

**AMENDMENT NO. 12  
TO THE  
RESTATED PLAN DOCUMENT  
OF THE  
EIGHTH DISTRICT ELECTRICAL PENSION FUND ANNUITY PLAN**

WHEREAS, the Restated Plan Document of the Eighth District Electrical Pension Fund Annuity Plan, revised and restated April 1, 2014, provides that the Plan may be amended by the Board of Trustees from time to time;

WHEREAS, it is the desire of the Trustees to amend the Plan Document;

NOW, THEREFORE, BE IT RESOLVED that the Plan shall be amended as follows effective January 1, 2020 (except where an earlier effective date is specified):

I. Section 5.06 shall be replaced in its entirety with the following:

**5.06 Hardship Distribution.** A Participant may receive a distribution of his Individual Account and Individual 401(k) Account, subject to the following restrictions and rules:

- a. The Participant must represent in writing that he or she requires the distribution to meet an immediate and heavy financial need that must fall under one of the following categories:
  1. Medical expenses (as defined in Internal Revenue Code Section 213(d)), which are incurred by the Participant, or his or her family, or his or her primary beneficiary under the Plan.
  2. Purchase of a principal residence for the Participant. This does not include making mortgage payments on the Participant's principal residence.
  3. Payment of tuition, related education fees, and room and board expenses for the next twelve (12) months of post-secondary education for the Participant, or his or her family or his or her primary beneficiary under the Plan.
  4. To prevent eviction or foreclosure on the mortgage of the Participant from his or her principal residence. A Participant shall be limited to a hardship distribution under this paragraph 4 no more than once every two (2) Plan Years, unless the Participant has been unemployed for at least six (6) consecutive months and provides proof that he is registered on a sponsoring Local Union dispatch list and is available for work, unless he is disabled.
  5. Payments for burial or funeral expenses for the Participant's deceased parent, Spouse, child, dependents, or primary beneficiary under the Plan.
  6. Expenses for repairing damages to the Participant's principal residence that would

qualify for a casualty deduction under Section 165 of the Internal Revenue Code, without regard to Section 165(h)(5) and without regard to whether the loss exceeds ten percent (10%) of the Participant's adjusted gross income.

7. Expenses and losses (including loss of income) incurred by the Participant on account of a disaster declared by the Federal Emergency Management Agency (FEMA) under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 100-707, provided that the Participant's principal residence or principal place of employment at the time of the disaster was located in an area designated by FEMA for individual assistance with respect to the disaster.
  8. For distribution applications received on or after February 1, 2002, a Participant who has been on the out of work book for a sponsoring IBEW Local Union can receive a hardship distribution in the amount of \$2,000 per month for each month in which the Participant has been on the out of work books for a sponsoring IBEW Local Union of this Plan if he has been available for work during such period, up to a maximum hardship withdrawal of \$8,000.
- b. For purposes of Section 5.06(a) above, the Participant's family includes the Participant's Spouse or dependents as defined in Internal Revenue Code Section 152(d). A "primary beneficiary under the Plan" is an individual who is named as a beneficiary under the Plan and has an unconditional right to all or a portion of the Participant's account balance under the Plan upon the death of the Participant.
  - c. For distributions commencing on or after January 1, 2020, a distribution shall be deemed necessary to satisfy an immediate and heavy financial need if each of the following requirements is satisfied:
    1. Except as provided in Section 5.06(j), the distribution does not exceed the amount of the Participant's immediate and heavy financial need;
    2. The Participant has obtained all other currently available distributions under the Plan, other than hardship distributions, provided that, effective January 1, 2019, the Participant shall not be required to first take any nontaxable loan available under the Plan;
    3. The Participant has provided the Administrator a written statement certifying that he or she has insufficient cash or other liquid assets reasonably available to satisfy the need; and
    4. The Administrator does not have actual knowledge that is contrary to the written statement referenced above.
  - d. The written statement required under Section 5.06(c)(3) above may be submitted in paper or electronic medium. The Administrator shall have no duty or obligation to verify or investigate the Participant's written statement, and the Administrator may rely

on the written statement as long as it does not have actual knowledge that is contrary to the written statement.

- e. For purposes of Section 5.06(c)(3) above, cash or other liquid assets are not “reasonably available” even if the Participant does have cash or other liquid assets on hand, provided those assets were earmarked for payment of an obligation in the near future (for example, rent).
- f. Effective for hardship distributions made after December 31, 2001, but on or before December 31, 2018, a Participant’s elective deferrals will be suspended for six months immediately following a hardship distribution. Effective for hardship distributions made on or after January 1, 2019, a Participant’s elective deferrals shall no longer be suspended for a period of six months immediately following a hardship distribution.
- g. A hardship distribution shall not exceed the balance in the Participant’s Individual 401(k) Account and Individual Account and, effective February 1, 2020, a hardship distribution may include earnings on contributions.
- h. All distributions under this Section 5.06 shall be made in a single lump sum. Prior to receiving any distribution, the Participant and the Participant’s Spouse (if the Participant is married) must consent in writing to this single sum distribution without regard to the dollar amount of the distribution.
- i. The Plan shall make distributions under this Section 5.06 as soon as administratively feasible. However, if the value of the Participant’s Individual Account and Individual 401(k) Account is not readily ascertainable at the time the distribution would otherwise be made, then the Administrator shall defer the distribution until the next Valuation Date of the Fund, unless the Administrator can determine with reasonable certainty that the distribution requested does not exceed the value of the Individual Account and Individual 401(k) Account at the time the distribution is made.
- j. The amount of a hardship distribution may be increased by an amount necessary to cover any federal and state income taxes, penalties, and applicable fees that may be reasonably anticipated as a result of the distribution, provided that no such increase may exceed the amount set forth in Section 5.06(g) above.

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All other terms and conditions of the Plan shall remain in full force and effect.

Executed this 11<sup>th</sup> day of December, 2019.

  
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Chair

  
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Secretary