

Article 9 Section 7 and Plan Amendment 2 were taken from the Southern California IBEW-NECA Pension Plan (as restated July 1, 2010).

9.7 Suspension of Benefits on Re-employment of a Pensioner.

(a) Suspendible Employment:

(1) Definition of Suspendible Employment—Prior to Attainment of Normal Retirement Age.

Prior to attainment of Normal Retirement Age, except as otherwise provided in Section 9.7(a)(3), a Pensioner must refrain from any Suspendible Employment, which is defined as:

(i) work as an employee, employer, consultant, sole proprietor, or independent contractor in the jurisdiction of any Union whose members are Participants in this Plan or in the jurisdiction of any other Local Union of the IBEW that maintains a Related Plan;

(ii) in work of the type performed by Participants of the Plan on the Pensioner's effective date of retirement; and

(iii) which requires directly or indirectly the use of the same skills performed by Participants of the Plan on the Pensioner's effective date of retirement.

(2) Definition of Suspendible Employment—After Attainment of Normal Retirement Age.

After attainment of Normal Retirement Age, except as otherwise provided in Section 9.7(a)(3), a Pensioner must refrain from working forty (40) or more hours in any calendar month in Suspendible Employment, which is defined as:

(i) work as an employee, employer, consultant, sole proprietor or independent consultant in the geographic jurisdiction of the Plan, which is defined under applicable Regulations as the State of California;

(ii) in work of the type performed by Participants of the Plan on the Pensioner's effective date of retirement; and

(iii) which requires directly or indirectly the use of the same skills performed by Participants of the Plan on the Pensioner's effective date of retirement.

(3) Permissible Employment After Commencement of Early and Normal Pension Benefits.

Unless otherwise prohibited in this Plan, the following is a list of types and locations of employment that a Pensioner can perform which will not be deemed to be Suspendible Employment and will permit Pensioners to continue to receive Early and Normal Pension Benefits under the Plan. Prior written notice of such employment should be provided to the Trustees:

(i) Electrical Inspector, except as set forth in Section 9.7(b)(2)(vii) and 9.7(c)(1)(ii);

(ii) Instruction or Training in the field of electrical work if the Pensioner is employed by an IBEW-NECA sponsored training program;

(iii) Employment by an AFL-CIO-sponsored Council at the local, state or national level;

(iv) Employment by the IBEW International Office, employment by the National Office of the National Electrical Contractors Association ("NECA") or employment with any IBEW or NECA affiliated entities;

(v) Employment as a salesperson at an electrical wholesale or manufacturing facility;

(vi) Employment by Johnson Controls as an Estimator (not job-site based and not involved in the hiring and firing of electricians) from July 1, 2004 through January 31, 2006. During this limited period, such employment will not be deemed to be Suspendible Employment or Non-Covered Electrical Employment;

(vii) Effective May 1, 2006, Employment with the State of California Department of Apprenticeship Standards;

(viii) Effective July 1, 2006, notwithstanding any provision of the Plan to the contrary, a Pensioner who is serving as an Examining Officer of the Examining Board of an IBEW Local Union shall not have his benefits suspended for any month in which the only suspendible activity engaged in by the Pensioner is serving as an Examining Officer of the Examining Board of an IBEW Local Union; and

(ix) Effective September 1, 2008 through October 31, 2013, notwithstanding any provision of the Plan to the contrary, a Pensioner may work for a Prevailing Wage Compliance firm so long as the only clients of the firm are Public Agencies and/or Local Unions.

(b) Suspension of Benefits Prior to Normal Retirement Age.

(1) Prior to attainment of Normal Retirement Age, a Pensioner performing work in any month prohibited by Section 9.7(a)(1) and not described in Section 9.7(a)(3) shall have their monthly pension benefit suspended to the extent permitted by Revenue Procedure 2005-23. In addition, a Pensioner performing certain activities specified in Section 9.7(b)(2) prior to attainment of Normal Retirement Age shall have some or all of their monthly pension benefit suspended to the extent permitted by Revenue Procedure 2005-23.

(2) In accordance with Revenue Procedure 2005-23, effective June 1, 2004, benefits payable prior to Normal Retirement Age shall be suspended in accordance with the following provisions:

(i) Only benefits accrued on or after July 1, 1986 shall be suspended for any month in which a Pensioner holds a C-10 Electrical Contracting License and only benefits accrued on or after March 1, 1995 shall be suspended for any month in which a Pensioner holds any other form of Electrical Contracting License, including but not limited to a C-7 License.

(ii) only benefits accrued on or after August 1, 2003 shall be suspended for any month in which a Pensioner holds (other than a C-7 or C-10 License) any other license (including but not limited to a B license) that permits electrical work to be conducted;

(iii) only benefits accrued on or after July 1, 1986 shall be suspended for any month in which a Pensioner registers or remains registered for employment at any hiring hall in the electrical construction contracting industry, except registration for and/or work off of an IBEW Maintenance Dispatch list;

(iv) only benefits accrued on or after March 1, 1995 shall be suspended for any month in which a Pensioner registers, remains registered for employment at any hiring hall for work off of an IBEW Maintenance Dispatch List, or works in maintenance as a result of being dispatched if working off of such list would result in pension contributions made on the Pensioner's behalf to an IBEW sponsored pension plan (except the NEBF);

(v) only benefits accrued on or after July 1, 1986 shall be suspended for any month in which a Pensioner actively seeks employment in the electrical construction contracting industry by means other than the union hiring hall;

(vi) only benefits accrued on or after August 1, 2003 shall be suspended for any month in which a Pensioner is employed as an estimator, project manager, or similar position for an electrical contractor or other firm or business performing such services, if that electrical contractor or firm is signatory to a collective bargaining agreement with an IBEW Local Union. Such work for an electrical contractor or firm which is not signatory to a collective bargaining agreement with an IBEW Local Union is prohibited for all periods of benefit accrual;

(vii) only benefits accrued on or after December 1, 2004 shall be suspended for any month in which a Pensioner works as an Inspector under a collective bargaining agreement requiring contributions to the Plan;

(viii) except as otherwise provided herein, only benefits accrued on or after August 1, 2003 shall be suspended for any month in which a Pensioner registers, remains registered for employment at any hiring hall for work off of an IBEW Maintenance Dispatch List if working off of such list would not result in pension contributions made on the Pensioner's behalf to an IBEW-sponsored pension plan or for any month in which a Pensioner performs electrical maintenance which is defined as follows, if such work does not require contributions to this Plan or any Related Plan (excluding NEBF):

Maintenance is defined as routine, recurring and usual work for the preservation, protection and keeping of any facility for its intended purpose in a safe and continually useable condition. The following are examples of work that is permissible under the definition of Maintenance:

1. Moving receptacles; adding receptacles or lights to an existing circuit; and moving or adding switches to an existing circuit;
2. Replacing a panel with a like-for-like panel, or replacing a motor with a like-for-like motor;
3. Adding a circuit to an existing conduit home run.

Maintenance does not include Electrical Construction (new or remodel). Performing Electrical Construction other than the items specifically described in Items 1-3 under Maintenance will constitute suspendible employment.

(ix) only benefits accrued on or after March 1, 1991 shall be suspended for any month in which a Pensioner works for the Los Angeles Department of Water and Power in any classification other than a permanent employee. Work as a permanent employee for the Los Angeles Department of Water and Power by Pensioners prior to attaining Normal Retirement Age shall be considered as Civil Service and shall be subject to the provisions of Section 9.7(b)(2)(xi);

(x) only benefits accrued on or after August 1, 2003 shall be suspended for any month in which a Pensioner engages in work as an electronic or computer technician;

(xi) except as otherwise provided herein, only benefits accrued on or after August 1, 2003 shall be suspended for any month in which a Pensioner performs electrical work in Civil Service at the city, state, county or federal level;

(xii) only benefits accrued after December 1, 1990 shall be suspended for any month in which a Pensioner engages in Civil Service employment under an IBEW Local 11–City of Los Angeles Specialty Agreement effective December, 1990;

(xiii) only benefits accrued on or after March 23, 2000 shall be suspended for any month in which a participant instructs in any electrical training program or retail-based electrical instruction other than any IBEW-NECA sponsored training program;

(xiv) only benefits accrued on or after October 1, 1987 shall be suspended for any month in which a Pensioner engages in Non-Covered Electrical Employment, as defined in Section 1.16 hereof and as otherwise provided in the Plan. The suspension of benefits under this Section 9.7(b)(2)(xiv) shall be applied in addition to the suspension provisions of other applicable provisions of this Section and Section 1.16(h); and

(xv) Only benefits accrued on and after August 1, 2003 shall be suspended for that month in which a Pensioner performs the task of inspecting electrical work for quality control purposes and no other Suspendible Employment. Such quality control work has always been distinguished from acting as an Electrical Inspector enforcing codes, regulations and/or ordinances on behalf of a public agency or hospital. Inspecting electrical work for quality control purposes does not include supervising the day-to-day work of the employees of Electrical Sub-Contractors. Depending upon the circumstances, any such day-to-day supervision will constitute Suspendible Employment and/or Non-Covered Electrical Employment subject to the applicable provisions of this Plan.

(3) (i) In the Case of a Pensioner who engages in Non-Covered Electrical Employment under Section 9.7(b)(2)(xiv), except as otherwise provided in the Plan, his pension shall resume upon cessation of such employment but no earlier than attainment of his Normal Retirement Age. In no event shall his pension benefits be suspended beyond the Pensioner's attainment of his Mandatory Commencement Date.

(ii) In no event, however, will a Pensioner's benefit be suspended for any month which includes or follows attainment of his Normal Retirement Age unless the Pensioner is engaged in Suspendible Employment on or after his Normal Retirement Date which would cause a suspension under Section 9.7(c), below.

(c) Suspension of Benefits on or after Normal Retirement Age.

On or after attainment of Normal Retirement Age and prior to the first day of the month following the month in which the Pensioner attains age 70½, a Pensioner who has

not attained age 70½, must refrain from working 40 or more hours in any calendar month in Suspendible Employment as defined as follows:

(i) work as an employee, employer, consultant, sole proprietor, or independent contractor in the geographic jurisdiction of the Plan, which is defined by applicable Regulations as the State of California;

(ii) work of the type performed by Participants of the Plan on the Pensioner's effective date of retirement; and

(iii) which requires directly or indirectly the use of the same skills performed by Participants of the Plan on the Pensioner's effective date of retirement.

For purposes of the foregoing, a Pensioner who has attained Normal Retirement Age and completes 40 or more hours of service in such Suspendible Employment during any calendar month shall be deemed to be in violation of the aforesaid requirement and his pension benefit otherwise payable shall be suspended for such month. For purposes of this Section 9.7(c), "hour of service" means each hour of such Suspendible Employment for which the Pensioner is paid or entitled to payment. In addition, a Pensioner performing the following work in the State of California specified in Section 9.7(c)(1)(i)-(viii) for forty (40) or more hours per month after attainment of Normal Retirement Age shall have some or all of their monthly pension benefit suspended to the extent permitted by Revenue Procedure 2005-23.

(1) In accordance with Revenue Procedure 2005-23, effective June 1, 2004, benefits payable on or after Normal Retirement Age shall be suspended in accordance with the following provisions:

(i) only benefits accrued on or after August 1, 2003 shall be suspended for any month in which a Pensioner is employed as an estimator, project manager, or similar position for an electrical contractor or other firm or business performing such services, if that electrical contractor or firm is signatory to a collective bargaining agreement with an IBEW Local Union. Such work for an electrical contractor of firm which is not signatory to a collective bargaining agreement with an IBEW Local Union is prohibited for all periods of benefit accrual;

(ii) only benefits accrued on or after December 1, 2004 shall be suspended for any month in which a Pensioner works as an Electrical Inspector under a collective bargaining agreement requiring contributions to the Plan;

(iii) except as otherwise provided herein, only benefits accrued on or after August 1, 2003 shall be suspended for any month in which a Pensioner performs electrical maintenance which is defined as follows, if such work does not require contributions to this Plan or any Related Plan (excluding NEBF):

Maintenance is defined as routine, recurring and usual work for the preservation, protection and keeping of any facility for its intended purpose in a safe and continually useable condition. The following are examples of work that is permissible under the definition of Maintenance:

1. Moving receptacles; adding receptacles or lights to an existing circuit; and moving or adding switches to an existing circuit;
2. Replacing a panel with a like-for like panel, or replacing a motor with a like-for-like motor;
3. Adding a circuit to an existing conduit home run.

Maintenance does not include Electrical Construction (new or remodel). Performing Electrical Construction other than the items specifically described in Items 1-3 under Maintenance will constitute Suspendible Employment.

(iv) only benefits accrued on or after March 1, 1991 shall be suspended for any month in which a Pensioner works for the Los Angeles Department of Water and Power in any classification other than a permanent employee. Work as a permanent employee for the Los Angeles Department of Water and Power by Pensioners on or after attainment of Normal Retirement Age shall be considered as Civil Service and shall be subject to the provisions of Section 9.7(c)(1)(vi);

(v) only benefits accrued on or after August 1, 2003 shall be suspended for any month in which a Pensioner engages in work as an electronic or computer technician;

(vi) except as otherwise provided herein, only benefits accrued on or after August 1, 2003 shall be suspended for any month in which a Pensioner performs electrical work in Civil Service at the city, state, county or federal level;

(vii) only benefits accrued on or after December 1, 1990 shall be suspended for any month in which a Pensioner engages in Civil Service employment under an IBEW Local 11–City of Los Angeles Specialty Agreement effective December, 1990;

(viii) only benefits accrued on or after March 23, 2000 shall be suspended for any month in which a participant instructs in any electrical training program or retail-based electrical instruction other than any IBEW-NECA sponsored training program; and

(ix) Only benefits accrued on and after August 1, 2003 shall be suspended for that month in which a Pensioner performs the task of inspecting electrical work for quality control purposes and no other Suspendible Employment. Such quality control work has always been distinguished from acting as an Electrical Inspector enforcing codes, regulations and/or ordinances on behalf of a public agency or hospital. Inspecting electrical work for quality control purposes does not include supervising the day-to-day work of the employees of Electrical Sub-Contractors. Depending upon the circumstances, any such day-to-day supervision will constitute Suspendible Employment and/or Non-Covered Electrical Employment subject to the applicable provisions of this Plan.

(d) Notices.

(1) Upon commencement of pension benefits, the Trustees shall notify the Pensioner of the Plan rules governing suspension of benefits, including the identity of the industries and geographic area covered by the Plan applicable to Pensioners who have attained their Normal Retirement Date and the geographic area of Related Plans applicable to Pensioners who have yet to attain their Normal Retirement Date. If benefits have been suspended and payment resumed, new notification shall, upon resumption, be given to the Pensioner if there has been any material change in the suspension rules or the identity of the industries or geographic area covered by the Plan.

(2) A Pensioner shall notify the Plan in writing within 31 days after starting any work of a type that is or may be prohibited and without regard to the number of hours of such work.

If a Pensioner has worked in Suspendible Employment in any month after Normal Retirement Age and has failed to give timely notice to the Plan of such employment, the Trustees shall presume that he worked for forty (40) or more hours in such month and any subsequent month before the Pensioner gives notice that he has ceased Suspendible Employment. The Pensioner shall have the right to overcome such presumption by establishing that his work was not in fact an appropriate basis, under the Plan, for suspension of his benefits.

The Trustees shall inform all Pensioners at least once every twelve (12) months of the reemployment notification requirements and the presumptions set forth in this paragraph.

(3) A Pensioner whose pension has been suspended shall notify the Trust Office when Suspendible Employment has ended. The Trustees shall have the right to hold back benefit payments until such notice is filed with the Plan.

(4) A Pensioner may ask the Trustees whether a particular employment will constitute Suspendible Employment. The Trustees shall provide the Pensioner with their determination.

(5) The Trustees shall inform a Pensioner of any suspension of his benefits by notice given by personal delivery or first class mail during the first calendar month in which his benefits are withheld. Such notice shall include a description of the specific reasons for the suspension, copy of the relevant provisions of the Plan, reference to the applicable regulations of the U.S. Department of Labor, and a statement of the procedure for securing a review of the suspension. In addition, the notice shall describe the procedure for the Pensioner to notify the Trustees when his Suspendible Employment ends. If the Trustees intend to recover prior overpayments by offset, the suspension notice shall explain the offset procedure and identify the amount expected to be recovered, and the periods of employment to which they relate.

(e) **Resumption of Suspended Pensions:**

(1) Effective for requests for resumption of pension benefits received by the Trust Fund on or after July 1, 2002, payments will be made retroactive to

the first day of the month following the last month for which benefits are suspended under Section 9.7(b) or 9.7(c), above. However, in no event shall the effective date of the recommencement of pension benefits be more than twelve (12) months prior to the date the Pensioner notifies the Trust Fund of the cessation of Suspendible Employment or Covered Hours. Payments shall resume no later than the first day of the third calendar month in which the employee ceases to be engaged in Suspendible Employment provided that the Pensioner has notified the Trust Fund that he has ceased such Suspendible Employment. In no event shall a Pensioner's benefits be suspended beyond the Pensioner's Mandatory Commencement Date, unless the Pensioner otherwise elects to defer distribution of pension benefits.

(2) If a Pensioner's benefits are suspended under Section 9.7(b)(2)(xiv), in addition to the month-to-month suspension, his retirement benefits shall be administered in accordance with Article I, Section 1.16(h) of the Plan. In no event shall his pension benefits be suspended beyond the Pensioner's attainment of his Mandatory Commencement Date.

(3) If a Pensioner's early retirement pension has been reduced pursuant to Section 4.4 or 4.5 and is suspended prior to the Participant's attainment of Normal Retirement Age, the benefit upon resumption shall be actuarially adjusted, if required, to assure monthly early retirement pension benefits to be received are at least the actuarial equivalent of the Pensioner's accrued benefit at the Pensioner's Normal Retirement Age.

(4) If the Social Security Adjustment Option Pension (pursuant to Section 5.3(c)) or the Joint and Survivor Social Security Adjustment Option (pursuant to Section 5.3(d)) is suspended and if such pension, at the time of suspension, is greater than the amount of Early Pension Benefit (pursuant to Section 4.4 or 4.5) that the Participant could have received if he would have elected such benefit under the Normal Form of Pension, such Social Security Adjustment Pension shall be actuarially adjusted.

(f) Review of Suspensions and Advice as to Potential Employment.

A Pensioner shall be entitled to a review of a determination suspending his benefits by written request filed with the Trustees within sixty (60) days of the notice of suspension. The same right of review shall apply, under the same terms, to a determination by or on behalf of the Trustees that contemplated employment will be prohibited.

(g) Recovery of Overpayments.

If payments are erroneously continued during a period of employment for which benefits may be suspended under Section 9.7(b) or 9.7(c) above, the Trustees shall have the right to recover any such payments erroneously made. However, with respect to any payments due the Pensioner, such recovery shall be subject to the following limits:

(1) In the case of an initial pension payment due following a suspension of benefits under Section 9.7(b) or (c), 100% of such initial payment may be withheld.

(2) In the case of any pension payment other than a payment described in (1) above, only 25% of such monthly pension benefit may be withheld.

(3) If a Pensioner dies before recoupment of overpayments has been completed, deductions shall be made from the benefits payable to his surviving Spouse, subject to the 25% limitation on the rate of deduction.

(4) Nothing in this provision shall prohibit the Trustees from adopting additional rules related to the recovery of overpayments from Pensioners who erroneously received pension benefits, including but not limited to, reserving the right to file suit, creditor's claims or the pursuit of other legal action for the recovery of benefits which have been suspended.

(h) Article 9.7 has been amended in its entirety effective June 1, 2004 as a reforming remedial amendment pursuant to Revenue Procedure 2005-23. This Subsection (h) has been added to reflect remedial notices and payments to be issued by the Plan. Effective June 1, 2004, all provisions of the Plan requiring suspension of benefits on a month-to-month basis that were added through amendment after the inception of the Plan shall be subject to this reforming amendment, as previously set forth herein. The provisions of Article 9, Section 9.7, providing for a month-to-month suspension of benefits for Suspendible Employment, including but not limited to Non-Covered Electrical Employment, shall continue to apply to all benefit accruals and to the remedial payments under this Subsection.

For purposes of interest to be added to some remedial payments under this Subsection, the rates of interest shall be per annum and at the rate in effect at the time of the remedial payment for pensions with a retroactive annuity starting date as set forth in Section 1.36 of the Plan.

Certain Plan amendments were enacted after inception of the Plan that had the affect of restricting a pensioner's ability to work in the electrical trade, craft or industry after early retirement. Revenue Procedure 2005-23 has clarified that only post-amendment benefit accruals maybe suspended pursuant to such amendments. Section 9.7(b)(2)(i)-(xiv), 9.7(c)(1)(i)-(viii) and other related sections of the Plan reflect the effect of Revenue Procedure 2005-23 such that only post-amendment benefit accruals are subject to a month-to-month suspension by a pensioner for having engaged in such employment or activity during any month or portion thereof.

(1) Pensioners whose pre-amendment benefit accruals were suspended: Not later than January 1, 2006, the following actions shall be completed in terms of these Pensioners. First, they shall be identified by the Plan. Second, their pre-amendment benefit accruals in the form of pension previously elected shall be calculated. Third, for each month on and after June, 2004, for which their benefit was not otherwise subject to monthly suspension, they shall receive a monthly payment equal to that pre-amendment monthly benefit accrual portion of their Pension. Fourth, for any such monthly payment not paid on the first day of the month in the month due, they shall also receive appropriate interest through the date of actual payment. Fifth, they shall be advised that any post-amendment benefit accrual portion of their Pension, if any, shall be payable upon their cessation of the Suspendible Employment or activity in question unless some other provision of the Plan requires an earlier payment.

(2) Active Vested Participants and Inactive Vested Participants with pre-amendment benefit accruals who were previously determined ineligible to commence receipt of any Benefit solely due to their having engaged in suspendible employment or activity as set forth in the applicable Subsection of Section 9.7(b)(2) and 9.7(c)(1): Not later than January 1, 2006, the following actions shall be completed in terms of these participants who were not receiving a benefit as of June 1, 2004. First, they shall be identified by the Plan. Second, their pre-amendment benefit accrual as set forth in the applicable Subsection of Section 9.7(b)(2) and (c)(1) shall be calculated. Third, they shall be advised that, subject to all other requirements of the Plan, this remedial Amendment permits them to commence receipt of a Pension based upon their pre-amendment benefit accruals as set forth in the applicable Subsection of Section 9.7(b)(2) and (c)(1), with a retroactive annuity starting date as early as June 1, 2004, plus payment of appropriate interest or, in the alternative, an appropriate later annuity starting date of their choice which may or may not include interest depending upon the date they elect. Fourth, they shall be advised the balance of a Pension elected reflecting benefits accrued

on and after the effective date of the applicable Subsection of Section 9.7(b)(2) and (c)(1) shall be suspended on a month-to-month basis unless an earlier payment is required by other provisions of the Plan. Fifth, they shall be advised that any Pension they elect shall remain subject to the month-to-month suspension of benefit provisions of the Plan. Sixth, they shall be supplied with a pension application contemporaneous with the aforesaid notice. Seventh, they shall be advised that should they desire a June 1, 2004 retroactive annuity starting date, they must file an application within six (6) months of the Plan's mailing of notice of this Amendment.

(3) Active Vested Participants and Inactive Vested Participants with pre-amendment benefit accruals who have not previously applied for a Pension due to their having engaged in Suspendible Employment or suspendible activity: These participants shall receive a copy of this Amendment. They shall be advised those who file an application within six (6) months of the Plan's mailing of notice of this Amendment and who meet all other requirements of the Plan shall be offered, as to their pre-amendment benefit accrual as set forth in the applicable Subsection of Section 9.7(b)(2) and 9.7(c)(1), the same annuity starting date options, including if applicable interest, as are provided under Subsection 9.7(h)(2) above.

All other terms and conditions of the Plan shall remain in full force and effect. This new Subsection shall be construed and interpreted to assure good faith compliance with Revenue Procedure 2005-23. No provision has been included for non-pensioners for periods of post-Normal Retirement Age work of 40 hours or more per month in Suspendible Employment as defined in Section 9.7(c) because such activity prior to the mandatory commencement date of pension benefits has, at all relevant times, always constituted Suspendible Employment under the Plan. In addition, no provision has been included for participants or retirees who engage in any Suspendible Employment prior to attainment of Normal Retirement Age as defined in Section 9.7(a)(1) because such activity has always, at all relevant times, constituted Suspendible Employment under the Plan resulting in a suspension of pension benefits for any month in which a pensioner engages in Suspendible Employment. No actuarial increase for delayed retirement beyond Normal Retirement Age is available for any month in which the participant engaged in an activity which would result in the suspension of monthly pension benefit payments.

AMENDMENT NO. 2
TO THE SOUTHERN CALIFORNIA IBEW-NECA PENSION PLAN

This Amendment to the Southern California IBEW-NECA Pension Plan (the "Plan") executed this 14th day of September, 2010 is made by the Board of Trustees of the Southern California IBEW-NECA Pension Trust Fund (Board of Trustees) with reference to the following facts and circumstances:

A. The Board of Trustees wishes to amend the provisions of the Plan regarding the rights of disability pensioners to return to work for short periods of time without incurring a suspension of disability benefits under the Plan. This Plan Amendment is in no fashion meant as a benefit improvement but rather is designed to avoid apparent conflicting Plan language.

B. The Board of Trustees have reserved to themselves the ability to amend the Plan from time to time.

NOW THEREFORE the Plan is amended as follows:

1. Article 7, Section 7.7 of the Plan is amended by adding the following text to the conclusion of the existing Section.

"In order to secure the benefits of this Section and to avoid the suspension provisions of Section 9.7(b)(2)(iii) and other applicable provisions of Section 9.7(b) a Disabled Participant must notify the Fund Offices of the Disabled Participant's intent to utilize this Section prior to registration for employment at any hiring hall in the electrical construction contracting industry. The exceptions of this Section permitting a Disabled Participant to return to work in Covered Employment is intended to provide solely an opportunity to return to work by Disabled Participants and may not be utilized by Disabled Participants in an attempt to secure unemployment insurance benefits rather than returning to gainful employment.

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

3. The provisions of this Plan Amendment shall be effective January 1, 2011 in order to permit sufficient time for distribution to Plan Participants.

Executed this 14th day of September, 2010 at the City of Commerce, California, Board of Trustees Southern California IBEW-NECA Pension Trust Fund by:

Chairman

Secretary