

## ARTICLE XI

## PENSION BENEFIT FUND

Sec. 1. *Retirement Benefits.* An "A" member who retires from the electrical industry after December 31, 2006, shall be entitled to benefits in accordance with the following rules as to eligibility:

(a) *Normal Pension.* An "A" member of the I.B.E.W. in continuous good standing with five (5) or more years immediately preceding his application, who has attained the age of sixty-five (65) years, shall receive pension benefits computed on the basis of four dollars and fifty cents (\$4.50) per month for each full year of such continuous "A" membership.

(b) *Optional Early Retirement Pension.* An "A" member of the I.B.E.W. in continuous good standing with twenty (20) or more years immediately preceding his application, who has attained the age of sixty-two (62) years, may elect to receive reduced pension benefits as long as he lives, computed on the basis of four dollars and fifty cents (\$4.50) per month for each full year of such continuous "A" membership, reduced by six and two-thirds percent ( $6\frac{2}{3}\%$ ) for each year or part thereof the said "A" member was under the age of sixty-five (65) at the date of his retirement. The election of this option must be made on a form prescribed by the I.S.T. and will become effective on the date he is placed on pension. The election of this option shall be irrevocable.

(c) *Optional Spouse's Benefit.* Each "A" member retired under Section 1(a), Section 1(b) or Section 2 may, in lieu of the payment of pensions as outlined above, elect to receive a reduced pension as long as he lives, with the provision that after his death one-half of such reduced pension shall continue to be paid to his spouse thereafter as long as such spouse survives him. The amount of such reduced pension payable under this election shall be actuarially equivalent to the pension otherwise payable. This election is effective on the date the member is placed on pension, except in the event the member and the member's spouse are subsequently divorced or in the event the member's spouse subsequently predeceases the member, the benefit payable to the member shall be recalculated and shall be equal to the unreduced benefit which would have been provided under Sec. 1(a), 1(b) or 2, as the case may be. This recalculated benefit shall commence the month of January 2002 for those members who became divorced or whose spouses predeceased them prior to or on December 31, 2001; and for all other members, as of the last day of the month next following either the date of the divorce or the death of the spouse.

Sec. 2. *Disability Pension.* An "A" member of the I.B.E.W. who is totally disabled and has continuous good standing of twenty (20) or more years immediately preceding his application shall receive disability pension benefits, if such application is approved after December 31, 2006, computed on the basis of four dollars and fifty cents (\$4.50) per month for each full year of such continuous "A" membership.

(a) Benefits will be paid commencing on the first day of the month in which it has been determined that the member became totally disabled, provided that no period of total disability shall be considered to commence before the "A" member has completed twenty (20) or more years in continuous good standing.

(b) The applicant for disability pension benefits must maintain his continuous good standing as an "A" member until the date of approval of his application by the I.E.C. and shall, in the event of such approval, receive a full refund of I.O. dues from the date of commencement of his total disability. The period following the commencement of total disability shall not be counted in computing the amount of disability pension benefit.

Sec. 3. *Vesting.* An “A” member who has completed twenty (20) or more years of “A” membership in continuous good standing and who ceases being engaged in the electrical industry prior to the attainment of age sixty-five (65) shall, if an application is filed and approved after December 31, 2006, obtain a vested right to pension benefits, but not disability pension benefits or death benefits. This vested right will entitle him to receive, commencing at age sixty-five (65), pension benefits computed on the basis of four dollars and fifty cents (\$4.50) per month for each full year of such continuous “A” membership, less four dollars and fifty cents (\$4.50) per month for each year or part thereof the said “A” member was under the age of sixty-five (65) at the date his application was received. The applicant for vested pension rights must maintain his continuous good standing as an “A” member until the date of approval of his application by the I.E.C., and shall, in the event of such approval, receive a full refund of I.O. dues from the month following receipt of his application. The period following the receipt of such application shall not be counted in computing the amount of vested pension rights. In no event shall any “A” member entitled to benefits under this Section 3 be paid a monthly pension benefit less than he would have received under the pension benefit provisions of the Constitution prior to January 1, 2007.

Sec. 4. *Death Benefits.* Upon the death of an “A” member, a death benefit shall be payable as follows:

(a) *Benefit Level.* Upon the death, after September 10, 2001, of a nonretired “A” member who then has at least six (6) months continuous and active good standing, the beneficiary to receive the death benefits payable under this Paragraph shall be paid the sum of six thousand two hundred fifty dollars (\$6,250.00) if the said “A” member died from natural causes, or the sum of twelve thousand five hundred dollars (\$12,500.00) if the said “A” member died by accidental means. However, no death benefit shall be payable upon the death of a nonretired “A” member if such member was more than two months in arrears in dues payments, unless it can be demonstrated that the arrearage was not the fault of the member in which case the death benefit shall be reduced by the amount of the arrearage. Upon the death from either natural causes or accidental means of an “A” member after December 31, 2001, who is retired under Section 1 or Section 2, the beneficiary to receive the death benefits shall be paid a sum computed by subtracting from six thousand two hundred fifty dollars (\$6,250.00) all pension benefits paid by the I.B.E.W. Pension Benefit Fund to the retired member. However, in no event shall the amount of the death benefit due as a result of the death of an “A” member retired under Section 1 or Section 2 be less than three thousand dollars (\$3,000.00), except as provided in Section 4(c) below. All death benefits payable under this provision are payable without interest.

(b) *Beneficiaries.* Upon the failure of any member to name an original beneficiary, or to name a new beneficiary after the death or inability to take of one previously named, the death benefit shall be payable to the following individual(s) in the indicated order of priority: 1) member’s spouse; 2) member’s children; 3) member’s parents; and 4) member’s estate. Every “A” member shall have the right to name the person or persons, including the member’s estate, who are to be the member’s beneficiary or beneficiaries under the death benefit provisions of the I.B.E.W. Pension Benefit Fund. Every member shall have the privilege of changing beneficiaries. If the beneficiary entitled to the death benefit (either the beneficiary named by the “A” member or the individual(s) in the indicated order of priority stated above) cannot be located or does not file a claim for the death benefit within ninety (90) days after the date of death, the benefit may be paid to a contingent beneficiary or in the indicated order of priority stated above. If no valid claim is filed, no appropriate beneficiary can be located, and the member has no estate to which the benefit can be paid, the death benefit shall revert to the I.B.E.W. Pension Benefit Fund on the second anniversary of the member’s death and no benefit will be paid subsequent to the reversion.

(c) *Set Off of Death Benefit.* If the I.B.E.W. Pension Benefit Fund has sent pension checks payable to the deceased member after the member's death as a result of a failure to notify the Fund of the death of the member, and the recipient of those pension checks has not returned them to the Fund, but retained the pension money, the Fund may set off from the death benefit, and refuse to pay to any beneficiary, the amount equal to the total amount of the pension overpayment.

Sec. 5. *Benefits of "A" members who have retired and/or died on or before December 31, 1991.* The pension benefits of an "A" member of the I.B.E.W., who has retired from the electrical industry and was placed on the pension rolls on or before December 31, 1991, shall be governed by the rules in effect as of the date they were placed on the pension rolls. Those rules are set forth in the I.B.E.W. Constitution as amended at the 33rd I.B.E.W. Convention at Toronto, Ontario, September 1986. The death benefits of an "A" member of the I.B.E.W. who has died on or before December 31, 1991, shall be governed by the rules in effect as of the date of his death, except that the rules relating to reversion of the death benefit to the I.B.E.W. Pension Benefit Fund, set forth in Section 4(b) of this Article, shall apply in the case of death benefits not yet paid on or before December 31, 1991.

#### Sec. 6. *General Provisions,*

(a) *Continuous Good Standing.* Any period of membership used in determining eligibility or in computing benefits shall include only consecutive years of "A" membership in good standing in the I.B.E.W., except that years of membership when on pension or disability pension shall not be counted. Any member that transfers from "A" membership status to "BA" membership status or who is dropped from membership after six months' delinquency in dues payments or who has accepted honorary withdrawal card status shall not be considered in good standing for purposes of determining eligibility for or in computing benefits under this Article. In addition, a member shall not be eligible for pension approval while such member has an outstanding L.U. trial board assessment. Provided further that, if a member who has been granted a normal pension, an early retirement pension, a disability pension, or a vested pension right returns to the electrical industry and "A" membership, a benefit based on the period of continuous "A" membership after such return shall be added to the amount of his previous normal pension, early retirement pension, disability pension, or vested pension right.

(b) *Waiver.* Any member who desires to waive any portion of his pension, either monthly or yearly, may do so by notifying the I.S.T. Any portion of the pension so waived will not be returned to the pensioner at a later date.

(c) *Per Capita Tax of Members on Pension, Disability Pension or with a Vested Pension Right.* The per capita tax owed by "A" members who are approved for normal, early, disability or vested pension benefits under this Article is hereby waived.

(d) *Prohibition of Work.* It is a condition for admission to pension benefits, including vested pension right and the continuation thereof, that the member shall not perform any work of any kind coming under the I.B.E.W.'s jurisdiction either for compensation or gratis for anyone, except that a member may work as an instructor in an I.B.E.W. recognized apprenticeship program, or as an Electrical Inspector for a governmental authority where Electrical Inspectors are not covered by an approved I.B.E.W. collective bargaining agreement. A retired member shall be permitted to attend L.U. meetings, and, with the L.U.'s approval, have a voice at such meetings, but shall not have a vote. He shall observe his obligation of membership and show due obedience to I.B.E.W. laws and the bylaws of its L.U.'s.

(e) *Non-Assignment of Benefits.* No member, pensioner or beneficiary shall have the right to assign, transfer, sell, mortgage, encumber or pledge any pension or death benefits, and such assignment, transfer, sale, mortgage, encumbrance or pledge shall be void and of no effect whatsoever. So that such benefits shall not in any way be subject to any legal process, execution, attachment or garnishment or be used for the payment of any claim against any member, pensioner or beneficiary, or be subject to the jurisdiction of any bankruptcy court or insolvency proceedings by operation of law or otherwise, the I.E.C. shall have the right to postpone any payment under this Plan to a pensioner or beneficiary.

(f) *Computation of Pension Benefit.* The period of continuous good standing employed in calculating a member's pension benefit shall be computed as of his anniversary date, which is the first day of the month in which such member is initiated as an "A" member of the I.B.E.W. or in which such member transfers from "BA" membership status to "A" membership status or in which such member returns to "A" membership status from honorary withdrawal status or from vested pension status. A member earns a year of good standing by maintaining membership from one anniversary date up to his next anniversary date.

(g) *Forfeiture.* Members who have been expelled from membership or who have resigned from membership (other than with an approved vested benefit), forfeit all rights in any pension or death benefits payable from the Fund.

(h) *Interpretations, Definitions and Decisions.* The I.E.C. is hereby granted discretionary authority to make definitions of the terms used in this article of the Constitution and to make interpretations of or construe these constitutional provisions and its Rules and Regulations which shall be final and binding. The I.E.C. is also granted discretionary authority to determine eligibility for benefits and the decisions of the I.E.C. on all questions arising hereunder, including cases of eligibility for, and computation of the amount of, benefits shall be final and binding. No benefits are authorized other than those expressly stated in the I.B.E.W. Constitution and the Rules and Regulations of the I.E.C.

Sec. 7. Members on participating withdrawal cards who have maintained their continuous good standing in the I.B.E.W. and who make application for pension benefits, shall be governed and their applications handled in the same manner as active members of L.U.'s, except that notice of application shall be given to the L.U. that issued the withdrawal card to the member. Members on honorary withdrawal card status shall not be entitled to a pension or death benefit under this Article.

Sec. 8. Any member violating any of the provisions of this article, or any member aiding or abetting a member to do so, after investigation by the I.E.C. and being found guilty, may be permanently barred from ever participating in these benefits, and may be suspended, expelled, or assessed as the I.E.C. may decide.

Sec. 9. The procedures for applications for benefits and for making determinations thereon shall be as prescribed in the Rules and Regulations of the I.E.C.