

ELECTRICAL WORKERS LOCAL NO. 26 PENSION TRUST FUND

SUMMARY OF MATERIAL MODIFICATIONS

The Board of Trustees of the Electrical Workers Local No. 26 Pension Trust Fund (“Fund”) has adopted the following changes and clarifications to the Fund’s Summary Plan Description (“SPD”). Please keep this document with your SPD.

1. The first paragraph of the When Your Payments Begin Section on page 30 of your SPD is revised to read as follows:

Generally, your pension payment will begin on the first day of the first month after you have met all the requirements of the Plan for being entitled to and receiving benefits. These requirements include filing a pension application in advance of the date you want your pension payments to begin. Except in certain very limited circumstances (See Required Minimum Distribution Section below), you pension payments cannot begin before you stop working. Also, except for the Disability Pension and the Plan’s death benefits, no benefits will be payable for any period before the first day of the month after you file your application with the Fund Office, unless you have attained your required minimum distribution date.

2. The following language is added to the end of the Required Minimum Distribution Section on page 30 of your SPD, and the definition of Required Minimum Distribution on page 72 of your SPD:

However, if you have not yet retired when you reach age 70 ½ and you would like to commence your pension benefit while you are still working, you may make an Age 70 ½ Election, on a form provided by the Fund office. If you make this Election, your pension will begin April 1 of the calendar year following the year in which you attained 70 ½, even though you have not yet retired.

3. The following language is added to the end of page 33 of your SPD, under the heading Claims Review, effective for disability claims filed on or after January 1, 2018:

If your application for Disability Pension Benefits is denied in whole or in part based on a determination by the Fund (and not by a third party such as the Social Security Administration) that you are not disabled under the Fund rules, in addition to the items listed above, the written notice you will receive from the Fund Office also will include:

>> an explanation of the Fund’s basis for disagreeing with or not following: the views you presented to the Fund of health care professionals treating you and vocational professionals who evaluated you (if any); the views of any medical or vocational experts whose advice was obtained on behalf of the Fund in connection with the denial of your claim (even if the advice was not relied upon in making the determination); and a disability determination made by the Social Security Administration (if you

provided it to the Fund);

- >> the specific internal rules, guidelines, protocols, standards, or other similar criteria of the Fund relied upon in making the adverse benefit determination or, alternatively, a statement that such rules, guidelines, protocols, standards, or other similar criteria of the Fund do not exist;
- >> a statement that you are entitled to receive, upon request, and free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to your claim for benefits;

4. The following language is added after the second paragraph on page 35 of your SPD, under the Section titled *Appealing a Denied Claim or Disagreeing with an Action*, effective for disability claims filed on or after January 1, 2018:

Prior to issuing an appeal denial for a disability pension claim that is denied in whole or in part based on a determination by the Fund (and not by a third party such as the Social Security Administration) that you are not disabled under the Fund rules, the Board of Trustees will provide you, free of charge, with any new or additional evidence considered, relied upon, or generated by the Plan in connection with the claim, and/or with any new or additional rationale for denying the claim. This information will be provided to you as soon as possible in advance of the date your appeal is to be considered to give you a reasonable opportunity to respond prior to a decision being made regarding your appeal.

5. The following language is added at the end of page 35 of your SPD under the Section titled *Appealing a Denied Claim or Disagreeing with an Action*, effective for disability claims filed on or after January 1, 2018:

If your Disability Pension Benefit appeal is denied in whole or in part based on a determination by the Fund (and not by a third party such as the Social Security Administration) that you are not disabled under the Fund rules, in addition to the items listed above, the written notice you will receive from the Fund Office also will include:

- >> an explanation of the Fund's basis for disagreeing with or not following: the views you presented to the Fund of health care professionals treating you and vocational professionals who evaluated you (if any); the views of any medical or vocational experts whose advice was obtained on behalf of the Fund in connection with the denial of your claim (even if the advice was not relied upon in making the determination); and a disability determination made by the Social Security Administration (if you provided it to the Fund);
- >> a statement that you have a right to know the identity of any medical or vocational expert consulted in making a determination on your appeal, if your appeal is denied on the basis of a medical judgment.

6. The title and first paragraph of the Residential Wiremen Section beginning on page 46 of your SPD is revised to read as follows:

Residential Wireman and Teledata Technicians

As of 1991, Residential Wiremen became eligible for contributions to the Plan. Years of Vesting Service and Benefit Units for Residential Wiremen and Teledata Technicians are calculated in the same way as for an A Journeyman, except the Benefit Unit calculations are made based upon the following table:

7. The title of the second benefit rate table on page 46 of your SPD is revised to read “Residential Wiremen and Teledata Technicians Rates.”

8. The last paragraph on page 46 of your SPD is revised to read as follows:

Once you earn a Residential Benefit Unit or a Teledata Benefit Unit, it will always be considered a Residential Benefit Unit or a Teledata Benefit Unit, as applicable. However, the amount of the Benefit Unit is measured by the date or dates on which you cease to be an Active Participant under the Plan, not when you ceased to be a Residential Wireman or Teledata Technician. If you earn Residential Benefit Units, Teledata Benefit Units and/or A Journeymen Wireman Benefit Units, your pension benefit calculation would be based upon a combination of those units.

9. The phrase “Teledata Technician” is added after the phrase “Residential Workers” on page 49 of your SPD.

10. The Non-Assignment of Benefits Section on page 59 of your SPD is revised to read as follows:

Your pension benefits are intended for your personal financial security. They cannot be sold, borrowed against, garnished or attached in any way and generally cannot be assigned to another party except as permitted by law. For example, the Plan is required by law to honor a court-entered Qualified Domestic Relations Order that assigns a portion of a participant’s pension benefit to an alternate payee. The Plan must also honor a federal tax lien against a participant’s benefits.

11. The following language is added to the end of the Definition of Employee on page 71 of your SPD:

Notwithstanding the foregoing, the term "Employee" shall not include anyone who is a sole proprietor of an Employer or anyone who owns or controls (as defined below) at least a 15% interest in a partnership which is an Employer. An individual shall be deemed to possess "control" of the above-described interests if his spouse, lineal descendant, brother, or sister own such interests or if he is a beneficiary of a trust fund which owns such interests.