

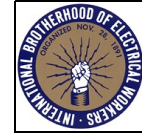


## SOUTHERN CALIFORNIA IBEW-NECA TRUST FUNDS

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### NOTICE TO PARTICIPANTS

#### **HOW SERVICE IN THE UNIFORMED SERVICES AFFECTS YOUR RIGHTS AS A PARTICIPANT UNDER THE SOUTHERN CALIFORNIA IBEW-NECA HEALTH PLAN, PENSION PLAN AND DEFINED CONTRIBUTION PLAN PURSUANT TO THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (“USERRA”)**

If you perform duty, whether voluntarily or involuntarily, in the uniformed services including the Army, Navy, Marine Corps, Air Force, Coast Guard, Public Health Service commissioned corps, or the reserve components of any of these entities, you have rights under USERRA which affect employment, health benefits, pension benefits, seniority, vacation benefits and perquisites of employment. The following is intended to provide you with a summary of how USERRA generally impacts your health and pension (defined benefit and defined contribution) benefits provided by the Southern California IBEW-NECA Health and Pension Trust Funds. Please note that while USERRA first became effective as of December 12, 1994, certain provisions were adopted later.

This Notice is intended to apply to participants serving in the uniformed services as of the date of this mailing. However, should additional legislation or regulations be issued which affect your rights, the legislation will be adopted by the Boards of Trustees as required by law.

#### **HEALTH BENEFITS**

Under the Southern California IBEW-NECA Active Health Plan, if you serve in the uniformed services for a period of less than thirty-one (31) days, your health coverage, as well as the health coverage of your eligible dependents will continue in force without any interruption in coverage, provided that you were eligible for coverage when your period of service in the uniformed services began. If you serve in the uniformed services for a period of thirty-one (31) days or more, your hour bank will be frozen and your coverage will continue as outlined below. The five (5) year coverage benefit went into effect on June 1, 2005. Prior thereto, COBRA coverage was available for eighteen (18) months during periods of service in the uniformed services.

However, if you wish to continue your health coverage under the Plan during your period of service in the uniformed services, including coverage for your dependents, you can do so for a period of up to five (5) years at no cost in accordance with the current provisions of the

Active Health Plan. This five (5) year coverage benefit is an extraordinary benefit beyond that mandated by USERRA and may be modified or terminated by the Board of Trustees upon sixty (60) days notice to participants.

If you are on extended Active duty, you are generally covered by TRICARE, the U.S. Military health care system. Your spouses and unmarried children are also generally covered under TRICARE. However, you must enroll in TRICARE through DEERS. Information from the TRICARE website which outline eligibility for TRICARE are enclosed. Please note that you should periodically review the TRICARE web-site if you are serving in the military on active duty, which can be found at [www.tricare.mil](http://www.tricare.mil).

Upon your return from service in the uniformed services, as long as you return to work for a signatory contractor or sign the IBEW Local 11 dispatch book within one hundred twenty (120) days upon your return from your period of service in the uniformed services, you will be eligible for Active coverage immediately upon your return from such service without any waiting period or pre-existing condition. If you have unused hours in your hour bank, your hour bank will be reinstated. Please note that the Active Health Plan does not provide coverage for any military service-related condition or treatment related thereto. If you do not return to work for a signatory employer or sign the IBEW Local 11 dispatch book within one hundred twenty (120) days of your return from service in the uniformed services, your coverage under the Active Health Plan will terminate, unless you have unused hours in your hour bank, and you may be eligible for up to an additional twenty-four (24) months of COBRA coverage for you and your dependents. Prior to June 1, 2005, the COBRA coverage was only available under these circumstances for eighteen months.

For participants in the uniformed services, coverage through TRICARE is the participant's primary coverage. However, if the participant seeks care not covered by TRICARE, and the participant maintains coverage under the Active Health Plan through COBRA, coverage provided under the Active Health Plan would be primary. For the spouse and dependents, TRICARE coverage is always secondary to coverage provided by the Active Health Plan if coverage is maintained through this Plan during periods while the participant is serving in the uniformed services. Please note that if you move out of an HMO (Kaiser or Pacificare) Service Area during USERRA coverage periods, the HMOs will not be able to provide you with health coverage and if you have elected to remain covered under the Active health Plan during this period of time, you will have to enroll in the self-funded indemnity plan if you meet the Plan's enrollment eligibility.

### **PENSION PLAN (Defined Benefit Plan)**

Under the Southern California IBEW-NECA Pension Plan, if you serve in the uniformed services, you are entitled to vesting accrual, benefit accrual and retirement eligibility for periods of your such service, up to a period of five (5) years of service in the uniformed services. Furthermore, you can not be subject to a break in service, grace period or have any

other negative impact on your pension contributions if you meet the requirements for the crediting of pension contributions and hours under USERRA.

Hours are credited to the Pension Plan on a participant's behalf for periods of service in the uniformed services at the greater of one hundred twenty-five (125) hours per month for each complete month of uniformed service or the average monthly hours worked in the twelve month period prior to the period of uniformed service and eight (8) hours per day for any additional fraction of a month at the contribution rate under the applicable collective bargaining agreement of your home Local Union in effect for the month in which hours are credited. The Board of Trustees of the Southern California IBEW-NECA Pension Trust Fund has adopted a rule which provides that the Pension Plan funds any and all USERRA related contributions out of investment earnings.

If you serve in the uniformed services, you should contact the Pension Trust Fund and provide them with copies of your military orders so you can be properly credited with hours and contributions. You must contact the Pension Trust Fund when you return from active duty within one hundred twenty (120) days of your discharge. You must become employed with an employer that is signatory to a collective bargaining agreement with IBEW Local 11, 440, 441 or 477 requiring contributions to the Pension Plan or register on any of the aforementioned Unions' dispatch books within one hundred twenty (120) days of your discharge to qualify for the crediting of hours and contributions under the Pension Plan. This deadline may be extended for up to two (2) years if you are disabled at the time of your discharge from the uniformed services.

## **DEFINED CONTRIBUTION PLAN**

Under the Southern California IBEW-NECA Defined Contribution Plan, if you serve in the uniformed services, you are entitled to vesting accrual, benefit accrual and net earnings and losses for your periods of service, up to a period of five (5) years of service in the uniformed services. Hours are credited on a participant's behalf for periods of uniformed service at the greater of one hundred twenty-five (125) hours per month for each complete month of uniformed service or the average monthly hours worked during the twelve (12) month period prior to the period of uniformed service and eight (8) hours per day for any additional fraction of a month at the contribution rate under the applicable collective bargaining agreement for your home Local Union in effect for the month in which the hours are credited. The Board of Trustees of the Southern California IBEW-NECA Pension Trust Fund has adopted a rule which provides that the Defined Contribution Plan funds any and all USERRA required contributions from investment earnings.

If you are going to serve in the uniformed services or have served in the uniformed services, you must contact the Pension Trust Fund and provide them with copies of your military orders. Your period of uniformed service must commence no more than one hundred twenty (120) days after you left employment with a signatory employer to a collective bargaining agreement with IBEW Local 11, 440, 477 or 441\* in order to qualify for USERRA

coverage. You must contact the Pension Trust Fund when you return from your service in the uniformed services within one hundred twenty (120) days of your discharge. You must become employed with an employer that is signatory to a collective bargaining agreement with IBEW Local 11, 440 or 477 (or IBEW Local 441 for anyone who returned from service in the uniformed services prior to June 1, 2004) requiring contributions to the Defined Contribution Plan or register on any of the aforementioned Unions' dispatch books within one hundred twenty (120) days of your discharge in order to qualify for the crediting of hours and contributions under the Southern California IBEW-NECA Defined Contribution Plan for USERRA-related service. This deadline may be extended for up to two (2) years if you are disabled at the time of your discharge from the uniformed services.

If you have an outstanding loan under the Southern California IBEW-NECA Defined Contribution Plan while serving in the uniformed services, if your interest rate exceeded six percent (6%), the interest rate on your loan will be reduced to six percent (6%) during the period of your service in the uniformed services.

If you have any questions regarding USERRA and how it affects your pension, defined contribution or health benefits, please contact the Fund Offices at 1-800-824-6935.

\* If you are a member of IBEW Local 441 and entered the uniformed services prior to June 1, 2004, only periods of service in the uniformed services prior to June 1, 2004 are credited under the Defined Contribution Plan as outlined above.