

**SEVENTH AMENDMENT TO THE  
PLAN OF THE LOCAL UNION 513 PENSION FUND  
RULES AND REGULATIONS**

**Restated Effective January 1, 2015**

Pursuant to the provisions of Section 9 of the Plan of the Local Union 513 Pension Fund Rules and Regulations ("Plan"), the Trustees of the Plan hereby amend the Plan, as amended by the First through Sixth Amendments, as follows, effective October 24, 2018:

**1. Section 3.10 is hereby deleted in its entirety and replaced with the following:**

**Section 3.10. Disability Amount.**

- a) The monthly amount of the Disability Pension for applications submitted before April 6, 2016, shall be the same as the Regular Pension subject to any adjustment for optional forms of payment.
- b) For applications submitted on or after April 6, 2016, but prior to October 24, 2018, the amount of the Disability Pension shall be the amount which the Participant would be entitled to receive as a Regular Pension if he had attained Normal Retirement Age at the time of disability onset, reduced by a percentage dependent on his Pension Credits at such time, as follows:

| <u>Pension Credits</u> | <u>Reduction in Full Regular Pension</u> |
|------------------------|--|
| 25 or more             | 21%                                      |
| 20 but less than 25    | 28%                                      |
| 15 but less than 20    | 35%                                      |

This amount shall be subject to adjustment for any optional form of payment elected by the Participant.

- c) For applications submitted on or after October 24, 2018, the amount of the Disability Pension shall be the amount which the Participant would be entitled to receive as a Regular Pension if he had attained Normal Retirement Age at the time of disability onset and elected a single life annuity with a 36-month guarantee, reduced by a percentage dependent on his Pension Credits at such time, as follows:

| <u>Pension Credits</u> | <u>Reduction in Full Regular Pension</u> |
|------------------------|--|
| 25 or more             | 21%                                      |

|                     |     |
|---------------------|-----|
| 20 but less than 25 | 28% |
| 15 but less than 20 | 35% |

For purposes of determining both eligibility and the reduction factor for b) and c) above, a Participant's Pension Credits shall be calculated by taking into account both hours worked in Covered Employment under this Plan and hours worked in covered employment under any other defined benefit pension plan during periods in which a reciprocity agreement is in effect between his Plan and such other plan. A Participant must provide evidence of such hours of work in covered employment in another plan at the time his application is submitted.

**2. Section 3.11 is hereby deleted in its entirety and replaced with the following:**

**Section 3.11. Form of Disability Benefit.**

- a) Notwithstanding any provision of the Plan to the contrary, for Disability Pension applications submitted on or after May 1, 1989, and prior to October 24, 2018, the Disability Pension shall be paid as a Husband-and-Wife Pension, subject to a waiver in accordance with Section 6.2(e), or any other actuarially equivalent benefit payment form that would be available to the Participant under the Plan if he were retiring at Normal Retirement Age.

In converting the accrued benefit of a Participant retiring with a Disability Pension to actuarially equivalent alternate payment forms, the factors set forth in Section 6.4 shall be used.

- b) For Disability Pension applications submitted on or after October 24, 2018, Participants are no longer entitled to elect any other actuarially equivalent benefit payment form for payment of their Disability Pension benefit. All Disability Pension benefits will be calculated as provided for in Section 3.10 and will be paid until the earlier of (i) the Participant's attainment of age 55, (ii) the date the Participant ceases to be disabled, or (iii) the Participant's death. Upon attainment of age 55, the Participant will be entitled in accordance with Section 3.15 to either elect to begin the Participant's Early Retirement Pension immediately or delay receipt of the Participant's pension to a later date. The Participant will be permitted to take his Early Retirement Pension or Regular Pension in any benefit payment form available under the Plan without regard to his receipt of Disability Pension payments. Should the Participant die after starting his Disability Pension, but prior to starting his Early Retirement Pension or Regular Pension, the Participant shall be treated as if he had died prior to retirement and his surviving Spouse or Beneficiary shall receive a death benefit as provided for

in Section 3.16(a).

**3. The following language is hereby added to the end of Section 3.13 as amended by the Fourth Amendment:**

For any Disability Pensioner who applied for a Disability Pension on or after April 6, 2016, and who earns additional Pension Credits while still remaining eligible for his Social Security Disability benefits, said Pension Credits shall not be used to increase said individual's Disability Pension, but will be taken into account when said individual begins receiving his Early Retirement Pension or Regular Pension following termination of his Disability Pension, or upon the individual's death if he dies prior to receipt of his Early Retirement Pension or Regular Pension.

**4. Section 3.15 is hereby deleted in its entirety and replaced with the following:**

**Section 3.15. Cessation of Total Disability**

- a) Any Participant retiring under the Disability Pension provisions of the Plan applicable to pensions for which applications were submitted before April 6, 2016, who subsequently ceases to be totally and permanently disabled (as defined in Section 3.12) may:
  - i. Apply for an Early Retirement Pension or Regular Pension, provided he has fulfilled the requirements for such benefit. The benefit shall become payable for the month immediately following the month in which the Disability Pension shall terminate, and the amount shall be based on the then-attained age of the Pensioner without reduction on account of disability benefits paid, or
  - ii. Return to Covered Employment and resume the accrual of Pension Credits. Participant's benefit when he subsequently retires will be calculated without reduction on account of disability benefits paid.
- b) For any Participant retiring under the Disability Pension provisions of the Plan applicable to pensions for which applications were submitted on or after April 6, 2016, the Participant's Disability Pension shall terminate at the end of the month in which the Participant attains the age of 55 or, if earlier, the end of the month in which the Participant ceases to be disabled under Social Security Disability benefit criteria.

A Participant whose Disability Pension terminates at age 55 shall have the

option: (i) by completing an application no later than 30 days after such termination, to begin an Early Retirement Pension effective the first day of the month following the date of termination of the Disability Pension; or (ii) to defer commencement of an Early Retirement Pension or Regular Pension until a later date. The amount of the Early Retirement Pension or Regular Pension following termination of the Disability Pension shall be calculated on the same accrued benefit as was the prior Disability Pension, without reduction on account of disability benefits paid, but adding in any additional Pension Credits earned during the period of the Disability Pension. If the Participant's Disability Pension application was submitted on or after October 24, 2018, the Participant shall be entitled to elect the form of benefit payable for the Participant's Early Retirement Pension or Regular Pension in accordance with Article 6. If the Participant's Disability Pension application was submitted prior to October 24, 2018, the form of benefits elected by the Participant for his Disability Pension shall be the form in which benefits will be paid for the Participant's Early Retirement Pension or Regular Pension.

**5. A new Section 3.16 is hereby added to the Plan and all subsequent sections in Article 3 including the former Section 3.16 are renumbered accordingly:**

**Section 3.16. Death Benefits for Disability Pensioners**

- a) Should any Disability Pensioner who applied for a Disability Pension on or after October 24, 2018, die while receiving a Disability Pension or following termination of a Disability Pension, but before receiving any Early Retirement Pension or Regular Pension benefits, the Participant will be treated as if he had died prior to Retirement; thus, the applicable provisions of Article 6 or Section 7.12 of the Plan shall determine the death benefit payable to the Participant's surviving Spouse or Beneficiary.
- b) For any Disability Pensioner who applied for a Disability Pension on or after April 6, 2016, and prior to October 24, 2018, the benefit election made by the Disability Pensioner at the start of his Disability Pension shall determine the death benefits payable upon the Disability Pensioner's death, should the Disability Pensioner die while receiving Disability Pension payments. Should the Participant die after his Disability Pension ceases, but before he begins receiving Early Retirement Pension or Regular Pension benefits, the Participant will be treated as if he had died prior to Retirement.
- c) For any Disability Pensioner who applied for a Disability Pension prior to April 6, 2016, the benefit election made by the Disability Pensioner at the start of his Disability Pension shall determine the death benefits payable upon the Disability Pensioner's death.

Executed by authority of the Board of Trustees on this 12<sup>th</sup> day of December, 2018:

Timothy J. Sappington  
Chairman-Timothy Sappington

Charles P. Goodwin  
Secretary-Charles Goodwin