

**AMENDMENT NO. 13  
TO THE  
RULES AND REGULATIONS  
OF THE  
EIGHTH DISTRICT ELECTRICAL PENSION FUND**

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

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

NOW, THEREFORE, BE IT RESOLVED that the Plan shall be amended effective with respect to claim determinations made on or after April 1, 2024, as follows:

Article 3, Section 3.05 Early Retirement Pension - Eligibility, is amended by deleting the last two paragraphs in their entirety and replacing them with the following:

If a Participant has an application for Social Security disability benefits pending before the Social Security Administration at the time he or she retires on an Early Retirement Pension, and the Participant subsequently establishes entitlement to a Disability Pension under Section 3.09 through the receipt of a favorable Social Security Disability Award based on that application, the Participant may convert his or her Early Retirement Pension to a Disability Pension, provided the Participant files a complete copy of the Social Security Disability Award with the administrative office within ninety (90) days of the date of the Social Security Disability Award. Conversion will be denied in the event a Participant submits the Social Security Disability Award letter after the 90 day period. Conversion is only available with respect to an application for Social Security disability benefits which was filed with the Social Security Administration on or before the Annuity Starting Date for the Participant's Early Retirement Pension.

If the Social Security Administration determines that the effective date of the Participant's disability is later than the Annuity Starting Date for the Participant's Early Retirement Pension, the conversion to a Disability Pension will become effective from the effective date of disability as determined by the Social Security Administration and the payments before that date will remain the same. If the Social Security Administration determines that the effective date of the Participant's disability is earlier than the Annuity Starting Date for the Participant's Early Retirement Pension, an additional benefit will be made equal to the Supplemental Disability Benefit payable under Section 3.12, less the Early Retirement Pension payments made, provided the Participant satisfies the requirements of Section 3.12. In the event conversion provides for a lower pension amount, the Participant's Disability Pension will be equal to the Early Retirement Pension then in effect. Regardless of when the Participant's Early Retirement Pension is converted to a Disability Pension, the Annuity Starting Date and the form of benefit payment will remain the same. If the Participant does not receive a favorable Social Security Disability Award, the Participant's benefit will remain an Early Retirement Pension.

Article 3, Section 3.13 Disability/Disabled Defined, shall be deleted in its entirety and replaced with the following:

**3.13 Disability/Disabled Defined.** A Participant is Disabled if:

- a. the Participant is not able to engage in any substantial gainful activity because of a medically determinable physical or mental disability that is either expected to result in death, or is expected to be of long, continued and indefinite duration;
- b. the Participant has received a determination by the Social Security Administration that the Participant is entitled to and awarded a Social Security disability benefit in accordance with the Social Security Act (“Social Security Disability Award”); and
- c. the Participant’s disability is not due to the self-infliction of any injury or illness, while sane or insane, or service in the armed forces of any country, or war or any act of war, declared or undeclared.

Article 3, Section 3.14 Proof of Disability, shall be deleted in its entirety and replaced with the following:

**3.14 Proof of Disability.**

- a. Expedited Disability Pension for Terminal Illness.

If a Participant meets the requirements of this Article 3 for a Disability Pension except for the receipt of a Social Security Disability Award, but has a pending application for a Social Security Disability Award, then if the Participant submits a certification from a qualified physician or surgeon that is acceptable to the Trustees that the Participant is unable to engage in any substantial gainful activity by reason of a medical condition that is irreversible or incurable and from which death is expected in the foreseeable future, then the Participant will be deemed to be Disabled for purposes of Section 3.13 and will be entitled to a Disability Pension. Such Disability Pension will commence on the later of: i) the first of the month on or after the date of the physician/surgeon certification; or ii) the first of the month that is at least sixty (60) days before the Participant’s application for an expedited Disability Pension, notwithstanding the fact that the Participant has not been so disabled for five (5) months and has not yet been awarded a Social Security Disability Award.

If the Social Security Administration denies the Participant’s application for disability benefits, no further Disability Pension payments will be paid or payable by the Plan from and after the date of that determination, unless the Participant has formally appealed the Social Security Administration determination that the Participant is not disabled. For benefits to continue during the Social Security appeal process, the Participant must provide medical proof satisfactory to the Trustees that the appeal is being made in good faith. In the event the Trustees determine that the Social Security appeal is being made in good faith, Disability Pension benefits will continue until the earlier of: i) the date an administrative law judge of the Social Security Administration upholds the initial

determination; ii) the date that the Participant withdraws their appeal; or iii) 18 months following the initial determination by the Social Security Administration that the Participant is not disabled. The Participant shall not be obligated to repay the Plan the payments received prior to a Social Security Administration determination (either an initial determination or a determination on appeal) that the Participant is not disabled, unless those payments were obtained through fraud, material misstatement or similar means.

b. Temporary Disability Pension for Participants Under Age 55.

If a Participant meets the requirements of this Article 3 for a Disability Pension except for the receipt of a Social Security Disability Award, but has a pending application for a Social Security Disability Award, and the Participant has not attained age fifty-five (55), the Participant will be deemed to be Disabled for purposes of Section 3.13 and will be entitled to a Temporary Disability Pension pending the disposition of the Participant's application for a Social Security Disability Award, provided the Participant has supplied medical proof satisfactory to the Trustees that the application for Social Security disability benefits is being made in good faith. The amount of the Temporary Disability Pension will be equal to the Early Retirement Pension that the Participant would be entitled to under Section 3.06 if the Participant were age 55. The Temporary Disability Pension will commence upon the Participant's establishment of an Annuity Starting Date in accordance with Section 1.03, and will be paid as a Participant and Spouse Pension, subject to a waiver in accordance with Section 6.06, or any other benefit payment form of Actuarial Equivalence that would be available to the Participant under the Plan if the Participant were retiring at Early Retirement.

If the Social Security Administration denies the Participant's application for a Social Security Disability Award, no further Temporary Disability Pension payments will be paid or payable by the Plan from and after the date of that determination, unless the Participant has formally appealed the determination by the Social Security Administration that the Participant is not disabled. For benefits to continue during the Social Security appeal process, the Participant must provide medical proof satisfactory to the Trustees that the appeal is being made in good faith. In the event the Trustees determine that the Social Security appeal is being made in good faith, Disability Pension benefits will continue until the earlier of: i) the date an administrative law judge of the Social Security Administration upholds the initial determination; ii) the date that the Participant withdraws their appeal; or iii) 18 months following the initial determination by the Social Security Administration that the Participant is not disabled. The Participant shall not be obligated to repay the Plan the payments received prior to a Social Security Administration determination (either an initial determination or a determination on appeal) that the Participant is not disabled, unless those payments were obtained through fraud, material misstatement or similar means.

If the Social Security Administration approves the Participant's application for a Social Security Disability Award, the Temporary Disability Pension will be recomputed as a Disability Pension, provided the effective date of disability as determined by the Social Security Administration conforms to the requirements outlined under Section 3.09. If the effective date of disability as determined by the Social Security Administration does not conform to the requirements outlined under Section 3.09, the Social Security determination

will be treated as a denial of the Participant's application for a Social Security Disability Award. If the Social Security Administration determines that the effective date of the Participant's disability is later than the Annuity Starting Date for the Participant's Temporary Disability Pension, the recomputation to a Disability Pension will become effective from effective date of disability as determined by the Social Security Administration and the payments before that date will remain the same. If the Social Security Administration determines that the effective date of the Participant's disability is earlier than the Annuity Starting Date for the Participant's Temporary Disability Pension, an additional benefit will be made equal to the Supplemental Disability Benefit payable under Section 3.12, less the Temporary Disability Pension payments made, provided the Participant satisfies the requirements of Section 3.12. In the event such recomputation provides for a lower pension amount, the Participant's Disability Pension will be equal to the Temporary Disability Pension then in effect. Regardless of when the Participant's Temporary Disability Pension is recomputed to a Disability Pension, the Annuity Starting Date and the form of benefit payment will remain the same.

- c. A Participant shall be deemed Disabled upon determination by the Social Security Administration that the Participant is entitled to and awarded a Social Security disability benefit in accordance with the Social Security Act, provided the date of disability as determined by the Social Security Administration conforms to the requirements outlined under Article 3.09. The Board may at any time, or from time to time, require evidence of continued Disability or entitlement to a Social Security disability benefit. If at any time prior to Normal Retirement Age, the Board determines that a Participant is no longer Disabled or entitled to a Social Security disability benefit, or if a Participant refuses to submit proof of continued Disability or entitlement to a Social Security disability benefit when requested, the Board may discontinue the Participant's disability benefit under this Article 3.
- d. A Participant receiving an expedited Disability Pension under Section 3.14(a), and a Participant receiving a Temporary Disability Pension under Section 3.14(b), shall notify the Board in writing within twenty-one (21) days of any initial determination by the Social Security Administration, and any determination by the Social Security Administration on appeal, that the Participant is not disabled. If such written reports are not provided, the Participant will, upon the Participant's subsequent retirement, have all disability payments to which the Participant is not entitled under this Article 3, offset against retirement benefit payments, to the extent such disability payments have not previously been repaid to the Trust Fund.

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

Executed this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

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Chair

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Secretary