

**ALASKA IRONWORKERS PENSION PLAN****DESCRIPTION OF EACH DISABILITY BENEFIT AS PROVIDED FOR IN THE PLAN**  
**DOCUMENT PRIOR TO NOVEMBER 1, 2010****2.03 Disability Pension.****(a) Entitlement.**

A Participant may elect to receive a Disability Pension only if he becomes Disabled at a time when

- he has earned either
- at least 5 years of Pension Credit without a Forfeiture Break in Service if he has earned at least .25 year of Pension Credit after June 30, 1996;
- at least 7 years of Pension Credit without a Forfeiture Break in Service if he has earned at least .25 year of Pension Credit after June 30, 1992; or
- at least 10 years of Pension Credit without a Forfeiture Break in Service if he has not earned at least .25 year of Pension Credit after June 30, 1992;

and

- he has earned .25 year of Future Service Credit.

**(b) Amount.**

If a Participant becomes Disabled after he attains age 50, the amount of the Disability Pension is the same as the Normal, Early or Late Retirement Pension to which he is otherwise entitled. If he becomes Disabled before he attains age 50, the amount of the Disability Pension is the Earned Pension

- reduced by 45% plus 1/4 of 1% for each month that the Disabled Participant's Pension Starting Date precedes his 50th birthday, but the total reduction will be no more than
  - 50%, if the Participant's Pension Starting Date is on or after July 1, 1992, or
  - 60%, if the Participant's Pension Starting Date is before July 1, 1992,

and

- further reduced by \$1.00 for each dollar in excess of \$1,000 earned by the Participant in any of the first 24 months from any occupation or employment, including self-employment.

**(c) Pension Starting Date.**

Entitlement to a Disability Pension is established only after the Disability has continued for 6 consecutive months. Effective for a Disability beginning on or after March 3, 1989, a Disabled Participant's Pension Starting Date will be retroactive to the first day of the first month following the date on which the Disability commenced. However, in no event will the Pension Starting Date be more than 1 year earlier than the date the Participant applies for a Pension.

**(d) Duration.**

The Disability Pension will be payable to the Participant for the following periods:

- an initial period of 2 years if during those 2 years the Participant remains unable to perform iron work due to his Disability,
- thereafter, only if and so long as the Participant is Totally Disabled.

After the Participant reaches age 50, the amount of the Disability Pension will increase to the equivalent of his Early Retirement Pension payable at age 50.

**(e) Information Required.**

To be entitled to receive a Disability Pension, the Disabled Participant must submit to the Board of Trustees

- for each of the first 24 months following his Pension Starting Date a written statement setting forth the amount earned by the Participant, if any, from any occupation or employment, including self-employment, during the preceding month;
- each year within 30 days after the due date thereof, a copy of the Participant's federal income tax return for the preceding year if the Participant was required by law to file a return.

**(f) Definitions.**

**(1) Disabled.**

A Participant will be deemed Disabled within the meaning of this Plan only if the Board of Trustees, in its sole discretion, finds that

- the Participant is totally unable, as a result of bodily injury or disease, to perform the duties of iron work; and
- the Disability will be of at least 12 months' duration; and

- the Disability is not self-inflicted. Self-inflicted disabilities include, but are not limited to, disabilities caused by obesity, alcoholism, drug addiction, and the like.

(2) **Totally Disabled.**

A Participant will be deemed Totally Disabled only if, in addition to the above, the Participant has been found by the Social Security Administration to be disabled to such an extent that he is entitled to disability benefits from the Social Security Administration. While a determination by the Social Security Administration will be prima facie evidence of total disability, the Trustees reserve the right, in their discretion, to make any other determinations necessary based on the facts and records at their disposal.

(g) **Exercise of Discretion.**

In exercising its discretion to determine Disability or Total Disability, the Board may obtain and act upon any competent and independent medical evidence it may require. The Board may at any time, or from time to time, notwithstanding the earlier granting of a Disability Pension, require that the Participant satisfy the provisions of this Section as a prerequisite to the continuance of the Disability Pension.

(h) **Limitations.**

No Participant will be entitled to a Disability Pension

- if his disability arose from injuries received during his commission of a felony or from injuries received while he is incarcerated; or
- during any period a Participant is incarcerated in excess of 3 months due to a conviction for an unlawful act. Upon release, the Trustees may reinstate his entitlement to a Disability Pension.

(i) **Disability Policy.**

In resolving questions concerning continuation of benefits, the Trustees will apply the following considerations:

- (1) The primary purpose of the Disability Pension is to provide limited financial aid to a Participant who is recovering from an injury in order to re-enter the work force.
- (2) 2 years of benefits should be ample in almost all cases to provide the Participant with a reasonable opportunity to re-enter the work force.
- (3) In making determinations for any request for continued benefits, the Trustees will be guided by considerations of whether the Participant could have re-entered the work force rather than whether the Participant actually did so.

**(j) Effect of Recovery by a Disability Pensioner.**

If a Disabled Participant recovers from a Disability before attaining age 50, he must report in writing to the Board of Trustees within 21 days of the date of recovery. If he does not provide the written report, upon his later retirement he will not be entitled to a Pension until 6 months after the date of his retirement, in addition to the months which may have elapsed since he recovered from the Disability and during which he received a Disability Pension.

**(k) Return to Covered Employment by a Disabled Participant.**

A Disabled Participant who is no longer Disabled, may

- return to Covered Employment,
- earn additional Pension, and
- be entitled to a Normal, Early Retirement, Late Retirement, or Disability Pension.

In that event, the portion of his Earned Pension attributable to his earlier Covered Employment is reduced by the lesser of

- 1% for each full year he was paid a Disability Pension before attaining age 50, and
- the Actuarial Equivalent of the Disability Pension payments he received before attaining age 50.