



**INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS  
LOCAL UNION 363  
MONEY PURCHASE PENSION PLAN**

**ELECTION REGARDING DIRECT TRANSFER**

I have read the Special Tax Notice Regarding Plan Payments and indicate my election as follows:

- I elect to have the entire Eligible Rollover Distribution paid in a Direct Rollover as described in the Special Tax Notice Regarding Plan Payments to:

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(Name of IRA or Plan Trustee, Custodian or other sponsor to receive the Direct Rollover)

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(Address of the party to receive the Direct Rollover)

I have attached a statement from the party to receive the Direct Rollover stating that it meets the requirements of Section 402 (c) (8) (B) of the Internal Revenue Code and agreeing that it will accept the Direct Rollover. I understand that any portion of the payment not eligible to be part of the Direct Rollover will be paid directly to me.

- I elect to have the entire amount of the payment paid directly to me. I understand that Federal law requires the Fund to withhold 20% of the distribution for Federal income taxes and that I may be liable for other Federal taxes described in the attached Special Tax Notice Regarding Plan Payments.

- I elect to have \$\_\_\_\_\_ paid in a Direct Rollover and to have the rest of the payment paid directly to me. I understand that Federal law requires the Fund to withhold 20% of the amount to be paid directly to me for Federal income tax purposes. I understand that I may be liable for other Federal taxes as described in the Special Tax Notice Regarding Plan Payments.

I direct the Fund to make the Direct Rollover to:

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(Name of IRA or Plan Trustee, Custodian or other sponsor to receive the Direct Rollover)

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(Address of the party to receive the Direct Rollover)

I have attached a statement from the party to receive the Direct Rollover stating that it meets the requirements of Section 402 (c) (8) (B) of the Internal Revenue Code and agreeing that it will accept the Direct Rollover. I understand that any portion of the payment not eligible to be part of the Direct Rollover will be paid directly to me.

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(Participant's Signature)

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(Date)

**INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS  
LOCAL UNION 363  
MONEY PURCHASE PENSION PLAN**

**SPOUSAL CONSENT**

I, \_\_\_\_\_, the spouse of \_\_\_\_\_,  
a participant in the INTERNATIONAL BROTHERHOOD OF ELECTRICAL  
WORKERS LOCAL UNION 363 MONEY PURCHASE PENSION PLAN acknowledge  
that my spouse has requested that his/her benefits under the Plan be distributed in the  
form of a lump sum. I realize that I am entitled to require that the benefits be distributed  
in the form of a joint and survivor annuity, and that by consenting to the lump sum  
distribution, in the event of my spouse's death, I will be entitled to not future benefits  
from the Plan.

I hereby certify that I acknowledge and understand all of the ramifications of this  
decision.

I hereby consent to a lump sum distribution.

Signed: \_\_\_\_\_  
(Signature must be notarized)

State of \_\_\_\_\_

County of \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, before me personally  
came \_\_\_\_\_, to me known to be the individual  
described in and who executed the foregoing instrument, acknowledged that he executed  
the same.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.

\_\_\_\_\_  
Notary Public

67 COMMERCE DRIVE SOUTH  
HARRIMAN, NY 10926  
TELEPHONE (845) 783-3500  
FAX (845) 783-3555

*Employee Benefit Funds*

WELFARE FUND  
PENSION FUND  
ANNUITY FUND  
VACATION & PAID  
HOLIDAY FUND  
JOINT APPRENTICESHIP  
TRAINING FUND  
SUB FUND

**LOCAL 363 I.B.E.W. ANNUITY FUND**

**DECLARATION OF SEPARATION OF SERVICE**

Name: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

I hereby acknowledge that I am an “Annuitant” as defined in Section 1.02 of the Local 363 I.B.E.W. Annuity Plan, which means that I am a person who is receiving an annuity benefit as provided by the Plan.

I understand and agree to comply with all of the rules of the Plan regarding to working in the status of an “Annuitant”. Some of the rules are summarized below:

- Prohibited Employment. I understand that an hour of employment (whether union or non-union, whether in self employment or employed, whether actually working or supervising such work, whether contributions are required to be made to the Local 363 Annuity Fund on account of such hour or not) shall constitute prohibited employment, so long as it is in the same industry in which I was covered by the Plan on the initial effective date of my annuity, and so long as it is in the same profession, trade, or craft in which I worked at any time, and for which contributions to the Local 363 I.B.E.W. Annuity Fund were required on my behalf.
- Stop Working. I must stop working for my employer. In the event I work at least forty (40) hours in prohibited employment in the Plan area in any month in which I may be entitled to an annuity payment hereunder, I hereby acknowledge and understand that any annuity payment for such month shall be withheld and forfeited provided the proper notices are given to me by the Trustees. This provision shall, likewise, be applicable in such case as if I applied for a payment of annuity benefits hereunder.
- Plan Area. For the purposes of this article, “Plan Area” means the State of New York.
- Notification of Prohibited Employment. I understand that a benefit payment may be withheld from me in any month in which the Trustees notify me of a suspension of benefits that sets forth the reason my benefits are being suspended, and provide the other documentation required by the Plan.

- Presumption. I understand that if I fail to cooperate with reasonable requests by the Trustees to assist them in administering the Annuity Plan insofar as it relates to me, the Trustees may presume that I am working in prohibited employment in a particular month.
- Resumption of Annuity Payments. In order that the payment of monthly benefits be resumed under the Plan, I must notify the Trustees in writing that I have ceased working in prohibited employment. If the Trustees are satisfied that such is the case, payments shall resume in accordance with the applicable Annuity Plan provisions.
- Recovery. In such case as I receive an annuity payment for which the Trustees have the right to withhold and forfeit such payment, the Trustees shall be entitled to recover such payment in accordance with the applicable Plan provisions.
- Status Determination. I understand my right to contact the Trustees in writing to determine if actual contemplated employment is prohibited employment, and the Trustees shall reply to such request for information after securing enough details, with my cooperation, to make a judgment.
- Exception. I understand that the provisions of Article 8 of the Plan shall not apply to any annuity benefits paid to me after March in the calendar year that immediately follows the calendar in which I reach age 70 years and six months.

ACKNOWLEDGEMENT

BY SIGNING THIS ACKNOWLEDGEMENT, I WARRANT THAT I AM NOT CURRENTLY WORKING IN PROHIBITED EMPLOYMENT. I UNDERSTAND THAT I AM CONTRACTUALLY BOUND TO THE TERMS DESCRIBED THEREIN. I AM OBLIGATED BY THIS CONTRACT TO NOTIFY THE FUND OFFICE IMMEDIATELY OF ANY CHANGE IN MY EMPLOYMENT STATUS THAT WILL AFFECT MY RECEIPT OF BENEFITS. IF I FAIL TO NOTIFY THE FUND AND I RECEIVE BENEFITS, I WILL BE PERSONALLY LIABLE FOR ANY AND ALL BENEFITS DISTRIBUTED TO ME WHILE I AM INELIGIBLE. I UNDERSTAND THAT THE FUND HAS A RIGHT TO RECEIVE FULL REIMBURSEMENT FOR THE AMOUNT PAID TO ME, AS WELL AS ANY OTHER REMEDIES AVAILABLE TO THE FUND, TO THE FULLEST EXTENT OF THE LAW. I HAVE RECEIVED A COPY OF THIS ACKNOWLEDGEMENT FOR MY RECORDS.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared and known to me to be the same person who executed this document.

\_\_\_\_\_  
Notary Public

**INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS  
LOCAL UNION 363  
MONEY PURCHASE PENSION PLAN**

**SPECIAL TAX NOTICE REGARDING PLAN PAYMENTS**

This notice contains important information you will need before you decide how to receive your benefits from International Brotherhood of Electrical Workers Local Union 363 Money Purchase Pension Plan (the “Plan”)

**SUMMARY**

A payment from the Plan that is eligible for “rollover” can be taken in two ways. You can have all or any portion of your payment either **1) PAID IN A “DIRECT ROLLOVER”** or **2) PAID TO YOU**. A rollover is a payment of your Plan benefits to your individual retirement arrangement (IRA) or to another employer plan. This choice will affect the tax you owe.

If you choose a **DIRECT ROLLOVER**:

- Your payment will not be taxed in the current year and no income tax will be withheld.
- Your payment will be made directly to your IRA or, if you choose, to another employer plan that accepts your rollover.
- Your payment will be taxed later when you take it out of the IRA or the employer plan.

If you choose to have your Plan benefits **PAID TO YOU**:

- You will receive only 80% of the payment, because the Plan administrator is required to withhold 20% of the payment and send it to the IRS as income tax withholding to be credited against your taxes.
- Your payment will be taxed in the current year unless you roll it over. You may be able to use special tax rules that could reduce the tax you owe. However, if you receive the payment before age 59 ½, you also may have to pay an additional 10% tax.
- You can roll over the payment by paying it to your IRA or to another employer plan that accepts your rollover within 60 days of receiving the payment. The amount rolled over will not be taxed until you take it out of the IRA or employer plan.
- If you want to roll over 100% of the payment to an IRA or an employer plan, you must find other money to replace the 20% that was withheld. If you roll over only the 80% that you received, you will be taxed on the 20% that was withheld and that is not rolled over.

## MORE INFORMATION

### 1. PAYMENTS THAT CAN AND CANNOT BE ROLLED OVER

Payments from the Plan may be “eligible rollover distributions”. This means that they can be rolled over to another employer plan that accepts rollovers. Your Plan administrators should be able to tell you what portion of your payment is an eligible rollover distribution. The following types of payments cannot be rolled over:

**Non-Taxable Payments.** In general, only the “taxable portion” of your payment is an eligible rollover distribution. If you have made “after-tax” employee contributions to the Plan, these contributions will be non-taxable when they are paid to you, and they cannot be rolled over. (After-tax employee contributions generally are contributions you made from your own pay that were already taxed.)

**Payments Spread Over Long Periods.** You cannot roll over a payment if it is part of a series of equal (or almost equal) payments that are made at least once a year and that will last for:

- Your lifetime (or your life expectancy), or
- Your lifetime and your beneficiary’s lifetime (or life expectancies), or
- A period of ten years or more

**Required Minimum Payments.** Beginning in the year you reach age 70 ½, a certain portion of your payment cannot be rolled over because it is a “required minimum payment” that must be paid to you.

### 2. DIRECT ROLLOVER

You can choose a direct rollover of all or any portion of your payment that is an “eligible rollover distribution”, as described above. In a direct rollover, the eligible rollover distribution is paid directly from the Plan to an IRA or another employer plan that accepts rollovers. If you choose a direct rollover, you are not taxed on a payment until you later take it out of the IRS or the employer plan.

**Direct Rollover to an IRA.** You can open an IRA to receive the direct rollover. (The term “IRA”, as used in this notice, includes individual retirement accounts and individual retirement annuities.) If you choose to have your payment made directly to an IRA, contact an IRA sponsor (usually a financial institution) to find out how to have your payment made in a direct rollover to an IRA at that institution. If you are unsure how to invest your money, you can temporarily establish an IRA to receive the payment. However, in choosing an IRA, you may wish to consider whether the IRA you choose will allow you to move all or a part of your payment to another IRA at a later date, without penalties or other limitations. See IRS Publication 590, **Individual Retirement Arrangement**, for more information on IRA’s (including limits on how often you can roll over between IRA’s).

**Direct Rollover to a Plan.** If you are employed by a new employer that has a plan, and you want a direct rollover to that plan, ask the administrator of that plan whether it will accept your rollover. If your new employer's plan does not accept a rollover, you can choose a direct rollover to an IRA.

**Direct Rollover of a Series of Payments.** If you receive eligible rollover distributions that are paid in a series for less than ten years, your choice to make or not make a direct rollover for a payment will apply to all later payments in the series until you change your election. You are free to change your election for any later payment in the series.

### **3. PAYMENT PAID TO YOU**

If you have the payment made to you, it is subject to 20% income tax withholding. The payment is taxed in the year you receive it unless, within 60 days, you roll it over to an IRA or another plan that accepts rollovers. If you do not roll it over, special tax rules may apply.

#### **Income Tax Withholding:**

**Mandatory Withholding.** If any portion of the payment to you is an eligible rollover distribution, the Plan is required by law to withhold 20% of that amount. This amount is sent to the IRS as income tax withholding. For example, if your eligible rollover distribution of \$10,000, only \$8,000 will be paid to you because the Plan must withhold \$2,000 as income tax. However, when you prepare your income tax return for the year, you will report the full \$10,000 as a payment from the Plan. You will report the \$2,000 as tax withheld, and it will be credited against any income tax you owe for the year.

**Voluntary Withholding.** If any portion of your payment is not an eligible rollover distribution but is taxable, the mandatory withholding rules described above do not apply. In this case, you may elect not to have withholding apply to that portion. To elect out of withholding, ask the Plan administrator for the election form and related information.

**Sixty-Day Rollover Option.** If you have an eligible rollover distribution paid to you, you can still decide to roll over all or part of it to an IRA or another employer plan that accepts rollovers. If you decide to roll over, you must make the rollover within 60 days after you receive the payment. The portion of your payment that is rolled over will not be taxed until you take it out of the IRA or the employer plan.

You can roll over up to 100% of the eligible rollover distribution, including an amount equal to the 20% that was withheld. If you choose to roll over 100%, you must find other money within the 60-day period to contribute to the IRA or the employer plan to replace the 20% that was withheld. On the other hand, if you roll over only the 80% that you received, you will be taxed on the 20% that was withheld.

**Example:** Your eligible rollover distribution is \$10,000, and you choose to have it paid to you. You will receive \$8,000 and \$2,000 will be sent to the IRS as income tax withholding. Within 60 days after receiving the \$8,000, you may roll over the entire \$10,000 to an IRA or employer plan. To do this, you roll over the \$8,000 you received from the Plan, and you will have to find \$2,000 from other sources (your savings, a loan, etc.). In this case, the entire \$10,000 is not taxed until you take it out of the IRA or employer plan. If you roll over the entire \$10,000, when you file your income tax return you may get a refund of the \$2,000 withheld.

If, on the other hand, you roll over only \$8,000, the \$2,000 you did not roll over is taxed in the year it was withheld. When you file your income tax return, you may get a refund of part of the \$2,000 withheld. (However, any refund is likely to be larger if you roll over the entire \$10,000.)

**Additional 10% Tax if You Are Under Age 59 ½.** If you receive a payment before you reach age 59 ½ and you do not roll it over, then, in addition to the regular income tax, you may have to pay an extra tax equal to 10% of the taxable portion of the payment. The additional 10% tax does not apply to your payment if it is (1) paid to you because you separate from service with your employer during or after the year you reach age 55, (2) paid because you retire due to disability, (3) paid to you as equal (or almost equal) payments over your life or life expectancy (or your and your beneficiary's lives or life expectancies), or (4) used to pay certain medical expenses. See IRS Form 5329 for more information on the additional 10% tax.

**Special Tax Treatment.** If your eligible rollover distribution is not rolled over, it will be taxed in the year you receive it. However, if it qualifies as a "lump sum distribution", it may be eligible for special tax treatment. A lump sum distribution is a payment, within one year, of your entire balance under the Plan (and certain other similar plans of the employer) that is payable to you because you have reached age 59 ½ or have separated from service with your employer (or, in the case of a self-employed individual, because you have reached age 59 ½ or have become disabled). For a payment to qualify as a lump sum distribution, you must have been a participant in the Plan for at least 5 years. The special tax treatment for lump sum distributions is described below.

**Five-Year Averaging.** If you receive a lump sum distribution after you are age 59 ½, you may be able to make a one-time election to figure the tax on the payment by using "five-year averaging". Five-year averaging often reduces the tax you owe because it treats the payment such as if it were paid over 5 years.

**Ten-Year Averaging If You Were Born Before January 1, 1936.** If you receive a lump sum distribution and you were born before January 1, 1936, you can make a one-time election to figure the tax on the payment by using "ten-year averaging" (using 1986 tax rates) instead of five-year averaging using current tax rates). Like the five-year averaging rules, ten-year averaging often reduces the tax you owe.

**Capital Gain Treatment If You Were Born Before January 1, 1936.** In addition, if you receive a lump sum distribution and you were born before January 1, 1936, you may elect to have the part of your payment that is attributable to your pre-1974 participation in the Plan (if any) taxed as long-term capital gain at a rate of 20%.

There are other limits on the special tax treatment for lump sum distributions. For example, you can generally elect this special tax treatment only once in your lifetime, and the election applies to all lump sum distributions that you receive in the same year. If you have previously rolled over a payment from the Plan (or certain other similar plans of the employer), you cannot use this special tax treatment for later payments from the Plan. If you roll over your payment to an IRA, you will not be able to use this special tax treatment for later payments from the IRA. Also, if you roll over only a portion of your payment to an IRA, this special tax treatment is not available for the rest of the payment. Additional restrictions are described in IRS Form 4972, which has more information on lump sum distributions and how you elect the special tax treatment.

#### **4. SURVIVING SPOUSES, ALTERNATE PAYEES, AND OTHER BENEFICIARIES**

In General, the rules summarized above that apply to payments to employees also apply to payments to surviving spouses of employees and to spouses or former spouses who are “alternate payees”. You are an alternate payee if your interest in the Plan results from a “qualified domestic relations order”, which, is an order issued by a court, usually in connection with a divorce or legal separation. Some of the rules summarized above also apply to a deceased employee’s beneficiary who is not a spouse. However, there are some exceptions for payments to surviving spouses, alternate payees, and other beneficiaries that should be mentioned.

If you are a surviving spouse, you may choose to have an eligible rollover distribution paid in a direct rollover to an IRA or paid to you. If you have the payment paid to you, you can keep it or roll it over yourself to an IRA but you cannot roll it over to an employer plan. If you are an alternate payee, you have the same choices as the employee. Thus, you can have the payment paid as a direct rollover or paid to you. If you have it paid to you, you can keep it or roll it over yourself to an IRA or to another employer plan that accepts rollovers. If you are a beneficiary other than the surviving spouse, you cannot choose a direct rollover, and you cannot roll over the payment yourself.

If you are a surviving spouse, an alternate payee, or another beneficiary, your payment is not subject to the additional 10% tax described in Section 2 above, even if you are younger than age 59 ½.

If you are a surviving spouse, an alternate payee, or another beneficiary, you may be able to use the special tax treatment for lump sum distributions and the special rule for payments that include employer stock, as described in Section 3 above. If you receive a payment because of the employee’s death, you may be able to treat the payment as a lump sum distribution if the employee met the appropriate age requirements, whether or not the employee had 5 years of participation in the plan.

## HOW TO OBTAIN ADDITIONAL INFORMATION

This notice summarizes only the Federal (not state or local) tax rules that might apply to your payment. The rules described above are complex and contain many conditions and exceptions that are not included in this notice. Therefore, you may want to consult with a professional tax advisor before you take a payment of your benefits from the Plan. Also, you can find more specific information on the tax treatment of payments from qualified retirement plans in IRS Publication 575, **Pension and Annuity Income**, and IRS Publication 590, **Individual Retirement Arrangements**. These publications are available from your local IRS office or by calling 1-800-TAX-FORMS.

**INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS  
LOCAL UNION 363  
MONEY PURCHASE PENSION PLAN**

**RECEIPT FOR SPECIAL TAX NOTICE**

I certify that I have received today the “Special Tax Notice Regarding Plan Payments”

This notice must be supplied no earlier than 90 days, and no later than 30 days before an Eligible Rollover Distribution is made.

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(Recipient’s Signature)

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(Date Signed)

**WAIVER OF 30-DAY TIME PERIOD (IF APPLICABLE)**

You must receive the Special Tax Notice at least 30 days (no earlier than 90 days) prior to receiving the distribution. However, you may waive this 30-day time period if your distribution is \$3500 or less or your distribution is due to retirement. If you qualify to waive this time period, sign and date below.

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(Recipient’s Signature)

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(Date Signed)