American Federation of Musicians & Employers' Pension Fund

Dear Plan Participant:

This application packet contains the following items needed to begin the two-part application process:

1. Part 1: Preliminary Information Form - Please read the instructions carefully before completing Part 1. Acceptable proof of age document types are detailed on the last page of the form. Mail the completed Part 1 with all required documents to the Fund Office at:

   American Federation of Musicians and Employers' Pension Fund
   PO Box 2673
   New York, NY 10117-0262
   Attn: Pension Claims

2. Applying for Your Pension Benefit – The Two-Part Application – provides you with a description of the two parts in the application process and an explanation of how your Pension Effective Date will be determined,

3. Early Retirement Quick Guide - The Quick Guide is a user-friendly reference for the Early Retirement Procedures - Participant Notice (see below). While it does not replace the Notice, we wanted to give you this guide to address some of the recurring questions we receive concerning the Procedures.

4. Early Retirement Procedures - Participant Notice – details the Fund's rules for determining whether a participant has retired, is eligible to begin receiving an early retirement pension and continues to be eligible at the later testing date(s). These procedures are applicable to a participant who is younger than Normal Retirement Age (generally age 65) at his/her Pension Effective Date, and

5. Notice for Foreign Resident Payee – U.S. Federal Income Tax Withholding – provides details of the U.S. Internal Revenue Service requirements for withholding and documentation for Non Resident Aliens and U.S. persons receiving benefit payments and living in a foreign country.

The Fund Office will acknowledge receipt of Part 1. If additional information and/or documents are required to complete Part 1 or if you are not eligible of a pension benefit, you will be notified.

If you have any questions or require assistance completing Part 1: Preliminary Information Form, please call 212-284-1200 and press 2 to be connected to the Pension Department.

American Federation of Musicians & Employers' Pension Fund

PENSION APPLICATION
PART 1: PRELIMINARY INFORMATION FORM - WEBSITE

INSTRUCTIONS

- Part 1 is a fillable form which allows you to enter the information requested into appropriate spaces. Please answer questions 1 – 15 completely and accurately.

- Print your completed Part 1, make sure to sign and date it on page 5, and mail it with all required documents to the Fund Office:

  American Federation of Musicians and Employers' Pension Fund
  PO Box 2673, New York, NY 10117-0262
  Attention: Pension Claims

- To avoid processing delays, include all required documents requested, such as, proof of age, marriage and divorce documents.

As soon as administratively possible after the Fund's receipt of a complete Part 1, including any additional items that we may need to complete this step of the application process, we will send you Part 2 of the application, which allows you to choose how your pension benefit will be paid. We will also let you know your earliest Pension Effective Date (as defined in item 14).

Nothing in Part 1 modifies the terms of the official Plan document in any way. The Plan document, the summary plan description, and all of the documents mentioned here are also available on the Fund's website at ***www.afm-epf.org***.

If you have questions or require assistance in connection with Part 1 of the application, please contact the Fund Office at **1-800-833-8065 and select option 2 for the Pension Department**.

American Federation of Musicians & Employers' Pension Fund

PENSION APPLICATION
PART 1: PRELIMINARY INFORMATION FORM

Please complete all 7 sections of this form by filling in the blanks online. You must then print the form, sign where indicated and mail with all required documents to the Fund Office.

Section 1 - Your Personal Information

1. NAME _____ (Last) _____ (First) _____ (Middle)

2. Other name(s) you have used while working (including any professional names, maiden name, etc.)

_____

3. a. MAILING ADDRESS _____ (Number) _____ (Street) _____ (Apt. #)

_____ (City) _____ (State) _____ (Zip/Postal Code) _____ (Country)

b. EMAIL ADDRESS _____

4. PHONE NUMBER (1st #) _____ (Area Code) (2nd #) _____ (Area Code)

5. SOCIAL SECURITY # _____

6. DATE OF BIRTH _____ (mm/dd/yyyy) **(proof required – see Section 8 on page 6)**

Section 2 - Your Marital Status

7. Check all that apply: **(Required Documents)**

- ☐ **Single** (never married) (*None*)
- ☐ **Widowed** (*A copy of your spouse's death certificate*)
- ☐ **Divorced** (even if you have re-married) (*A copy of your complete divorce decree including any property settlement*)
- ☐ **Legally Separated** (*A copy of the court order of legal separation*)
- ☐ **Married*** (*Copies of your marriage certificate and your spouse's proof of age document* – **see Section 8 on page 6)**

If married, please answer the questions about your spouse in* **Section 3 on page 2.

(**Marital Status** continued on page 2)

Section 2 - Your Marital Status (Continued from page 1)

8. Is there a court order requiring the payment of a portion of your pension benefit to a former spouse or to any other party? ◯ Yes ◯ No

*If the answer is **yes**, copies of the complete court order and property settlement agreement must accompany this application.*

Section 3 - Your Spouse's Information (Complete if you checked "Married" in Section 2)

SPOUSE'S NAME _____ _____ _____
Last First Middle

SPOUSE'S ADDRESS _____ _____ _____
Number Street Apt. #

_____ _____ _____ _____
City State Zip/Postal Code Country

SPOUSE'S PHONE NUMBER _____
Area Code

SOCIAL SECURITY # _____

DATE OF BIRTH _____ **(proof required – see Section 8 on page 6)**
mm/dd/yyyy

DATE OF MARRIAGE _____ **(proof required)**
mm/dd/yyyy

Section 4 - Optional Form of Benefit Payment

9. On Part 2 of the application, which will be sent to you at a later date, you may select either of the following optional forms of benefit payment:

- **a. 50% joint and survivor benefit:** you will receive reduced monthly payments during your lifetime, with half of the monthly payment you were receiving on your date of death continuing to the person you select (your "joint annuitant") for the rest of his or her lifetime, or
- **b. 75% joint and survivor benefit:** you will receive reduced monthly payments during your lifetime, with three-quarters of the monthly payment you were receiving on your date of death continuing to your joint annuitant for the rest of his or her lifetime. This payment option is available only if the age difference between you and a non-spouse joint annuitant is 19 years or less.

If you wish to consider these optional forms of benefit payment with anyone other than your spouse, please list below the name and birth date of the person you would most likely designate as your joint annuitant. We will provide you with the amount of monthly pension benefit you would receive under these options if you designate that person as your joint annuitant.

_____ _____
Name of potential joint annuitant Date of Birth mm/dd/yyyy
(proof required – see Section 8 on page 6)

Please note that any person you list above is for purposes of calculating potential benefit information only. In no circumstance will the fact that you have listed a person as a potential joint annuitant be treated as an election to receive your pension benefit in the form of a 50% joint and survivor benefit, a 75% joint and survivor benefit, or as a designation of your joint annuitant. Any election of benefit payment form and designation of a joint annuitant (with written spousal consent, if applicable) must be made in Part 2 of the application. Please be reminded, Part 2 of the application will be sent to you at a later date.

Section 5 - AFM & EPF Information

10. Current AFM Local Union # _____

If you are member of multiple AFM Locals, please enter all that apply.

11. If your work under the AFM&EPF was interrupted by a period of service in the U.S. Armed Forces, please provide the following information:

Enlistment date: _____ mm/dd/yyyy Discharge date: _____ mm/dd/yyyy

Last employer prior to enlistment _____

First employer after discharge _____

Please enclose a copy of your military discharge papers (DD214).

12. Have you ceased work under the AFM & EPF because of total disability? ◯ Yes ◯ No

*If the answer is **yes**, [redacted] you want the Fund to determine your eligibility for a Disability Pension Benefit and you do not have a Social Security Administration disability award letter, please call the Fund Office at* **1-800-833-8065** *extension* **1200** *to request an Attending Physician's Statement claim form. Alternately, this form is available on the Fund's website at:* **http://www.afm-epf.org/Portals/2/AFMDocuments/Attending%20Physician%20Statement.pdf**

If you checked yes, please answer the following:

Date your disability began: _____ mm/dd/yyyy

Date you last worked for a contributing employer: _____ mm/dd/yyyy

Please state the instrument(s) that you played: _____

_____

_____

_____

If you are applying for a Disability Pension Benefit, this form must be accompanied by a completed Attending Physician's Statement claim form or your Social Security Administration disability benefit award letter.

13. Have you worked under the jurisdiction of a Canadian local of the AFM? *Please answer the following:*

◯ Yes ◯ No Canadian Local # _____

Your Canadian Social Insurance # _____

Section 6 - Your Requested Pension Effective Date

14. Your **Pension Effective Date** is the first day of the first month for which you receive your pension benefit.

- Your earliest Pension Effective Date is the first day of the first month following the month in which we receive from you a complete Part 2 of the Pension Application (Choice of Benefit Payment Option form and spousal consent form, if required) if we receive these forms ***on or before*** the 15th day of the month or, if we receive the forms ***after*** the 15th day of the month, your Pension Effective Date is the first day of the second month following our receipt of the forms.
- You may choose a later Pension Effective Date.
- Your Pension Effective Date will not change if there is an administrative delay in processing your benefits: in that case, you will receive retroactive benefits back to your Pension Effective Date.

Please refer to the accompanying article, ***Applying for Your Pension Benefit – The Two-Part Application*** for more information.

SPECIAL NOTE: If you will be younger than age 65 on your requested Pension Effective Date, which you will enter below, you must have retired from all employment with any employer contributing to the Fund on or before your Pension Effective Date. You will be considered to be retired only if you meet **all** of the following requirements:

a. You have stopped all work with all employers who contribute to the Fund as of your Pension Effective Date, whether or not pension contributions are payable for such work;

b. You have no intention or expectation to work after your Pension Effective Date with any employer who contributes to the Fund;

c. You have no right under a collective bargaining agreement or any other contractual right to employment after your Pension Effective Date with any employer who contributes to the Fund;

d. You perform **no work of any kind** for an employer participating in the Fund during the **two calendar months immediately following your actual Pension Effective Date** (which may be later than your requested Pension Effective Date below); and

e. If you retire from steady employment with an employer that has seasonal breaks in work at the end of a season, you perform **no work of any kind** for that employer in the first two calendar months following the beginning of that employer's new season.

Please refer to the enclosed Early Retirement Procedures - Participant Notice for detailed information concerning the eligibility requirements, the process the Fund will use to verify your retirement, and the consequence of being treated by the Fund as having failed to retire.

Please Note – This information is required:

I request the following Pension Effective Date (must be 90 or more days after the date on which you return this completed Part 1):

Month: _____ **Year: 20** _____

If you specify a Pension Effective Date that is fewer than 90 days from the date we receive a completed Part 1, or the application process cannot be completed by the 15th of the month before your requested Pension Effective Date, your actual Pension Effective Date will be later than the date you requested. Please refer to the accompanying article, Applying for Your Pension Benefit – The Two-Part Application for an explanation how the Pension Effective Date is determined.

(**Section 6** continued on page 5)

Section 6 - Your Requested Pension Effective Date (Continued from page 4)

15. If you will be younger than age 65 on your requested Pension Effective Date in item **14** on page 4, please answer the following:

Have you worked in employment over the past twelve months where there are seasonal breaks?

◯ Yes ◯ No

*If you answered **yes**, please complete the following:*

Employer's Name _____

The current season began on _____ (mm/dd/yyyy) and will end/ended on _____ (mm/dd/yyyy)

The next season will begin on _____ (mm/dd/yyyy)

Section 7 - Applicant's Affidavit

I hereby apply to the American Federation of Musicians and Employers' Pension Fund for a pension benefit with respect to work that I performed for one or more employers contributing to the Fund. The above statements are true to the best of my knowledge and belief, under penalty of perjury. I understand that if I make a willfully false or fraudulent statement or furnish fraudulent information or proof, benefits paid on account of my false statement will be denied or discontinued, and that the Trustees shall have the right to recover any payments made to me because of a false statement. I also understand that any false or fraudulent statement made herein may subject me to penalties under Federal and State law.

If I will be under age 65 on my requested Pension Effective Date, I acknowledge receipt of the Early Retirement Procedures - Participant Notice, and I hereby certify that, as of my Pension Effective Date, I am retiring from all employment with all employers contributing to the Fund, as described in item 14 above. I further agree to comply with the requirements for retirement as described in the Early Retirement Procedures - Participant Notice. I understand that if I do not do so, I will not be treated as having retired, and the consequences described in the Early Retirement Procedures - Participant Notice will be applicable.

_____ _____

Date mm/dd/yyyy Signature

Section 8 - Proof of Age

This list describes a number of documents, any one of which may be furnished as proof of age. You, your spouse, or proposed joint annuitant should submit a document as high on the list as you can, because the documents listed first are the most convincing. **Photocopies are acceptable.** All foreign language documents are required to be translated into English and notarized.

1. Birth certificate.
2. Baptismal certificate, or church record showing date of birth certified by the custodian.
3. Notification of registration of birth in a public registry of vital statistics.
4. Certification of record of age by the U.S. Census Bureau.
5. Hospital birth record, certified by the custodian.
6. A foreign government record of birth or age.
7. Signed statement by the physician or midwife who attended the birth, as to the date of birth shown on their records.
8. Naturalization record.
9. Immigration papers.
10. Military record.
11. Passport.
12. School record, certified by the custodian of the record.
13. Vaccination record, certified by the custodian of the record.
14. An insurance policy, which shows, ages or dates of birth.
15. Marriage certificate, or application for marriage license or church record certified by the custodian.
16. Other evidence, such as signed statements from persons who have knowledge of the date of birth, or voting records.

American Federation of Musicians & Employers' Pension Fund

Applying for Your Pension Benefit[1]
The Two-Part Application

In order to receive your pension benefit, you must file a complete two-part Pension Application, and submit all required supporting documents, within the required time periods. Your failure to file a complete Pension Application will be deemed to be an election to defer payment of your benefit.

Part 1: Preliminary Information form

Part 1 of the Pension Application consists of the Preliminary Information form, along with a notice describing the Plan's early retirement procedures. Part 1 of the Pension Application is available from the Fund Office or on the Fund's website at www.afm-epf.org in the Participants section under Applications and Forms.

You must complete the Preliminary Information form and return it to the Fund Office, along with all required documents described in the Preliminary Information form (for example, proof of age, marriage, and divorce documents), at least 90 days before the date that you request as your Pension Effective Date on the Preliminary Information form. The Fund Office must have the required documents to verify your age, your marital status, the age of your Spouse, if applicable, and, if you are divorced, determine whether your former Spouse is entitled to any portion of your pension benefit. If you do not have your birth certificate or marriage certificate, you may be able to request them from the office of vital statistics in the state where you were born or married. If you do not have your divorce decree or divorce settlement agreement, you may be able to obtain them from the court that granted your divorce.

If you do not return a completed Preliminary Information form and all required documents at least 90 days before the Pension Effective Date you request on the Preliminary Information form, your Pension Effective Date may be later.

[1] This notice appears in the Summary Plan Description available at afm-epf.org.

The Fund Office will notify you in writing:

1. when Part 1 of the Pension Application is complete;
2. if you are not eligible for a pension benefit; or
3. if additional items are needed to complete Part 1 of the Pension Application. If you do not provide the additional requested items within 60 days of the date of the Fund's request, your application will expire and you will need to begin the application process again by completing and returning a new Preliminary Information form.

Part 2: The Choice of Benefit Payment Option form

After the Fund Office has received your complete Preliminary Information form, including all required documents, the Fund Office will begin the work necessary to send you Part 2 of the Pension Application. Part 2 consists of:

- a "Choice of Benefit Payment Option" form for you to choose how your pension benefit will be paid;
- an explanation of the benefit payment options;
- an explanation of your Spouse's rights with respect to the available benefit payment options and the financial effect of waiving the normal form of benefit payment; and
- your earliest Pension Effective Date.

You must return a fully completed Part 2 of the Pension Application (Choice of Benefit Payment Option form and spousal consent form, if required) before your actual Pension Effective Date can be determined.

Your Pension Effective Date

Your Pension Effective Date is the first day of the first month for which you receive a pension benefit.

- Your earliest Pension Effective Date is the first day of the first month following the month in which the Fund Office receives from you a complete Part 2 of the Pension Application (Choice of Benefit Payment Option form and spousal consent form, if required) if these forms are received at the Fund Office *on or before the 15th day of the month*. If the forms are received at the Fund Office *after the 15th day of the month*, your Pension Effective Date is the first day of the second month following the Fund Office's receipt of your forms.
- You may choose a later Pension Effective Date.
- Your Pension Effective Date will not change if there is an administrative delay in processing your benefits. In that case, you will receive benefits retroactive to your Pension Effective Date.

If your Pension Effective Date would be more than 180 days after you were provided with Part 2 of the Pension Application, then your application will expire, and you will need to begin the application process again by completing and returning a new Part 1 of the Pension Application.

Example 1: Joe, who is Married, fills out Part 1 of the Pension Application, requesting a Pension Effective Date of July 1, and returns it to the Fund Office. The Fund Office determines that it is complete, and then prepares and sends him Part 2 of the Application (Choice of Benefit Payment Options form and spousal consent form). If Joe completes and sends back these forms and they are received at the Fund Office on or before June 15, Joe's Pension Effective Date will be July 1. If the forms are received at the Fund Office after June 15, but before July 16, his Pension Effective Date will be August 1.

Example 2: Matthew, who is divorced, fills out Part 1 of his Pension Application, requesting a Pension Effective Date of April 1, and returns it to the Fund Office. The Fund Office determines that it is incomplete and asks Matthew for the information and documents needed to complete Part 1 of the Application. Matthew completes Part 1, and the required documents are received by the Fund Office on March 1. The work needed to send him Part 2 of the Pension Application (Choice of Benefit Payment Option form) is completed in late March. If Matthew returns the completed form, and it is received at the Fund Office on or before April 15, Matthew's Pension Effective Date will be May 1. If the forms are received at the Fund Office after April 15, but before May 16, Matthew's Pension Effective Date will be June 1.

Example 3: Lauren, who is Married, fills out Part 1 of her Pension Application, requesting a Pension Effective Date of July 1, and returns it to the Fund Office. The Fund Office determines that it is complete, and then prepares and sends her Part 2 of the Application (Choice of Benefit Payment Options form and spousal consent form). Lauren returns the completed forms, and they are received at the Fund Office before June 15. Her Pension Effective Date will be July 1. This is true even though, due to an administrative processing delay, her payments do not actually start until August 1. Her first payment will include both a payment of her August pension benefit and a retroactive payment of her July pension benefit.

Early Retirement—What You Need to Know

Don't let this happen to you…

You apply to start your pension benefit. You have a retirement party, say your goodbyes and begin receiving your pension on April 1st. In May you get a call, "Can you fill in? We'll pay you." It's not your former employer, it would help the community, and you're getting a bit bored. You take the job. You don't stop to ask if the organization contributes to the AFM-EPF.

Months later you receive a notice from the Plan. Your pension benefit is being terminated and you have to pay back *seven months'* worth of pension payments that were made to you. Plus, you have to re-apply to start your pension again and that will take time. It's a huge hassle and a financial strain. All for one little job.

* * * * *

There are two key things you need to know if you wish to start your pension benefit before age 65:

1. When you start the benefit application process, you must have every intention to retire and have no plans to return to any kind of work for a participating employer.
2. Your benefit will be lower than if you wait until 65 to start payments.

1. When you start your benefit, you must intend to stop working

The purpose of a pension plan is to provide retirement security through income replacement in retirement. A pension is not generally designed to be paid while you are continuing to work. In fact, most multiemployer pension plans suspend or stop paying benefits for those who return to work after retirement. The AFM-EPF does not suspend benefits for those who return to work after retirement, meaning you can retire and then later return to covered employment. If you retire before you turn age 65, however, you must satisfy the Plan's early retirement rules or risk being determined not to have retired.

In order to start your AFM-EPF benefit before 65, you must meet <u>all three</u> of these requirements:

- You are at least age 55
- You are 100% vested in your benefit, <u>and</u>
- You retire from all employment with all employers contributing to the Fund.

The first two requirements are quite straightforward. However, the notion of retiring from all employment with Contributing Employers is sometimes misunderstood.

> ***Tip:*** Before you agree to do any kind of paid work in this industry after your Pension Effective Date, ask the employer if they are a Contributing Employer to the AFM-EPF. There are thousands of employers who contribute to the Fund — don't assume that you would know if an employer participates or not in the Plan.

How the Fund determines that you have retired

The requirement that you stop working if you start your benefit before 65 was adopted to comply with federal tax law and avoid jeopardizing the tax treatment of every participant's pension benefits and contributions to the Plan.

To be eligible for early retirement, you must have no intention or expectation to do **any kind of work** in the future for any of the employers that contribute to our Plan. As part of your application for your pension, you will be required to sign an affidavit confirming that you are retiring from all employment with all employers

contributing to the Fund. If you are deemed to be steadily employed, the Fund Office will also contact your employer(s) to confirm your retirement date and verify that you have no right to return to that employment.

After your Pension Effective Date, the Plan will monitor contributions for the two months following your Pension Effective Date to verify that you perform no work of any kind for any Contributing Employers.

Important—please note:

1. If at the time of your Pension Effective Date you have already scheduled any future work, *even if it's beyond these two calendar months*, this is considered an intention or expectation to work, and you will not be considered retired.

2. If you're employed in steady work that has seasonal breaks (such as a symphony), the two months apply not only after your Pension Effective Date, but *also for the two calendar months at the beginning of your employer's next season*.

What if the Plan determines I didn't retire?

Six months following your Pension Effective Date, the Fund Office will look back at the first two months after your benefit started. If the Plan determines that you did not retire, your pension benefit will be terminated and, because it was not a valid retirement, you will be required to repay the benefits you received with interest.

For example, if your Pension Effective Date is April 1 and you do some work for a Contributing Employer in May. The Fund Office will review the six months after your Pension Effective Date, in November. Therefore, the fact that you worked within two months of your Pension Effective Date will not be discovered until you have received seven months of benefits and you would have to repay all seven months, with interest. When you actually end employment with all Contributing Employers or you reach Normal Retirement Age, you will need to apply for your pension benefit again.

Can I work again after I've retired early?

If you perform any kind of work for a Contributing Employer in the two calendar months after your Pension Effective Date, you will be considered not to have retired and your pension will be terminated. This includes if you had pre-scheduled work engagements before retiring, even if they are after the two month period. It also includes going back to steady employment after a seasonal break, if it is within two calendar months after the start of the new season.

However, if you did intend to retire and did not return to work in the two calendar month period after you retired and started your pension, you can then go back to work, continue receiving your pension benefit, and earn additional benefits.

As stated previously: if at the time of your Pension Effective Date you have already scheduled any work, even if it's beyond the two calendar month period, it is considered an intention or expectation to work, and you will not be considered retired.

This is only a summary of the rules. For more detailed information, please review the Plan's early retirement procedures at www.afm-epf.org.

Consider how retirement may affect your terms of employment

Apart from any of these AFM-EPF rules, you should consider the other terms of your employment before you apply for early retirement. Different employers have different rules that may impact your retirement decision. For example, in order to start collecting your early pension benefit, a symphony may require that you give up your tenure or, if you're employed in a steady position such as a local officer, you may need to actually resign.

2. Your benefit will be lower than if you wait until 65 to start payments

Pension plans are generally designed to produce a benefit that starts at normal retirement age – usually age 65. Many plans, including the AFM-EPF, allow participants to retire and start their benefits at an earlier age.

The AFM-EPF allows you to retire early and start your benefit at any age from 55 through 64. Your benefit is calculated based on your age when you start your benefit (called the Pension Effective Date). Your age on your Pension Effective Date is determined as of the first of the month following your last birthday.

The younger you are, the lower the multiplier. It's similar to Social Security. You can start your Social Security benefit as early as age 62, but it will be reduced compared to what you would get at your normal retirement age.

Why are the multipliers lower for early retirement?

Let's say someone was entitled to a monthly benefit at age 65 but instead took that same amount at an earlier age. That benefit would be worth a lot more and cost the Plan more to provide. This is true for two reasons:

1. The person would get that payment for a longer period of time, so they are getting more money by starting early.
2. The person is getting money sooner, and money paid sooner is worth more than money paid later. That's because when money comes out of the Plan early, that money isn't available to earn investment income for as long a period of time. And it is worth more to the person who got the money earlier because he or she can invest it for longer. (This is sometimes referred to as the time value of money.)

In order for a benefit paid before age 65 to be equivalent in value to a benefit at age 65, the amount has to be reduced. That lower amount is called the "actuarial equivalent" of the age-65 amount. (The term "actuarial" is used because in order to figure out how much to reduce the age-65 benefit, actuaries have to make certain assumptions such as how long people are expected to live and what interest rate to use to figure out the time value of the money described above.)

$1.00 multiplier at age 65	=	$0.37 multiplier at age 55

An actuarial reduction isn't a penalty because someone took their benefit early. It is simply a mechanism for making the early benefit equivalent in value to the age-65 benefit.

AMERICAN FEDERATION OF MUSICIANS AND EMPLOYERS' PENSION FUND

EARLY RETIREMENT PROCEDURES - PARTICIPANT NOTICE

The Plan requires that a Participant who has reached age 55 may begin receiving a pension benefit before Normal Retirement Age (generally age 65) only if he or she retires from all employment with any Employers contributing to the Fund. These Early Retirement Procedures – Participant Notice ("Procedures") set forth the Plan's rules for determining whether a Participant has retired and is therefore eligible to begin receiving an early retirement pension. Please keep in mind that the Procedures were adopted by the Fund's Board of Trustees to comply with federal tax law and avoid jeopardizing the tax treatment of every Participant's pension benefits.

1. WHAT IS RETIREMENT

You will be considered to be retired only if you meet **all** of the requirements set forth below:

- You have stopped all work with all Employers who contribute to the Fund as of your Pension Effective Date, whether or not pension contributions are payable for such work;
- You have no intention or expectation to work after your Pension Effective Date with any Employer who contributes to the Fund;
- You have no right under a Collective Bargaining Agreement or any other contractual right to employment after your Pension Effective Date with any Employer who contributes to the Fund;
- You perform **no work of any kind** for an Employer participating in the Fund during the first two calendar months following your actual Pension Effective Date (which may be later than your requested Pension Effective Date); and
- If you retire from steady employment with an Employer that has seasonal breaks in work at the end of a season, and you retire between seasons, you perform **no work of any kind** for that Employer in the first two calendar months following the beginning of that Employer's new season.

Your **Pension Effective Date** is the first day of the first month for which you receive your pension benefit.

- Generally, your Pension Effective Date is the first day of the first month following the month in which we receive from you a complete Part 2 of the Pension Application (Choice of Benefit Payment Option form and spousal consent form, if required) if we receive these forms *on or before* the 15th day of the month or, if we receive the forms *after* the 15th day of the month, your Pension Effective Date is the first day of the second month following our receipt of the forms.
- You may choose a later Pension Effective Date.
- Your Pension Effective Date will not change if there is an administrative delay in processing your benefits. In that case, you will receive retroactive benefits back to your Pension Effective Date.

Please refer to the section of the Plan's summary plan description titled *Applying for Your Pension Benefit – The Two-Part Application* for more information.

Two calendar months is the period of time from the Pension Effective Date (always the first day of a month) through the end of the second month following the Pension Effective Date that the Fund may monitor any additional pension contributions made on your behalf to determine whether you actually retired. *Example: if the Pension Effective Date is February 1, the first two calendar months following that date end March 31 (regardless of the actual number of days between these dates).*

Special Note: For Participants retiring from steady employment with an Employer that has seasonal breaks, **two calendar months** is also the period of time from the beginning of the new season following retirement through the end of the day before that calendar date two months later that the Fund may monitor any additional pension contributions made on your behalf to determine whether you actually retired. *Example: if the season begins September 15, the first two calendar months following that date end on November 14.*

2. HOW THE FUND WILL CONFIRM RETIREMENT

The Fund confirms your retirement in three ways:

- by your statement on Part 1 - Preliminary Information form in the Pension Application,
- by requesting information from your Employer(s) for whom you are employed in steady employment if applicable, and
- by the contributions made on your behalf after your Pension Effective Date.

These steps are described below. Bear in mind that *each* must be satisfied if it applies to your situation; these are not alternative ways to show that you are retired.

The Pension Application

Part 1 - Preliminary Information form in the Pension Application requires a signed statement that:

- you will have stopped **all** work with all Employers who contribute to the Fund as of your Pension Effective Date, including work for which no pension contributions are payable (such as administrative work);
- you have no intention or expectation to work after your Pension Effective Date with any Employer who contributes to the Fund; and
- you have no right under a Collective Bargaining Agreement or any other contractual right to employment after your Pension Effective Date with any Employer who contributes to the Fund.

Confirmation of Retirement with Your Employer

If you are employed in steady employment, the Fund will contact your Employer(s) before your Pension Effective Date to confirm that you have actually retired, and that you have no further right, understanding or expectation of future employment. Examples of steady employment include:

- employment for the run of a Broadway show;
- employment in a house band for a network variety show;
- employment with the AFM or its local unions (including employment as an elected officer);
- employment under an orchestra Collective Bargaining Agreement; and
- employment with AFM-related funds such as the Film Musicians Secondary Markets Fund, the Sound Recording Special Payments Fund or the Music Performance Trust Fund.

This is not an exhaustive list of types of steady employment. There may be other situations in which you work on a steady basis that will be considered steady employment for the purposes of these Early Retirement Procedures.

Requirements Following Your Pension Effective Date

After your Pension Effective Date, the Fund may confirm the statements made on Part 1 of the Pension Application and by your Employer(s) by monitoring any additional pension contributions made on your behalf. If the Fund finds that you performed any work for an Employer participating in the Fund during the first two calendar months following your Pension Effective Date, you will be considered not to have retired.

In addition, if you retire from steady employment with a symphonic Employer or other Employer that has seasonal breaks in work at the end of a season, and you retire between seasons, and the Fund finds that you performed any work for that Employer in the first two calendar months following the beginning of that Employer's new season, you will be considered not to have retired.

3. CONSEQUENCES OF FUND'S DETERMINATION THAT NO RETIREMENT HAS OCCURRED

If you begin an early retirement pension but the Fund determines that you did not retire in accordance with these Early Retirement Procedures, your pension will be stopped immediately. For example, your pension will be stopped if you return to work (even a very small amount of work) before the end of the applicable two calendar months described above, or if the Fund discovers that you had future musical engagements scheduled prior to your Pension Effective Date (even if those engagements are outside the applicable two calendar months).

If your pension is stopped because the Fund determines that you did not retire, you will be required to repay to the Fund any pension payments that were made, interest may be assessed at a rate of no less than 7.5%, and you will need to reapply to receive a pension in the future. Any decision by the Fund that you have not in fact retired may be appealed under the claims and appeals procedures described in the current Summary Plan Description.

4. RETURNING TO WORK AFTER YOUR EARLY RETIREMENT PENSION EFFECTIVE DATE

If you return to work after your early retirement Pension Effective Date, you will continue to receive your early retirement pension unless the Fund determines that you were not in fact retired as of your Pension Effective Date, as set forth in these Procedures.

5. MORE INFORMATION ABOUT THE PROCEDURES

If you have questions about these Early Retirement Procedures, please contact the Fund in writing, by e-mail, or via the Fund's website using the "Contact Us" feature. This will enable the Fund Office to review your questions before responding so that you can receive a more thorough, considered response than if you were to ask your questions over the telephone. We understand that time may be of the essence and we will do our best to ensure that you receive a prompt answer to any question that you raise by mail, e-mail or via the website. Please direct your questions to American Federation of Musicians and Employers' Pension Fund, PO Box 2673, New York, New York 10117-0262 Attn: Pension Dept. – Early Retirement, pensionsupport@afmepf.org, or using Contact Us on the Fund's website at www.afm-epf.org.

American Federation of Musicians & Employers' Pension Fund
P.O. Box 2673, New York, New York 10117-0262
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Fax: (212) 284-1298 Website: www.afm-epf.org

Notice for Foreign Resident Payee
U.S. Federal Income Tax Withholding

The United States Internal Revenue Service (IRS) requires the Fund to presume that a payee is a Non-Resident Alien and subject to 30% non-resident alien withholding on benefit payments (as defined and discussed below) unless the Fund has a Social Security Number (SSN) on file for the payee and the Fund has a mailing address for the payee in the United States or in a foreign country with which the United States has an income tax treaty (that provides that, if the payee is resident in that country, the payee would be exempt from United States tax on this benefit income). For this reason, it is important that the Fund have the correct Federal Tax Withholding documentation including a Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN) from participants and beneficiaries with foreign addresses.

- You are a Non-Resident Alien (NRA) if you are not a citizen of the United States (US) (or are otherwise treated as a US person – e.g., as a resident alien – under the federal tax law).

  - Generally, a 30% non-resident alien withholding rate will apply unless certain requirements are met.

  - If you reside in a country that has an income tax treaty with the US, you may be eligible to have no withholding apply or be eligible for a non-resident alien withholding rate less than 30%.

  - If you reside in a country that does not have an income tax treaty with the US, a 30% non-resident alien withholding rate will apply.

  - You must provide the Fund Office with an original IRS Form W-8BEN including your ITIN to avoid an automatic 30% federal income tax withholding on your monthly benefits. If a completed Form W-8BEN is not received and processed by the Fund Office before payment of your pension benefit begins, the Fund is required to withhold federal income tax at 30% until a completed Form W-8BEN is received and processed by the Fund.

  - If you do not have a SSN and are not eligible for one, you must get an ITIN before completing the Form W-8BEN. Apply to the IRS for an ITIN using IRS Form W-7 (see URL to IRS below).

- If you are a **United States citizen** (or are otherwise treated as a US person – e.g., as a resident alien – under the federal tax law) and reside in a foreign country:

    - You **must provide the Fund Office** with an original IRS Form W-9 before payment of your pension benefit begins to ensure that you will be classified as a US person. In that event, withholding on monthly benefits will be imposed as set forth in Part 2 of the Pension Application relating to US persons. Please note that the election to be exempt from income tax withholding is not available to any benefit sent to an address outside the United States.

    - If a completed IRS Form W-9 is not received and processed by the Fund Office before payment of your pension benefit begins, the Fund is required to presume that you are a Non-Resident Alien and withhold federal income tax at 30% until a completed IRS Form W-9 is received and processed by the Fund.

Please note: You **must notify** the Fund if you have a change in circumstances that makes any information on the Form W-8BEN or W-9 that you submitted incorrect. This includes a change of address to a US address or to another country for which you are claiming treaty benefits.

If you require assistance with the completion of the applicable form(s), please consult your tax advisor, review the instructions and download the form(s) from the IRS website.

Instructions for:
Form W-7 is www.irs.gov./pub/irs-pdf/iw7.pdf
Form W-8BEN is www.irs.gov./pub/irs-pdf/iw8ben.pdf
Form W-9 is www.irs.gov./pub/irs-pdf/iw9.pdf

Form:
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W-8BEN is www.irs.gov./pub/irs-pdf/fw8ben.pdf
W-9 is www.irs.gov./pub/irs-pdf/fw9.pdf