

Michigan Laborers Vacation Fund



LIUNA!

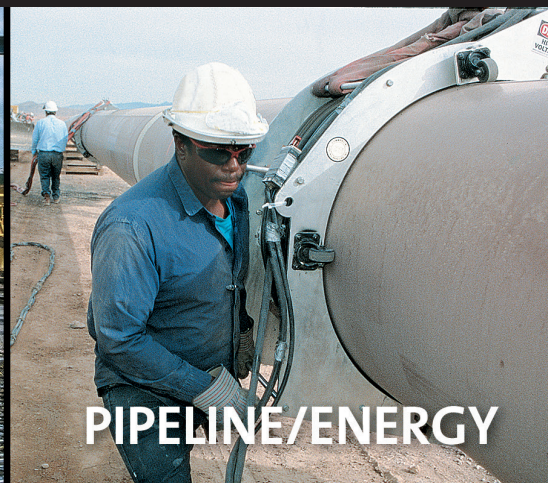
Feel the Power



BUILDINGS



HIGHWAY/BRIDGES



PIPELINE/ENERGY



RENEWABLES



**ASBESTOS/
HAZARDOUS
WASTE REMOVAL**



**WATER
INFRASTRUCTURE**

Summary Plan Description



January 2022



**Michigan Laborers'
Vacation Fund**

**SUMMARY PLAN DESCRIPTION
AND PLAN DOCUMENT**

JANUARY 1, 2022

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**MICHIGAN LABORERS'
VACATION FUND**

BOARD OF TRUSTEES

Employee Trustees

Alex Zurek, Chairman
Michael Aaron
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Geno Alessandrini, Jr.
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Alternate Trustees

Dan Minton
Jesus Pena

Alternate Trustees

Andy Bracy
Brendan Raftery

Please see Appendix A for Trustee Contact Information.

FUND OFFICE

(Administrative Manager for the Plan)

TIC International Corporation

6525 Centurion Drive

Lansing, Michigan 48917-9275

Telephone: (517) 321-7502

Fax: (517) 321-7508

website: www.MichiganLaborers.org

FUND OFFICE HOURS

Monday through Friday

7:30 a.m. to 5:30 p.m.

LEGAL COUNSEL

Lauren Crummel
Watkins, Pawlick, Calati & Prifiti P.C.
1423 E. Twelve Mile Road
Madison Heights, MI 48071

INTRODUCTION

The Michigan Laborers' Vacation Fund (Fund) was established on November 1, 1965, to provide a vacation benefit. The Fund is a 501(c)(9) tax-exempt trust and is also an ERISA welfare benefit plan.

HOW THIS PLAN OPERATES

This Plan provides you with vacation income. The money for this benefit comes from Employers who have agreed by contract to remit to this Vacation Fund on your behalf. Only Employers who have a signed contract are required to remit to this Fund on your behalf.

The amount of money which an Employer must remit on your behalf is spelled out in the collective bargaining agreement. All Employers' contributions go directly into the Vacation Fund to provide benefits to you and to pay the administrative costs of the Plan.

Your Plan is operated and sponsored by a Board of Trustees appointed, in equal numbers, by the Michigan Laborers' District Council and certain employer associations. The Trustees administer this Fund in the best interest of all Plan Participants. The Trustees are responsible for maintaining the Fund in a sound financial condition and for providing vacation benefits to you. As part of their duties, the Trustees make the rules which regulate the Fund's operation.

To assist in the day-to-day operation of the Plan, the Trustees have hired an Administrative Manager, TIC International Corporation, which maintains the records of Employer Remittance and distributes your vacation benefit checks. The Trustees have also hired a Fund attorney to advise the Trustees to assure that the Fund complies with all federal and state laws, and an independent certified public accountant who annually audits the Fund's books and records.

DEFINITIONS

ADMINISTRATIVE MANAGER means TIC International Corporation, whose address is also that of the **FUND OFFICE**.

BENEFICIARY means a person chosen by a Participant who is, or may become, eligible to receive vacation benefits from this Plan.

EMPLOYEE means either a person who performs work covered under a collective bargaining agreement and works for an Employer who is required to remit to the Fund on the Employee's behalf, or any other person who has been approved for participation in this Plan by the Plan Trustees.

EMPLOYER means a company or person, who is party to a collective bargaining agreement or other written agreement which requires payments to this Fund on behalf of employees. The Union and the Michigan Laborers' Training Fund are also an *Employer* if payments are made to this Vacation Fund for their employees and officers.

EMPLOYER REMITTANCES means the payments, for purposes of providing vacation benefits, which must be paid by the Employers to the Vacation Fund on behalf of their employees. This amount is established by the collective bargaining agreement between your Employer and your local union.

ERISA means the Employee Retirement Income Security Act of 1974, its amendments and regulations ("ERISA").

FUND or VACATION FUND means the Michigan Laborers' Vacation Fund.

PARTICIPANT means any employee or former employee who is or may become eligible to receive benefits from this Fund or whose Beneficiary may be eligible to receive benefits.

PLAN or VACATION PLAN is the Michigan Laborers' Vacation Plan. This is the Plan document and also the Summary Plan Description (SPD).

PLAN ADMINISTRATOR is the Board of Trustees of the Michigan Laborers' Vacation Fund.

TRUSTEES are the Trustees designated in the Fund's Trust Agreement and persons appointed to succeed them. Collectively they are the Board of Trustees.

UNION means the Laborers' local unions (Local Union) participating in the Fund and which are affiliated with the Michigan Laborers' District Council.

YOUR RESPONSIBILITY AS A PARTICIPANT

NOTIFY THE FUND OFFICE IMMEDIATELY IF YOU CHANGE YOUR ADDRESS

If you move, you must notify the Administrative Manager of your new address. Most information about this Plan — and your vacation benefit check — is sent to you by mail. For you to receive these important materials, your correct address must be on file.

IF YOU WANT TO CHANGE YOUR BENEFICIARY

If you want to name a new Beneficiary for your vacation benefits, notify the Administrative Manager, in writing, immediately. If you die, benefits are paid **only** to the person that you have designated in writing as your Beneficiary. If you get divorced, your divorce judgment will not cancel your pre-divorce designation of your former spouse as your Plan Beneficiary.

PLAN PARTICIPATION AND ELIGIBILITY

You are eligible to be a Participant in the Plan when:

- You work in the jurisdiction of one of the Local Unions participating in this Plan; and
- Your Employer is required to remit to this Fund for you under the terms of a collective bargaining agreement with the Union.

You are also a Participant if you are currently employed by the Union or the Michigan Laborers' Training Fund and remittances are being made to this Fund on your behalf by these Employers.

You remain a Participant in this Plan until Employer Remittances are no longer made on your behalf and the money in your vacation account has been paid to you or your Beneficiary, or it has been forfeited. Participation will also end in the unlikely event that this Vacation Plan is terminated.

AMOUNT OF VACATION BENEFITS

You generally will receive the total amount of payments your Employer has made to the Fund on your behalf, unless you have signed a Dues Authorization Card and/or have authorized deductions to the Laborers' Political League or Michigan Laborers' Political League. The amount of the payment your Employer must submit to the Fund on your behalf is established in the collective bargaining agreement between your Employer and your Local Union.

The Trustees have authorized the Administrative Manager to deduct your Union dues from your vacation benefits, *provided you authorize this deduction by signing an Authorization and Assignment Card (Dues Authorization Card)*. Your dues, which are deducted from your vacation benefit at a rate determined by your Local Union according to your Union Constitution, will be remitted to your Local Union. The amount of the dues paid pursuant to this procedure is reflected on your vacation benefit check stub. Union dues may be deducted for Federal Income Tax purposes.

The Trustees also have made it possible for you to have your contributions to the Laborers' Political League and the Michigan Laborers' Political League, organizations that advance the causes of laborers, deducted from your vacation benefits. You must provide this authorization by signing a PAC Authorization Card and returning it to your Local Union. The amount will be reflected on your vacation benefit check stub. Contact the Fund Office for more details.

You must have at least \$5.00 credited to you to receive a vacation check. If you do not have at least \$5.00, you receive no vacation benefit check and whatever amount is credited to you is forfeited at the end of the year. Amounts less than \$5.00 can't be held in your account for later distribution. This procedure helps keep the Fund's clerical and mailing costs as low as possible.

Sometimes, the amount of your vacation benefit may be more than the amount your Employer has remitted for you. Other times, it may be slightly less. Here's why.

You could receive more than your Employer's contributions if the Fund's earnings and forfeited benefits provide the Fund with more income than the Trustees believe is needed to pay expected Fund expenses. In this case, the surplus income may be distributed to you and other Participants as part of your regular vacation benefit checks, according to rules established by the Trustees of the Fund.

Though unlikely, it's possible that you could receive slightly less vacation pay than the amount your Employer remitted on your behalf. If the Fund's forfeitures and earnings do not provide enough income to cover expected Fund expenses, you will receive less than the Employer payments made on your behalf to the Fund. In this situation, the Trustees, among other options, could:

- reduce your vacation pay in proportion to how much you are receiving compared to other Participants (the smaller your vacation pay amount, the less it is reduced); or
- reduce all vacation pay checks by the same amount.

The Trustees' determination of the amount of Plan benefits payable to you is final, except in cases where clerical errors were made.

The amount your Employer remits to the Vacation Fund on your behalf is included in your gross salary. Social Security, federal, and state taxes have already been paid on your vacation pay by the time you receive your vacation benefit check. But additional tax may have to be withheld by the Fund if your prior Plan vacation benefits exceed the amount your Employer remitted to the Fund for you.

PAYMENT DATES

Semi-Annual vacation benefit checks are sent to you during the third week of May and November. Then, during Mid-February, there is a delinquent vacation check distribution for any late vacation monies received. Your vacation benefit check is sent to you automatically by the Fund Office. You do not have to apply to receive it. So, be sure that the Fund Office has your correct address. But, if you do not receive a check when you are entitled to one or you believe that your check is for the wrong amount, you should file a written claim (by letter) with the Fund Office.

Your May vacation benefit check includes Employer payments received by the Plan as of April 30 for your work during the preceding 6 months, ending with the work month of March.

Here's an example:

Matt receives a vacation benefit check during the third week of May 2020. It includes Employer payments received by the Plan as of April 30, 2020 covering the time period of October 2019 through March 2020.

Your November vacation benefit includes Employer payments received by the Plan as of October 31 for your work during the preceding 6 months, ending with the work month of September.

Here's an example:

Matt receives a vacation benefit check during the third week of November 2020. It includes Employer payments received by the Plan as of October 31, 2020 covering the time period of April 2020 through September 2020.

A delinquent vacation benefit check includes Employer payments, if any, received by the Plan as of January 16 for work performed during the time period (October through September).

Here's an example:

Matt receives a vacation benefit check during the second week of February 2021. It includes Employer payments received by the Plan as of January 16, 2021 covering the time period of October 2019 through September 2020.

METHOD OF PAYMENT

You may choose to receive your vacation benefit from the following options:

- receive your vacation benefit via check by ensuring that the Fund Office has your most current address;
- direct your vacation benefits into a checking/savings account by providing the Fund Office with a Payee Deposit Agreement that gives the following bank information:

Name of Financial Institution

Type of Account

Account No.

ABA (Routing) No.

Deductions

You may choose to have your annual dues deducted from your vacation check by filling out an Assignment and Authorization Request (Dues Authorization Card). You may also make payments to the Laborers' Political League or Michigan Laborers' Political League by completing a PAC Authorization Card.

SPECIAL CIRCUMSTANCES

Vacation Benefit Payments in the Event of Your Death

If you die before receiving a vacation benefit check for the year, the amount you would have been eligible to receive, based on Employer Remittances made up to the time of your death, is paid to your designated Beneficiary. Your Beneficiary for the Vacation Fund is the same person you name as Beneficiary of Death Benefits under the Michigan Laborers' Health Care Fund.

Early Distribution of Vacation Benefit Checks

The Plan will distribute vacation benefit checks before the next regular distribution date only:

- upon your death, if your Beneficiary, personal representative or other fiduciary of your estate sends a written request for early payment to the Fund Office; or
- if you are inducted into the armed forces of the United States or are recalled to active duty for more than 31 days.

Forfeited Vacation Pay

Vacation pay is forfeited permanently if:

- there is less than \$5.00 in Employer payments made for you by the April 30 and/or October 31 Employer Remittance deadline;
- you do not cash your May vacation benefit check by the following February 28 and/or you do not cash your November 30 vacation benefit check by the following August 31 or your February vacation benefit check by the following November 30;

- the Fund Office cannot send you your vacation benefit check because it does not have a current address for you or your vacation benefit check is not deliverable; or cannot be sent (the Fund Office will hold the check for you for nine months following the date of distribution); or
- in case of your death, if your Beneficiary or personal representative or other fiduciary of your estate does not apply for your vacation pay within six months of the date of your death.

Amounts forfeited by Participants and the interest earned are deposited to the Fund's "Reserve Account." Money in the Reserve Account is used for administrative and other authorized expenses, audit services by the Fund's certified public accountant, legal services, printing expenses, mailing charges, and expenses for collecting delinquent Employer Remittances.

REVIEW AND APPEAL OF A BENEFIT DECISION

If you file a claim for benefits and for any reason your claim is denied in whole or in part, the Fund Office will provide you with a written notice containing the information listed below within 90 days (or 180 days if you are provided with written notice of special circumstances that require more time for your claim to be decided) of the date your application is received:

- the reason(s) why your benefits or a portion of them were denied;
- reference to specific Plan provision(s) on which the denial was based;
- a description of any additional information, if any, needed for you to complete your claim and an explanation of why that information is necessary; and
- what steps you must take if you wish to appeal the decision including the time limits for filing an appeal and your rights to file a lawsuit if your claim is denied on appeal.

If, for example, you file a claim because you believe that the Fund made a mistake about your entitlement to benefits or the amount you are owed, as part of your claim you may ask the Fund Office to review its calculations with you. As part of

this initial claims process, the Administrative Manager may request additional information from you to reach its decision.

If, you do not agree with how your claim for benefits was decided, you may appeal that decision to the Board of Trustees (or a Committee of the Trustees). Here's how you appeal:

1. Within 60 days after you receive a denial notice which you believe is incorrect, you must notify the Fund Office *in writing* that you wish to have your case reviewed by the Board of Trustees (or a Committee of the Trustees).
2. Your written request for a review should include all information regarding your claim for benefits and the reason(s) you believe the original decision is wrong and include all comments, documents, records and other information that you think supports your claim. Upon request, the Fund Office, at no charge to you, will provide you with reasonable access to and assist you in gathering any information from Fund records relevant to your claim, including copies of all documents, records and other information relevant to your claim.
3. If approved by the Trustees, you may appear in person or you can choose a representative to appear on your behalf before the Board of Trustees (or a Committee of the Trustees as determined by the Board).
4. If you are not granted or do not wish to make a personal appearance before the Board of Trustees, the Administrative Manager will present your written statement and other pertinent information to the Board of Trustees (or a Committee of Trustees).
5. Review of your claim will take into account all comments, documents, records and other information submitted by you relating to your claim even if that information was not submitted to the Fund Office when it decided your claim.
6. You will receive notice of the Trustees' decision in writing. The notice will include: (a) the reasons for the decision; (b) reference to the specific Plan provision(s) on which the decision is based; (c) a notice that you are entitled to receive upon request and free of charge, reasonable access to and copies of all documents, records and other information relevant to your claim, and (d) a description of any voluntary appeal process, and advise you of your right to bring a lawsuit to enforce your claim.

7. The Trustees (or a Committee appointed by them) will review your appeal. The Fund Office will notify you of the Trustees' (or Committee's) decision no later than five days after the next regular Board of Trustees meeting which is at least 30 days after the date on which the Fund receives your written appeal unless you are notified in writing of special circumstances (such as the need to schedule a date for you to appear before the Trustees or the Committee) that require more time in which case you will be notified no later than five days following the regular meeting that follows the next regular meeting that is at least 30 days after the date on which the Fund's receipt of your written appeal request.

You may not begin any legal action, including proceedings before administrative agencies, until you have followed the procedures and exhausted the opportunities described here.

You may, at your own expense, have legal representation at any stage of these review procedures.

If you have any questions about the review procedure described above, please contact the Fund Office.

OTHER PLAN INFORMATION

Name of the Plan: Michigan Laborers' Vacation Fund

Name and Address of Plan Administrator and Person Designated as Agent for Service of Legal Process: The Plan is administered and sponsored by the Michigan Laborers' Vacation Fund Board of Trustees. The Fund can be contacted on (517) 321-7502 and is located at:

THE BOARD OF TRUSTEES
Michigan Laborers' Vacation Fund
6525 Centurion Drive
Lansing, Michigan 48917-9275

Plan Number: 501

Plan Year: September 1 through August 31.

Employer Identification Number: 38-2106864

Service of legal process may be made upon a Plan trustee or the Plan administrator. The current name, title and address of the principal place of business of each trustee of the Plan may be found in Appendix A. Service of Legal Process can also be served upon the Fund Counsel (listed on page 2 of the SPD).

The Plan is maintained according to collective bargaining agreements between the various Local Unions of the Michigan Laborers' District Council and the various participating Employers. Participants and Beneficiaries may receive from the Plan Administrator, upon written request, information as to whether a particular employer or employer organization is a sponsor of the Plan and, if the employer or employer organization is a Plan sponsor, the sponsor's address.

The Union and the Employer associations which sponsor this Plan may terminate it, and the Plan Trustees may amend or eliminate benefits under the Plan in their sole discretion. In the event of termination, after the payment of any expenses, obligations and a final audit, remaining sums will be distributed pro rata to eligible Employees. Participants will be notified of any termination, amendment, modification, or elimination of benefits under the Plan, as required by law.

ERISA PARTICIPANT RIGHTS

As a Participant in the Plan, you are entitled to certain rights and protections under the Employee Retirement Income Security Act of 1974 (ERISA). ERISA provides that all Plan Participants shall be entitled to:

Receive Information About Your Plan and Benefits

Examine, without charge, at the Plan Administrator's office and at other specified locations, such as worksites and union halls, all documents governing the Plan, including insurance contracts and collective bargaining agreements, and a copy of the latest annual report (Form 5500 Series) filed by the Plan with the U.S. Department of Labor and available at the Public Disclosure Room of the Employee Benefits Security Administration.

Obtain, upon written request to the Plan Administrator, copies of documents governing the operation of the Plan, including insurance contracts and collective bargaining agreements, and copies of the latest annual report (Form 5500 Series) and updated summary plan description. The Administrator may make a reasonable charge for the copies.

Receive a summary of the Plan's annual financial report. The Plan Administrator is required by law to furnish each Participant with a copy of this summary annual report.

Prudent Actions by Plan Fiduciaries

In addition to creating rights for Plan Participants, ERISA imposes duties upon the people who are responsible for the operation of the Plan. The people who operate your Plan, called “fiduciaries” of the Plan, have a duty to do so prudently and in the interest of you and other Plan Participants and Beneficiaries. No one, including your Employer, your Union, or any other person, may fire you or otherwise discriminate against you in any way to prevent you from obtaining a vacation benefit or exercising your rights under ERISA.

Enforce Your Rights

If your claim for a vacation benefit is denied or ignored, in whole or in part, you have a right to know why this was done, to obtain copies of documents relating to the decision without charge, and to appeal any denial, all within certain time schedules.

Under ERISA, there are steps you can take to enforce the above rights. For instance, if you request a copy of Plan documents or the latest annual report from the plan and do not receive them within 30 days, you may file suit in a Federal court. In such a case, the court may require the plan administrator to provide the materials and pay you up to \$110 a day until you receive the materials, unless the materials were not sent because of reasons beyond the control of the administrator. If you have a claim for benefits which is denied or ignored, in whole or in part, you may file suit in a state or Federal court. In addition, if you disagree with the plan's decision or lack thereof concerning the qualified status of a domestic relations order or a medical child support order, you may file suit in Federal court. If it should happen that Plan fiduciaries misuse the plan's money, or if you are discriminated against for asserting your rights, you may seek assistance from the U.S. Department of Labor, or you may file suit in a Federal court. The court will decide who should pay court costs and legal fees. If you are successful the court may order the person you have sued to pay these costs and fees. If you lose, the court may order you to pay these costs and fees, for example, if it finds your claim is frivolous.

Assistance with Your Questions

If you have any questions about your Plan, you should contact the Plan Administrator. If you have any questions about this statement or about your rights under ERISA, or if you need assistance in obtaining documents from the Plan Administrator, you should contact the nearest office of the Employee Benefits Security Administration, U.S. Department of Labor, listed in your telephone directory or the Division of Technical Assistance and Inquiries, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue N.W., Washington, D.C. 20210. You may also obtain certain publications about your rights and responsibilities under ERISA by calling the publications hotline of the Employee Benefits Security Administration.

APPENDIX A

<p>Robert Coppersmith Michigan Infrastructure & Transportation Association 2937 Atrium Drive, Suite 100 P.O. Box 1640 Okemos, MI 48805</p>	<p>Alex Zurek Michigan Laborers' District Council 1118 Centennial Way, Suite 100 Lansing, MI 48917-9280</p>
<p>Stephen Alexa Gundlach Champion, Inc. 180 Traders Mine Road P.O. Box 490 Iron Mountain, MI 49801</p>	<p>Michael Aaron Laborers' Local 1191 2161 West Grand Blvd. Detroit, MI 48208</p>
<p>Mikel E. Cole Construction Labor Services 8988 E D Avenue P.O. Box 460 Richland, MI 49083</p>	<p>Geno Alessandrini Michigan Laborers' District Council 1118 Centennial Way, Suite 100 Lansing, MI 48917-9280</p>
<p>Bart Carrigan 1741 Nottingham Lansing, MI 48911</p>	<p>Geno Alessandrini, Jr. 1800 N. Stephenson Avenue Iron Mountain, MI 49801</p>
<p>Dave Coates Grand River Construction 5025 40th Avenue Hudsonville, MI 49426</p>	<p>Joel Archibald Laborers Local 1075 G-7024 N. Dort Highway P.O. Box 5188 Mt. Morris, MI 48458</p>
<p>Rob Krueger Fessler & Bowman 4099 Eagles Nest Ct. Flushing, MI 48433</p>	<p>Bill Bass Laborers' Local Union 1076 760 Joslyn Avenue Pontiac, MI 48340-0584</p>
<p>Dave Spence Spence Brothers 417 McCoskry Saginaw, MI 48601</p>	<p>Brent Pilarski Laborers Local Union 1098 345 Morley Drive Saginaw, MI 48601</p>
	<p>Arlandar Washington Local Union 355 1500 E. Columbia Avenue Battle Creek, MI 49014</p>

LOCAL UNION DIRECTORY BY COUNTY

Battle Creek, #355: 1500 E. Columbia Avenue, 49014-5137, Phone: 269/962-8010, Toll Free: 877/616-9845, Fax: 269/962-1431, website: www.local355.org. Counties: Allegan, Barry, Berrien, Branch, Calhoun, Cass, Ionia (excluding the City of Portland), Kalamazoo, Kent, Lake, Manistee, Mason, Mecosta, Montcalm, Muskegon, Newaygo, Oceana, Osceola, Ottawa, St. Joseph and Van Buren. Business Manager: Arlandar Washington.

Ann Arbor, #499: 3080 Platt Road, 48108-1808, Phone: 734/971-5212, Toll Free: 877-499-2100, Fax: 734/971-0094. Counties: Clinton, Eaton, Hillsdale, Ingham, Jackson, Lenawee, Livingston, Monroe and Washtenaw. Business Manager: Dan Minton.

Flint, #1075: P.O. Box 5188, 48505-0188, Phone: 810/686-8381, Fax: 810/686-1906. Counties: Genesee, Lapeer, Sanilac, Shiawassee and St. Clair. Business Manager: Joel Archibald.

Pontiac, #1076: 760 Joslyn Avenue, 48340-2917, Phone: 248/334-0509, Fax: 248/334-0584, website: www.constructionlaborers1076.org. Counties: Oakland and the Northeast portion of Livingston County bordered by M-151 (Oak Grove Road) on the West and M-59 on the South. Business Manager: William Bass.

Saginaw, #1098: 345 Morley Drive, 48601-9402, Phone: 989/752-6146, Fax: 989/752-5799, website: www.local1098.org. Counties: Alcona, Alpena, Arenac, Antrim, Bay, Benzie, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Gladwin, Grand Traverse, Gratiot, Huron, Iosco, Isabella, Kalkaska, Leelanau, Midland, Missaukee, Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle, Roscommon, Saginaw, Tuscola and Wexford. Business Manager: Brent Pilarski.

Detroit, #1191: 2161 W. Grand Boulevard, 48208-1115, Phone: 313/894-2241, Fax: 313/894-6250, website: www.laborerslocal1191.org. Counties: Wayne and Macomb Counties. Business Manager: Michael Aaron.

Iron Mountain, #1329: P.O. Box 863, 49801-0863, Phone: 906/774-6070, Fax: 906/774-1199. Counties: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon and Schoolcraft. Business Manager: Geno Alessandrini, Jr.

Geno Alessandrini Sr. – Business Manager
Alex Zurek – Secretary Treasurer

LiUNA!

Feel the Power

Michigan Laborers District Council

1118 Centennial Way

Suite 100

Lansing, MI 48917

(517) 321-2349 • www.mi-laborers.org