



HOUSE STAFF BENEFITS PLAN

LEGAL SERVICES



**Committee of
Interns and
Residents**
*SEIU*Healthcare.

Committee of Interns and Residents

HSBP LEGAL SERVICES (CIRLS)

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Committee of Interns and Residents

HSBP LEGAL SERVICES (CIRLS)

IMPORTANT NOTICE

This booklet describes the pre-paid legal services available to CIR members and their families covered by the House Staff Benefits Plan (the Plan or HSBP).

The Trustees of the House Staff Benefits Plan reserve the right to change both the types and amounts of benefits available and the rules governing eligibility under CIRLS.

If you have any questions regarding these benefits, write to the House Staff Benefits Plan, Attn: Plan Manager, 520 Eighth Avenue, Suite 1200, New York, NY 10018. You will receive a written response. Do not rely on statements made orally or by individuals who are not Plan representatives.

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Dear Participant:

We are pleased to present this revised and updated booklet which describes the pre-paid legal services benefits available to you. The House Staff Benefits Plan (HSBP) of the Committee of Interns and Residents (CIRLS) has been assisting resident physicians and their families since January 1, 1980, providing access to a wide range of legal services free of charge.

CIRLS is financed by contributions from the hospital that employs you, in accordance with the terms of the contract negotiated between CIR and the hospital. The contributions received are administered by the HSBP Trustees. Because the Internal Revenue Service (IRS) regards these funds as income to CIRLS participants, a small sum will be reported each year on your W-2 form. (In 2012, that sum was \$108.00.)

We hope that you and your family will find these benefits to be useful, not only because the financial burden of obtaining legal assistance is removed, but also because high-quality services are provided. We would appreciate hearing from you regarding CIRLS coverage and quality of services so that we can better address your legal needs in the future.

Sincerely,



Harry Franklin

General Counsel

WHAT IS CIRLS?

The Committee of Interns and Residents HSBP Legal Services (CIRLS) is a pre-paid legal services benefit that provides services to resident physicians and qualifying family members on covered matters.

All covered matters are handled by CIRLS, through either its in-house legal staff or designated outside counsel, called “cooperating attorneys,” who CIRLS has retained to help meet the legal needs of CIRLS participants.

To minimize your legal costs and simultaneously ensure that CIRLS’s resources are available to all participants, CIRLS must adhere to the following guidelines:

- CIRLS will not pay, or reimburse you, for the services of an attorney whom you retain privately unless authorized in writing by CIRLS. In such cases, the amount of payment or reimbursement for the services of a privately retained attorney shall be determined solely by CIRLS.
- You are responsible for payment of any court or agency filing fees, mailing costs, and other expenses. CIRLS will pay for service of papers on your opponent in litigation and will also pay a limited sum for a private investigator should that become necessary in the course of representation. (See page 13.)
- If you intend to receive coverage under CIRLS, you must contact CIRLS first for referral to an attorney. This is true even if your private counsel is someone with whom CIRLS is in a cooperating relationship. CIRLS retains the right to make the requisite referral.
- If you are referred to a CIRLS cooperating attorney, you agree and understand that your cooperating attorney may discuss your case with a CIRLS in-house lawyer to update CIRLS on the status of your case and to determine whether and what type of coverage should be provided under the legal services benefit.

HOW TO OBTAIN BENEFITS

To access legal services under CIRLS, you must complete an enrollment card, obtained from the Benefits Plan office, for yourself, and list your eligible dependents. Once you have done so:

- Call (212) 356-8195.
- Provide your name, hospital, residency program, social security number, address, and telephone number so that your eligibility can be verified.
- Briefly describe your problem. (It is often helpful in this regard to refer to any relevant documents.)

If you are eligible for CIRLS coverage your case will be referred to an attorney. Once you obtain advice from a CIRLS attorney, you are responsible for following up as advised.

In those rare instances in which CIRLS authorizes legal services coverage but does not have an attorney available to provide assistance, you will be instructed to hire an attorney of your choosing. Once you provide proof that the attorney's fees for the covered matter have been paid, CIRLS will provide reimbursement up to the amount we pay cooperating attorneys for similar cases.

If you are dissatisfied with the services of your attorney and wish to have CIRLS designate a different attorney, you must make your request in writing to the CIRLS General Counsel, who will determine whether such a change is warranted. You must state the reasons for your dissatisfaction with your attorney in your written request. You can contact the General Counsel at:

HSBP

Attn: Harry Franklin

520 Eighth Avenue, Suite 1200, New York, NY 10018

(212) 356-8195

cirls@cirseiu.org

Fax: (212) 504-3057

Be sure to include your address, telephone, fax and beeper numbers, and email address.

WHO IS ELIGIBLE FOR BENEFITS?

CIRLS Participants

If you are employed by a hospital that, as part of collective bargaining, has agreed to contribute to CIRLS, you become eligible for benefits as a CIRLS participant on the day that you are placed on the hospital's payroll and continue to be eligible until the end of the month in which you cease to be on that hospital's payroll.

If litigation is pending when your employment is terminated, CIRLS will continue representing you for a maximum of 60 days. You are responsible for transitioning your case to private outside counsel or entering into a private retainer agreement with your CIRLS cooperating attorney if representation is still required beyond this 60-day period. Any other ongoing legal services will cease to be covered upon termination of your employment. CIRLS is not responsible for retaining another attorney for you after your coverage ends.

Eligible Family Members

If you are eligible for CIRLS, your spouse or, in New York State, your domestic partner, may be eligible as well. Your spouse is not eligible if you are legally separated. An eligible domestic partner is entitled to services only after registering as your domestic partner with the Plan or with the state of New York. To register your domestic partner, contact CIR's Benefit Plan Office at (212) 356-8180 for the necessary form and list of required documentation. Generally, your dependent children up to and including 29 years of age are eligible.

WHAT LEGAL SERVICES ARE COVERED?

Medical Licensure

- Consultation and, where appropriate, representation before the New York or New Jersey medical licensing board in connection with a CIRLS participant's application for a medical license.
- Consultation and, where appropriate, representation if a CIRLS participant is reported to, or investigated by, New York State or New Jersey in connection with a medical-incident report or because of alleged professional medical misconduct.

The coverage amount for such matters shall not exceed \$10,000. Legal fees in excess of \$10,000 shall be the responsibility of the Plan Participant.

Immigration

- Consultation regarding immigrant, non-immigrant, and visa-related issues, including J-1 waivers, political asylum and permanent residency applications.
- Consultation regarding citizenship applications.
- Representation on J-1 applications for CIRLS participants and J-2 applications for eligible family members.
- Representation on H-1B petitions for CIRLS participants and related H-4 applications for eligible family members. Representation is excluded for H-1B petitions for moonlighting, per diem and seasonal employment.
- Representation on family-based permanent residency petitions where the participant or eligible family member is the beneficiary.
- Representation on K-3 petitions and related K-4 applications for CIRLS participants and eligible family members.
- Representation on diversity lottery cases where the participant or eligible family member is the beneficiary.
- Representation on applications for employment authorization where the participant or eligible family member is the beneficiary.

Landlord-Tenant Problems

- Consultation and, where appropriate, negotiation regarding tenancy issues.
- Review of leases and related documents.
- Defense, where there is a reasonable legal basis, against eviction proceedings.
- Consultation and, where appropriate, representation in actions to compel landlords to make repairs and provide adequate services.

A co-operative or condominium owner shall be provided the same range of legal services as tenants as long as the owner actually resides in that co-operative or condominium.

The coverage amount for such matters shall not exceed \$10,000. Legal fees in excess of \$10,000 shall be the responsibility of the Plan Participant or Eligible Family Member.

Real Estate

- For CIRLS participants, legal representation for the purchase or sale of a single-family home, cooperative or condominium in New York, New Jersey or Connecticut. The home being purchased or sold must be the primary residence of the CIRLS participant. Legal representation for the refinancing of a home is not covered.
- For CIRLS participants, legal representation in a foreclosure action in which a single-family home, cooperative or condominium in New York, New Jersey or Connecticut is the subject of a foreclosure proceeding and is owned by, and is the primary residence of, the CIRLS participant. Coverage for legal fees in such matters shall be limited to \$2,500.

Family Matters

- Representation in uncontested divorce proceedings.
- Representation in contested divorce proceedings for CIRLS participants only. Coverage for legal fees in such matters shall be limited to \$5,000.
- Representation in uncontested annulment proceedings, cost not to exceed \$3,000.
- Representation in adoption proceedings.

- Representation in the negotiation of a pre-nuptial agreement, cost not to exceed \$1,500.
- Consultation and, where appropriate, representation in child support, child custody and visitation proceedings. However, representation in child support, child custody and visitation proceedings that are ancillary to contested divorces shall be subject to, and included as part of, the \$5,000 cap for contested divorces.
- Fees for a mediator who mediates a dispute involving a contested divorce, or the custody, visitation or support of a child, and in which a CIRLS participant is a party to the dispute. Coverage of mediator fees shall not exceed \$2,000. Attorneys' fees for representation of a CIRLS participant or eligible family member in the mediation shall not be covered.
- Consultation and, where appropriate, representation in family offense proceedings.
- Preparation of separation agreements.
- Consultation, and where appropriate, representation for legal guardianship petitions for developmentally disabled children of participants and eligible family members.

In the event that two CIRLS participants are involved as adversaries in the same controversy or proceeding, CIRLS will reimburse each participant up to \$1,500 for consultation and/or representation with an attorney of his or her choosing.

In the event that a CIRLS participant and his or her eligible family member are involved as adversaries in a controversy or proceeding other than a contested divorce, representation will be restricted to the CIRLS participant, unless he or she signs a written consent declining representation and authorizing CIRLS to represent the family member instead.

The coverage amount for such matters shall not exceed \$10,000, unless the provided coverage is limited to less than \$10,000. Legal fees in excess of \$10,000 shall be the responsibility of the Plan Participant or Eligible Family Member.

Consumer Protection

- Consultation and, where appropriate, negotiation regarding problems arising from the purchase of goods and services.
- Consultation and preparation of the Statement of Claim for small claims proceedings.

- Defense, when there is a reasonable legal basis, against claims arising from the purchase of goods and services which exceed \$5,000.

The coverage amount for such matters shall not exceed \$10,000. Legal fees in excess of \$10,000 shall be the responsibility of the Plan Participant or Eligible Family Member.

Wills, Living Wills, and Powers of Attorney

- Preparation of simple wills and testamentary trusts in which the sole trust beneficiaries are minors at the time of the execution of the will.
- Preparation of living wills and health care proxies.
- Preparation of powers of attorney.

Estate Matters

- Consultation regarding the administration of the estate of a CIRLS participant or eligible family member who dies with or without leaving a will.

Employment Contract Review

- For CIRLS participants, coverage of up to \$100 for review of an employment contract for an attending physician position. CIRLS participants must use a CIRLS cooperating counsel and have already received a written contract offer to qualify for this benefit. Coverage is limited to contract offers from employers located in New York, New Jersey, Massachusetts, Pennsylvania, Florida, California, Washington, D.C., Maryland and Virginia, and may only be used once by a CIRLS participant during his or her residency or fellowship.

Education Law

- Consultation and, where appropriate, representation of eligible family members in special education law matters including denial of special education services for children with disabilities. Coverage is limited to \$2,000 on cases approved for representation.

Bankruptcy and Debt Problems

- Consultation and, where appropriate, representation in personal bankruptcy proceedings.
- Consultation regarding debt problems arising from loans, installment contracts, or collection actions brought by creditors.

- Defense, where there is a reasonable legal basis, against claims exceeding \$5,000.

The coverage amount for such matters shall not exceed \$10,000. Legal fees in excess of \$10,000 shall be the responsibility of the Plan Participant or Eligible Family Member.

Credit Rating

- Consultation regarding inaccurate credit reports.

Name Changes

- Preparation and filing of court documents necessary to effect a legal change of name.

Criminal Matters

- For CIRLS participants facing impending or actual criminal charges related to acts allegedly committed at the health facility in which they work and related to their work as residents, representation by a CIRLS designated attorney is provided. This benefit includes representation at arraignment and concludes at the completion of arraignment.
- For eligible family members, and for CIRLS participants for matters not covered above, a single consultation (cost not to exceed \$300) with a CIRLS designated attorney regarding criminal charges that are filed, or are likely to be filed, against a CIRLS participant or the eligible family member of a CIRLS participant is provided.

Unemployment Benefits

- Consultation regarding unemployment benefits and related issues for eligible family members.

Document Review

- Review of written agreements pertaining to such matters as consumer purchases, loans, residential leases, insurance, and cohabitation.

Document review involves discussion and interpretation of documents. It does not, in itself, involve legal representation.

WHAT LEGAL EXPENSES ARE COVERED?

If CIRLS is handling a case for you, and it becomes necessary to hire someone to serve papers on the opposing party, CIRLS will pay the cost of doing so. In addition, CIRLS will pay up to \$500 for a private investigator's services, if necessary in a case that CIRLS is handling for you.

WHAT LEGAL SERVICES ARE EXCLUDED OR LIMITED?

Financial and legal considerations prevent CIRLS from handling all legal problems. Court representation is limited to the Bronx, Kings, Nassau, New York, Queens, Richmond and Westchester counties in New York and Bergen, Essex, Hudson, Middlesex, Morris, Passaic and Union counties in New Jersey. Cases arising outside of New York or New Jersey shall only be covered where appropriate.

Where CIRLS authorizes legal services coverage but does not have an attorney available to provide assistance, you will be instructed to hire an attorney of your choosing. Once you provide proof that the attorney's fees for the covered matter have been paid, CIRLS will provide reimbursement up to the amount we pay cooperating attorneys for similar cases.

Following are examples of excluded services:

1. Cases, such as personal injury claims, which commonly would be handled by a private attorney on a contingency fee basis.
2. Appeals from unfavorable court or administrative agency decisions.
3. Business, commercial, or professional matters, except for review of professional employment contracts.
4. Personal injury and property damage matters arising out of the ownership, control, or use of a vehicle.

5. Disputes with or claims against CIR, House Staff Benefits Plan, Voluntary Hospitals House Staff Benefits Plan, a CIRLS cooperating attorney, the City of New York, or employers that contribute to HSBP or VHHSBP.
6. All income tax matters.
7. Any legal service not identified as a covered service on pages 8, 9, 10, 11, and 12.
8. Under no circumstances will CIRLS cover cases which arise outside of the United States.

HOW TO APPEAL A DENIAL OF COVERAGE

Authority of the Plan

The HSBP (the Plan) is an employee benefit trust fund, financed by contributions from public employers that are fixed by collective bargaining or other written agreements, and administered by a Board of Trustees, all of whom are CIR Executive Committee members, to an Agreement and Declaration of Trust, which may be amended from time to time. The Trust Agreement gives the Board of Trustees authority and discretion to determine benefits, and the Trustees have accordingly adopted a Plan of benefits set forth and described by Summary Plan Description (SPD). Under the Trust Agreement and SPD, the Trustees may, in their discretion, revise, discontinue, improve, reduce, modify or make changes in the plan, the types and amounts of benefits provided, the coverage and eligibility provisions, conditions and rules, at any time. Any question of interpretation, construction, application or enforcement of the terms of the Plan and SPD, and all determinations on benefit claims and appeals, are subject to the discretion of the Board of Trustees, whose determinations are final and binding.

Request for Review of Disputed Claims

If you have presented a claim for legal benefits under this SPD, you may file a request for review of its disposition or adverse benefit determination by appealing to the Board of Trustees of the Plan in writing, within 60 days after receiving written notice of the Plan's action. Send your appeal to the Board of Trustees of HSBP at the CIRLS Office, 520 Eighth Avenue, Suite

1200, New York, New York 10018 or email your appeal to cirls@cirseiu.org. You will be notified, in writing, of the decision of the Board of Trustees within 60 days of the date your request for review is received, unless there are special circumstances, in which case you will be so notified and then notified of the decision within 120 days.

Additional Information

If additional information is needed, it will be requested by the Plan, and the failure to timely provide the information may require the denial of the claim or appeal.

Finality

In deciding claims, the Board of Trustees has broad discretion to interpret and apply the terms of this SPD. The determination of the Plan will be final and binding if an objection or request for review is not timely filed. The decision of the Board of Trustees will be final and binding on any appeal timely presented to it.

Notification and Right to Comment and to Request Information

Upon any adverse benefit determination, the Plan will notify the Claimant of this Claims Review and Appeal Procedure and its time limits. A Claimant may review pertinent documents and submit written issues and comments, records or other information relating to the claim. A Claimant shall be provided, upon request and free of charge, reasonable access to and copies of all documents, records and other information relevant to the claim. All comments, documents, records, and other information submitted by the Claimant will be taken into account at any stage of the Claims Review and Appeals Procedure and process.

If an internal rule, guideline, protocol, or other similar criterion was relied on in making the adverse benefit determination, such will be stated and a copy will be provided upon request.

STATEMENT OF PARTICIPANT RIGHTS

The HSBP is not covered by the Employee Retirement Income Security Act of 1974 (ERISA) because the House Staff Benefits Plan covers governmental employees. The Trustees have agreed, however, to accord participants the rights described below which are typically available under ERISA funds. Participants will be entitled to:

- Examine, without charge, at the Plan Manager's office all Plan documents, including insurance contracts, collective bargaining agreements and other documents such as annual reports and Plan descriptions.
- Obtain copies of all Plan documents and other Plan information upon written request to the Plan Manager. The Plan Manager may make a reasonable charge for the copies.
- Receive a summary of the Plan's annual financial report.

The Trustees who operate your Plan, called "fiduciaries," recognize that they 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 benefit or exercising your rights under the Plan. If your claim for a benefit is denied, in whole or in part, you will receive a written explanation of the reason for the denial. You have the right to have the Plan review and reconsider your claim and you have a right to appeal the decision to the Board of Trustees.