

## NOTICE OF USERRA RIGHTS

This Notice summarizes your rights as a Participant in the Northern California Electrical Workers Pension Trust (the “Pension Plan”), the San Francisco Electrical Workers Retirement Savings Plan (the “RS Plan”) and the San Francisco Electrical Workers Health & Welfare Plan (the “H&W Plan” and, collectively, the “Plans”) under the Uniformed Services Employment and Reemployment Rights Act of 1994 (“USERRA”). USERRA protects you if you are ordered to active military service.

### USERRA General Requirements

To qualify for USERRA reemployment rights, you must:

- (i) leave civilian employment to engage in military service;
- (ii) give the employer prior notice (oral or written) that the absence is due to military service;
- (iii) claim USERRA benefits for military absences not to exceed five years;
- (iv) not be released from military service under punitive or other-than-honorable circumstances; and
- (v) return to an employer that contributes to the Plans within a specified amount of time, depending on the length of the absence.

“*Military service*” includes duty in the U.S. Armed Forces, whether voluntary, involuntary, active, inactive for training or National Guard duty. It may also include certain other service in time of war or national emergency such as funeral honors duty, disaster response service under the National Disaster Medical System, Public Health Service duty, service as a cadet or midshipman at a service academy, and other uniformed service as designated by the President.

You must return to a contributing civilian employer in accordance with the following table:

Duration of Military Absence	Last Day You May Return After End of Absence
1 to 30 days	Next work day (allowing for safe return and 8 hrs. of rest)
31 to 180 days	Within 14 days
More than 180 days	Within 90 days

**Note:** It is strongly suggested that members who are called to active military duty notify immediately the union dispatcher, their current employer and the EISB office.

To determine whether you have satisfied certain USERRA requirements, the Plan Office will require documentation of the dates, and satisfactory completion, of your military service. This may include Form DD-214 (separation papers), a copy of your endorsed orders or a letter from your commanding officer specifying the dates and character of your service.

### USERRA and Health Benefits

Before you return from military service and requalify for benefits under the H&W Plan, you are entitled to self-pay health coverage under USERRA as described below if you satisfy the general USERRA requirements described above.

*Self-Pay Election Right.* If you are absent for military service fewer than 31 days, you may elect to continue coverage under the H&W Plan without cost to you. If you are absent more than 30 days, you may elect to self-pay for coverage for up to 24 months. The initial 30-day period of

the 24 months will be covered by the H&W Plan at no cost to you, with subsequent months charged to you at 102% of the cost of the coverage. (The H&W Plan covers the initial 30-day period because service members ordinarily qualify for military health coverage after 30 days of service.) Your dependents under the H&W Plan have no independent right to elect self-pay USERRA coverage, though you may elect to continue family coverage. Your hour bank will be frozen effective with the first of the month following the month that eligibility is provided from your last hours of employment before entering military service. For example, if you last worked in November 2010, your hour bank will be frozen as of January 2011 with coverage for February 2011 provided at H&W Plan expense. You may continue coverage for up to 23 additional months after February 2011 by remitting monthly premium payments to the Trust Fund Office. After returning to civilian employment, with proper notice, the hour bank will be reinstated.

*Election Deadlines.* Your deadline for electing to self-pay for USERRA coverage is the last day of the second calendar month for which you would be required to self-pay for coverage. Thus, in the example above, your first self-pay month would be March 2011, and your deadline for electing to self-pay for that month and later months would be April 30, 2011 (except, however, that you will be given at least 60 days from the date you are provided this Notice to make your self-pay election). You must pay your initial premium to the Fund Office no later than 45 days from the date of your timely election for self-pay USERRA coverage, and thereafter you must pay your premium for a month no later than the last day of that month. The H&W Plan will treat an election made by mail, and a premium paid by mail, as having been made on the date it is postmarked. The Board of Trustees may, in its discretion, honor an untimely election or payment if you can demonstrate that extraordinary circumstances caused the untimely election or payment.

*Termination of USERRA Coverage.* Your USERRA self-pay coverage will terminate upon the earlier of (i) your reinstatement as a Participant based on your return to covered employment, (ii) the first of the month for which your self-pay premium was not paid by the last day of that month, (iii) your dishonorable discharge from military service and (iv) the last day of the 24<sup>th</sup> month of USERRA coverage.

*USERRA and COBRA.* Your rights under COBRA and USERRA are similar but not identical. Your election to receive COBRA coverage will also be treated as an election to receive USERRA coverage (and vice versa). Therefore, if COBRA and USERRA give you different rights or protections, the greater benefit will apply, including a later deadline for making an election or payment. The policies and procedures described in the attached COBRA Coverage Election Notice also apply generally to USERRA coverage, unless compliance with the procedures is precluded by military necessity or is otherwise impossible or unreasonable.

*Accidental Death & Dismemberment Benefits.* If you are ordered to active military service under USERRA you will continue to be covered under the death and AD&D benefit provisions of the H&W Plan for up to five years.

### **USERRA and Retirement Benefits**

Before you return from military service and satisfy all Pension Plan and RS Plan eligibility and participation criteria, you are entitled to retirement benefits under USERRA as described below if you satisfy the general USERRA requirements described above.

Your military service (including the 1- to 90-day maximum reporting period after your military service) will be treated as continuous service with a contributing employer for vesting, benefit accrual and contribution purposes. Once you return from military service, you must be provided retirement plan credit and contributions for the length of your military service. The Fund Office

will determine your monthly accruals and contributions (without interest) by averaging the hours that were reported during the 12-consecutive-month period during which you worked the highest number of hours within the 24-month period immediately preceding the commencement of your military service. While performing military service, payments due on any loan you have received under the RS Plan may be suspended and made up after your return. Upon receipt of a satisfactory discharge from service, the hours will be applied towards your pension credit under the Pension Plan and lost contributions toward your RS Plan account (at the existing RS Plan employer contribution rate, if any). In addition, you will have up to 3 times the length of your service (not to exceed 5 years) to make up any 401(k) contributions you were unable to make because of your military service, and those contributions may be retroactively applied to the calendar years of your service for annual limit purposes.

### **If You are Killed or Injured in Military Service**

Additional rules and benefits apply under the Heroes Earnings Assistance and Relief Tax Act of 2008 (“HEART Act”) should you be killed or injured while engaged in military service. Under the HEART Act, should you die while performing qualified military service, you will be treated as if you were employed on your date of death for benefit purposes, which may entitle your survivors to certain death benefits under the Pension Plan and the RS Plan.

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