

A. Commuter Benefit Plan (CBP) General Information

1. Employer name: USHG, LLC (dba Union Square Hospitality Group).
Related Employers: Food 2 Lex LLC DBA Maialino; Blue Smoke 102 North End Ave LLC; GT Operating Company LLC DBA Gramercy Tavern; Art Food LLC; Food and Beverage Operations DBA Marta; Porchlight West Chelsea LLC; Union Square Café II LLC; USE LX, LLC; 28 Liberty F&B Management, LLC; Daily Provisions Enterprises, LLC; F&B Management LLC; 215 Tingey Street SE FB Management LLC; 435 West 31st Street B, LLC; 331 PAS F&B Management, LLC; NYMM Retail Management, LLC; USE 1V F&B Management, LLC; NYMM SBX Operations LLC.
2. Eligibility requirements: Must be an employee of USHG, LLC (dba Union Square Hospitality Group) or a related employer.
 - Shareholders who are employees who own more than 2% of the stock cannot participate. An employee who is the spouse, child, parent or grandparent of a more than 2% owner cannot participate.
3. The effective date on which you can begin participation: On the first of the month following date of hire.
4. Enrollment periods: Open enrollment is permitted on a monthly basis.
5. Plan effective date: July 2012.

B. CBP Accounts, Elections, and Use

1. Types of accounts available: Mass Transit Pre-Tax, Mass Transit After-Tax, Parking Pre-Tax, Parking After-Tax.
2. Monthly tax-free election amounts for eligible workplace commuting expenses as defined by Section 132(f) of the Internal Revenue Code can be found at the Benefit Resource, Inc. website, www.BenefitResource.com, under the FAQ CBP section.
 - a. Mass Transit expenses, other than vanpooling, must be purchased with your Beniversal Card.
 - b. If your qualified vendor accepts the Beniversal Card, your monthly election should fully cover your monthly eligible expenses, even if that amount is above the tax-free limit. Any amount above the tax-free limit will be taken on an after-tax basis. Eligible purchases are limited to the available card account balance.
 - c. If your qualified vendor does not accept the Beniversal Card and you must submit claims for reimbursement of eligible expenses, your monthly election should fully cover your monthly eligible expenses, even if that amount is above the tax-free limit. Any amount above the tax-free limit will be taken on an after-tax basis.
 - Eligible claims must be provided after your effective date in the plan and must be received by Benefit Resource within 180 days after the service is provided.
 - Claims will be processed within 5 business days of receipt.
 - There is a minimum reimbursement amount of \$15.
 - d. Any unused cash balance in an account at the end of a plan month will be carried forward to the subsequent plan month.
3. Changes in elections:
 - a. Election changes are permitted for a change in work schedule, change in residence or worksite or change in monthly commuting expenses.
 - b. Elections may also be temporarily reduced to \$0 to allow excess account balances carried over from prior months to be used.
 - c. Elections will remain in effect until an election change is submitted.
4. To close an account:
 - a. You must notify your employer.
 - b. Claims for reimbursement of eligible workplace expenses must be received by Benefit Resource prior to the date the account is closed.
 - c. Once an account is closed, it can no longer be used.
 - d. Any funds remaining in your account after this will be forfeited.

C. Ineligibility

1. If you become ineligible (including termination of employment) to participate:
 - a. Any tax-free funds remaining in an account at the end of the month in which you become ineligible are taxable.
 - b. Account balances will be available via the **Beniversal Card** through the end of the month following the last month of eligibility.
 - c. For claim reimbursement of eligible workplace expenses:
 - Eligible expenses must be provided after your effective date in the plan and through your last month of eligibility.
 - Claims must be received by Benefit Resource by the end of the month following the last month of eligibility.
 - d. Any funds remaining in your account after this will be forfeited.