46	13,493.52	28,758.32	60,746.30	261,802.55
SEI Investments Realized G/L	0.00	(2,153.73)	0.00	(2,153.73)	(184,399.02)
SEI Investments Unrealized G/L	26,104.62	(84,833.55)	81,361.42	22,632.49	192,764.55
SEI Fund Rebate	0.00	1,853.22	0.00	1,853.22	7,493.63
NY Labor Health Care Rebate	0.00	0.00	0.00	0.00	0.00
NY Taxes Refund	0.00	0.00	0.00	0.00	0.00
Stop Loss Reimbursement	0.00	0.00	0.00	0.00	327,681.11
Prescription Rebate	0.00	30,436.00	0.00	30,436.00	169,233.16
IRS Interest	0.00	0.00	0.00	0.00	0.00
Class Action Proceeds	0.00	0.00	0.00	0.00	802.93
Total Income	230,595.59	119,362.95	280,505.95	630,464.49	2,764,277.99
Benefit Expenses *					
Benefits Paid	487.64	375.00	2,000.00	2,862.64	273,187.25
Anthem- Medical	84,138.88	216,215.22	41,477.39	341,831.49	1,327,669.79
Anthem- Retention	4,807.54	4,672.30	5,461.53	14,941.37	61,473.39
Anthem- NY Taxes	1,028.56	800.61	795.13	2,624.30	9,844.84
Medco Claims	14,070.08	30,496.66	28,252.06	72,818.80	421,858.34
Admin. Fee	9,671.84	1,115.77	2,453.10	13,240.71	22,861.52
ASO Dental Claims	2,576.00	4,775.00	4,393.00	11,744.00	40,299.00
Admin. Fee	277.35	268.75	251.55	797.65	3,289.50
NVA Optical Claims	373.00	173.00	169.00	715.00	3,711.00
Admin. Fee	50.06	29.06	16.66	95.78	501.44
Amalgamated: Life Insurance	451.20	440.63	412.43	1,304.26	5,382.68
Paid Family Leave	4,261.12	4,161.25	3,894.93	12,317.30	52,407.41
Disability	871.04	850.63	796.19	2,517.86	10,391.26
Teamster Center Services	277.35	277.35	268.75	823.45	3,243.35
Stop Loss Insurance	20,296.86	19,667.50	18,408.78	58,373.14	245,296.66
Total Benefit Expenses	143,638.52	284,318.73	109,050.50	537,007.75	2,481,417.43
Administrative Expenses *					
AA, LLC- Admin. Fees	6,963.00	6,963.00	6,963.00	20,889.00	81,441.00
Legal Fees	5,840.00	0.00	0.00	5,840.00	25,720.00
Consulting Fees	12,500.00	0.00	0.00	12,500.00	50,000.00
SEI Invest./Custody Fees	0.00	6,366.96	0.00	6,366.96	25,955.10
Fiduciary Liability Insurance	0.00	0.00	0.00	0.00	3,196.98
Actuary Fees	0.00	2,350.00	0.00	2,350.00	7,050.00
Year End Audit	0.00	0.00	0.00	0.00	36,000.00
Payroll Audits	187.20	31.20	0.00	218.40	10,363.20
Fidelity Bond Insurance	0.00	0.00	0.00	0.00	1,669.92
Convention & Seminars	0.00	0.00	0.00	0.00	0.00
Printing & Stationery	121.39	0.00	200.02	321.41	551.39
Postage	73.55	0.00	67.20	140.75	278.12
Office Supplies & Expenses	36.99	0.00	0.00	36.99	36.99
Bank Charges	171.92	149.89	189.10	510.91	2,385.91
Travel Expenses	0.00	0.00	0.00	0.00	0.00
Meeting Expenses	0.00	0.00	0.00	0.00	0.00
Dues & Membership	0.00	0.00	0.00	0.00	429.40
Withdrawal Liability	1,479.58	1,479.58	1,479.58	4,438.74	17,754.96
NY Labor Health Care Dues	0.00	0.00	500.00	500.00	500.00
PCORI Fee	0.00	0.00	783.99	783.99	783.99
Transitional Reinsurance Fee	0.00	0.00	0.00	0.00	0.00
Cyber Liability	0.00	0.00	0.00	0.00	584.00
Miscellaneous	0.00	0.00	0.00	0.00	0.00
Total Admin. Expenses	27,373.63	17,340.63	10,182.89	54,897.15	264,700.96
TOTAL EXPENSES	171,012.15	301,659.36	119,233.39	591,904.90	2,746,118.39
INCREASE/(DECREASE)	59,583.44	(182,296.41)	161,272.56	38,559.59	18,159.60

FUND RESERVE AS OF 6/30/23: \$6,798,902.07

* Cash to Accrual

INDUSTRY AND LOCAL 338 WELFARE FUND

4TH QUARTER 2022 (APRIL, MAY, JUNE)

	Anthem Network		
Benefit	Out-of-Network	In-Network	Grand Total
ANESTHESIA	\$0.00	\$18,289.86	\$18,289.86
COVID-19 TESTING	\$356.58	\$4,448.75	\$4,805.33
HOSPITAL	\$0.00	\$157,179.32	\$157,179.32
LABORATORY & X-RAY	\$0.00	\$64,670.64	\$64,670.64
MEDICAL	\$5,684.66	\$120,356.53	\$126,041.19
SURGERY	\$0.00	\$44,048.62	\$44,048.62
IN-PATIENT SUBSTANCE ABUSE	\$0.00	\$16,297.75	\$16,297.75
	\$6,041.24	\$425,291.47	\$431,332.71

3RD QUARTER 2022 (JANUARY, FEBRUARY, MARCH)

	Anthem Network		
Benefit	Out-of-Network	In-Network	Grand Total
ANESTHESIA	\$0.00	\$10,132.10	\$10,132.10
COVID-19 TESTING	\$0.00	\$4,025.35	\$4,025.35
HOSPITAL	\$0.00	\$249,441.20	\$249,441.20
LABORATORY & X-RAY	\$0.00	\$42,116.84	\$42,116.84
MEDICAL	\$1,615.06	\$55,621.39	\$57,236.45
SURGERY	\$0.00	\$15,918.57	\$15,918.57
COVID-19 VACCINE	\$0.00	\$15.00	\$15.00
	\$1,615.06	\$377,270.45	\$378,885.51

2ND QUARTER 2022 (OCTOBER, NOVEMBER, DECEMBER)

	Anthem Network		
Benefit	Out-of-Network	In-Network	Grand Total
ANESTHESIA	\$0.00	\$13,923.55	\$13,923.55
COVID-19 TESTING	\$0.00	\$8,896.62	\$8,896.62
HOSPITAL	\$0.00	\$159,689.34	\$159,689.34
LABORATORY & X-RAY	\$0.00	\$44,767.75	\$44,767.75
MEDICAL	\$2,882.00	\$83,991.78	\$86,873.78
SURGERY	\$65,000.00	\$30,900.53	\$95,900.53
COVID-19 VACCINE	\$0.00	\$80.00	\$80.00
	\$67,882.00	\$342,249.57	\$410,131.57

1ST QUARTER 2022 (JULY, AUGUST, SEPTEMBER)

	Anthem Network		
Benefit	Out-of-Network	In-Network	Grand Total
ANESTHESIA	\$0.00	\$13,045.66	\$13,045.66
COVID-19 TESTING	\$0.00	\$5,938.07	\$5,938.07
COVID-19 TREATMENT	\$0.00	\$3,652.07	\$3,652.07
HOSPITAL	\$0.00	\$243,333.06	\$243,333.06
LABORATORY & X-RAY	\$0.00	\$49,239.39	\$49,239.39
MEDICAL	\$2,611.40	\$71,568.38	\$74,179.78
SURGERY	\$84,000.00	\$20,523.61	\$104,523.61
COVID-19 VACCINE	\$0.00	\$40.00	\$40.00
	\$86,611.40	\$407,340.24	\$493,951.64

**INDUSTRY AND LOCAL 338 WELFARE FUND
AUTHORIZATION FOR DISBURSEMENTS
APRIL 30, 2023**

WELFARE FUND CHECKING		
CHECK	DESCRIPTION	AMOUNT
	NVA OPTICAL CLAIMS 3/23-4/23	477.53
	ANTHEM EMPIRE- MEDICAL CLAIMS 3/23-4/23	89,974.98
	MEDCO RX CLAIMS 3/23-4/23	23,741.92
	ASO DENTAL CLAIMS 4/23	277.35
	TOTAL PAYMENTS	114,471.78

**INDUSTRY AND LOCAL 338 WELFARE FUND
AUTHORIZATION FOR DISBURSEMENTS
MAY 31, 2023**

WELFARE FUND CHECKING		
CHECK	DESCRIPTION	AMOUNT
	NVA OPTICAL CLAIMS 4/23-5/23	486.06
	ANTHEM EMPIRE- MEDICAL CLAIMS 4/23-5/23	221,688.13
	MEDCO RX CLAIMS 5/23	31,612.43
	ASO DENTAL CLAIMS 4/23-5/23	5,531.00
	TOTAL PAYMENTS	259,317.62

**INDUSTRY AND LOCAL 338 WELFARE FUND
AUTHORIZATION FOR DISBURSEMENTS
JUNE 30, 2023**

WELFARE FUND CHECKING		
CHECK	DESCRIPTION	AMOUNT
	ANTHEM EMPIRE- MEDICAL CLAIMS 5/23-6/23	68,977.99
	MEDCO RX CLAIMS 6/23	30,705.16
	ASO DENTAL CLAIMS 5/23-6/23	6,213.00
	TOTAL PAYMENTS	105,896.15

Local 338 Delinquency Log

Delinquencies as of 06/30/23

Employer	Month(s) Delinquent
Orange County Transit (Valley & Wallkill)	5/23 *

Late Fees

Employer	Welfare	Total Balance Owed	Month(s) Owed
First Student (Roundout)	\$11.20	\$11.20	11/19, 8/21
Orange County Transit (Valley & Wallkill)	\$366.11	\$366.11	5/23-7/23

Status of Withdrawal Liability Payments as of 6/30/23

Employer	Start Date	Amount of W/L Pymt Mthly	Total # of Pymts Required	Pymts Made to Date	Past Due?	Employer ID#	Date of withdrawal
Local 338 Welfare Fund	3/1/2014	\$1,479.58	240	112	No	36	6/30/2013

* Orange County Transit Paid May Contributions on 7/21/23

Local 338 Welfare Fund Employer Contribution Rates							
Employer	Employer #	*Wel Count	Contract Effective Date	Contract Expiration Date	Current Weekly Welfare Rate	Current CBA on file	Which Union?
First Student (Kingston)	59	7	9/1/2016 9/1/2017 1/1/2018 9/1/2018 1/1/2019 1/1/2020 1/1/2021	8/31/2021	290.00 300.00 280.00 284.80 293.20 294.80	No	445
First Student (Rondout)	65	3	9/1/2022 9/1/2022 1/1/2023 1/1/2024 1/1/2025	8/31/2025	332.00 360.00 376.00 396.00	Yes	445
L.P. Transportation	43	27	8/16/2022 8/16/2022 8/16/2023 8/16/2024	8/15/2025	332.00 376.00 396.00	Yes	445
Mondelez International was Kraft Foods Global Inc.	49	67	9/1/2019 9/1/2019 9/1/2020 9/1/2021 9/1/2022 9/1/2023	8/31/2024	294.80 296.00 296.00 296.00 296.00	Yes	445

* Participant Count as of 9/15/23

Local 338 Welfare Fund Employer Contribution Rates							
Employer	Employer #	*Wel Count	Contract Effective Date	Contract Expiration Date	Current Weekly Welfare Rate	Current CBA on file	Which Union?
Orange County Transit (includes Wallkill and Valley Central)	70	12	9/1/2022 3/1/2023 1/1/2024 1/1/2025 1/1/2026 1/1/2027	8/31/2027	325.60 358.00 384.80 384.80 396.00	Yes	445
Paraco Gas Corp.	54	7	2/1/2021 2/1/2021 2/1/2022 2/1/2023 2/1/2024	1/31/2025	312.00 332.00 360.00 376.00	Yes	445
PreCast Concrete <i>Currently in negotiations</i>	55	3	1/1/2016 7/1/2016 1/1/2017 1/1/2018	12/31/2017	266.40 290.40 290.40	No	445
Westchester Local 860	21	1	10/1/2021 10/1/2021 10/1/2022 10/1/2023 10/1/2024	9/30/2025	312.00 332.00 360.00 376.00	Yes	445

* Participant Count as of 9/15/23

INDUSTRY AND LOCAL 338 WELFARE FUND NUMBER OF ACTIVE MEMBERS RECEIVING BENEFITS JANUARY 2023 - DECEMBER 2023		
MONTH	WELFARE	COBRA
January-23	124	0
February-23	122	0
March-23	121	0
April-23	122	1
May-23	128	0
June-23	123	0
July-23		
August-23		
September-23		
October-23		
November-23		
December-23		

NAME:

SS#:

Industry and Local 338 Welfare Fund

LOCAL: 338
STATUS: Full Time

ISSUE: Hospital/Medical – Experimental/Investigational #M23/100-0911

FUND RULE:

"Exclusions"

In addition to services listed under 'What's Not Covered' in the prior sections, your PPO does not cover the following:

Experimental/Investigational Treatments

- Technology, treatments, procedures, drugs, biological products or medical devices that in Empire's judgment are:
 - experimental or investigative,
 - obsolete or ineffective, and
 - any hospitalization in connection with experimental or investigative treatments.
- "Experimental" or "investigative" means that for the particular diagnosis or treatment of the covered person's condition, the treatment is:
 - not of proven benefit,
 - not generally recognized by the medical community (as reflected in published medical literature).

Government approval of a specific technology or treatment does not necessarily prove that it is appropriate or effective for a particular diagnosis or treatment of a covered person's condition. Empire may require that any or all of the following criteria be met to determine whether a technology, treatment, procedure, biological product, medical device or drug is experimental, investigative, obsolete or ineffective:

- There is final market approval by the U.S. Food and Drug Administration (FDA) for the patient's particular diagnosis or condition, except for certain drugs prescribed for the treatment of cancer. Once the FDA approves use of a medical device, drug or biological product for a particular diagnosis or condition, use for another diagnosis or condition may require that additional criteria be met.
- Published peer review medical literature must conclude that the technology has a definite positive effect on health outcomes.
- Published evidence must show that over time the treatment improves health outcomes (i.e., the beneficial effects outweigh any harmful effects).
- Published proof must show that the treatment at the least improves health outcomes or that it can be used in appropriate medical situations where the established treatment cannot be used. Published proof must show that the treatment improves health outcomes in standard medical practice, not just in an experimental laboratory setting."

(Industry and Local 338 Welfare Fund SPD, Pages 79-80)

SUMMARY:	Date(s) of Service:	February 24, 2023 and March 31, 2023
	Claim(s) Received:	March 6, 2023 through April 7, 2023
	Claim(s) Denied:	March 14, 2023 through April 19, 2023
	Appeal Received:	May 25, 2023

The **provider**, Alterman, Modi & Wolter Eye Centers, is appealing for payment of claims for Avastin injections that were denied. The provider states in summary that the participant is being treated for Diabetic Macular Edema and that they have used Avastin many times to treat this same diagnosis.

Industry and Local 338 Welfare Fund

Appeal #: M23/100-0911

Page 2

Records indicate that Alterman, Modi & Wolter Eye Centers submitted claims for Avastin injections rendered on February 24, 2023 and March 31, 2023 with the diagnosis "Type 2 diabetes mellitus with mild nonproliferative diabetic retinopathy with macular edema." The claims were denied because Avastin has not been FDA-approved for the treatment of this diagnosis, therefore, is considered experimental/investigational in nature and excluded from coverage.

Date of Service: February 24, 2023

CPT J9035-LT – provider billed \$300.00 and Anthem allowed \$70.75

CPT 67028-LT – provider billed \$500.00 and Anthem allowed \$94.57

Date of Service: March 31, 2023

CPT J9035-LT – provider billed \$300.00 and Anthem allowed \$70.75

CPT 67028-LT – provider billed \$500.00 and Anthem allowed \$94.57

ACTION:**Approved**☐**Denied**☐**Tabled**☐**COMMENTS:**

alterman, modi & wolter
seeta eye centers
GENERAL, MEDICAL, SURGICAL & LASER EYE CARE

27 Davis Avenue
Poughkeepsie, NY 12603
845-454-1025
www.seetaeye.com

264 Strang Boulevard
Yorktown Heights
845-440-1175

Empire Blue Cross Blue Shield
Po Box 3877
Church Street Station
New York, NY 10008-3877

May 24th, 2023

Attention: Appeals Department- Board of trustees



To whomever it may concern,

It has been brought to my attention that this member's blue cross blue shield plan is denying his Avastin injections, due to the fact that we are not using any cancer Diagnosis's. This patient is being treated for Diabetic Macular edema; we have used this drug many times to treat the same diagnosis. Avastin is a medicine that blocks the effects of vascular endothelial growth factor (VEGF). It works the same way as Lucentis and Eylea. By blocking the effects of VEGF, it is an effective treatment for macular edema from almost any disease. Macular edema is swelling of the center of the retina. This can reduce leakage from damaged blood vessels and slow the progression of DME, up to 90 percent of people experience vision stabilization.

Please resubmit and correct for our billing purposes, thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sara Mahin'.

Sara Mahin
Billing Specialist
845-454-1025 ex 219

RECEIVED
MAY 25 2023
APPEALS DEPT

**Industry And Local 338
Welfare Fund**
911 Ridgebrook Road
Sparks, MD 21152-9451
Telephone No. (855) 412-3797 (toll free)
www.associated-admin.com

October 2023

Notice of Creditable Coverage Regarding Your Prescription Drug Coverage

The following Notice of Creditable Coverage applies to all Medicare-eligible participants and/or spouses. Read this notice carefully and keep it in a safe place so you have it if you need it.

This notice has information about your current prescription drug coverage with the Industry and Local 338 Welfare Fund (the “Fund”) and about your options under Medicare’s prescription drug coverage. This information can help you decide whether you want to join a Medicare drug plan. If you are considering joining, you should compare your current coverage, including which drugs are covered at what cost, with the coverage and costs of the plans offering Medicare prescription drug coverage in your area. Information about where you can get help to make decisions about your prescription drug coverage is at the end of this notice.

There are two important things you need to know about your current coverage and Medicare’s prescription drug coverage:

1. Medicare prescription drug coverage is available to everyone with Medicare. You can get this coverage if you join a Medicare Prescription Drug Plan or join a Medicare Advantage Plan (like an HMO or PPO) that offers prescription drug coverage. All Medicare drug plans provide at least a standard level of coverage set by Medicare. Some plans may also offer more coverage for a higher monthly premium.
2. The Fund has determined that its prescription drug coverage is, on average for all plan participants, expected to pay out as much as standard Medicare prescription drug coverage pays and is therefore considered Creditable Coverage. Because your existing coverage is Creditable Coverage, you can keep this coverage and not pay a higher premium (a penalty) if you later join a Medicare drug plan.

When Can You Join A Medicare Drug Plan?

You can join a Medicare drug plan when you first become eligible for Medicare and each year from October 15th to December 7th.

However, if you lose your current creditable prescription drug coverage, through no fault of your own, you will also be eligible for a two (2) month Special Enrollment Period (“SEP”) to join a Medicare drug plan.

What Happens To Your Current Coverage If You Decide to Join A Medicare Drug Plan?

If you decide to join a Medicare drug plan, your current Fund coverage will not be affected. Your Fund coverage will pay primary to Medicare.

When Will You Pay A Higher Premium (Penalty) To Join A Medicare Drug Plan?

If you drop or lose your current coverage with the Fund and don't join a Medicare drug plan within 63 continuous days after your current coverage ends, you may pay a higher premium (a penalty) to join a Medicare drug plan later.

If you go 63 continuous days or longer without creditable prescription drug coverage, your monthly premium may go up by at least 1% of the Medicare base beneficiary premium per month for every month that you did not have that coverage. For example, if you go nineteen months without creditable coverage, your premium may consistently be at least 19% higher than the Medicare base beneficiary premium. You may have to pay this higher premium (a penalty) as long as you have Medicare prescription drug coverage. In addition, you may have to wait until the following November to join.

For More Information about This Notice or Your Current Prescription Drug Coverage

Contact the Fund Office for further information toll free at (855) 412-3797. NOTE: You will receive this notice each year. You will also get it before the next period you can join a Medicare drug plan, and if the Fund's coverage changes. You can also request a copy of this notice at any time.

For More Information about Your Options under Medicare Prescription Drug Coverage

More detailed information about Medicare plans that offer prescription drug coverage is in the "Medicare & You" handbook. You will receive a copy of the handbook in the mail every year from Medicare. You may also be contacted directly by Medicare drug plans.

For more information about Medicare prescription drug coverage:

- Visit www.medicare.gov;
- Call your State Health Insurance Assistance Program (see the inside back cover of your copy of the "Medicare & You" handbook for their telephone number) for personalized help; or
- Call 1-800-MEDICARE (1-800-633-4227). TTY users should call 1-877-486-2048.

If you have limited income and resources, extra help paying for Medicare prescription drug coverage is available. For information about this extra help, visit Social Security on the web at www.socialsecurity.gov, or call them at 1-800-772-1213 (TTY 1-800-325-0778).

Remember: Keep this Creditable Coverage notice. If you join one of the Medicare drug plans, you may be required to provide a copy of this notice when you join to show whether you have maintained creditable coverage and, therefore, whether you are required to pay a higher premium (a penalty).

Date: October 2023

Name of Entity/Sender: Fund Office
Industry And Local 338 Welfare Fund
911 Ridgebrook Road
Sparks, MD 21152-9451

Telephone: (855) 412-3797 (toll free)

Industry And Local 338
Welfare Fund
911 Ridgebrook Road
Sparks, MD 21152-9451
Telephone No. (855) 412-3797 (toll free)
www.associated-admin.com

October 2023

Notice Regarding the Women's Health and Cancer Rights Act

The Women's Health and Cancer Rights Act ("WHCRA") provides protections for individuals who elect breast reconstruction after a mastectomy. In accordance with federal law related to mastectomy benefits, the Plan provides coverage for the following:

- All stages of reconstruction of the breast on which a mastectomy is performed;
- Surgery and reconstruction of the other breast to produce a symmetrical appearance;
- Prostheses; and
- Treatment of physical complications of all stages of mastectomy, including lymphedema.

The above benefits are subject to the Plan's annual deductibles and co-insurance provisions.

Federal law requires that all participants be notified of this coverage annually.

WHCRA Notice AC 10.2023