Work in the Sheet Metal Industry that is not covered by a Union collective bargaining agreement ("non-signatory employment")

Your potential benefit may be affected if you perform at least one hour of employment in the Sheet Metal Industry that is not covered by a collective bargaining agreement between the Union (SMWIA) and an employer on or after September 1, 1988. In brief, this is referred to as "non-signatory employment." The Plan Document defines work in the Sheet Metal Industry as any and all types of work covered by collective bargaining agreements to which the Union and/or any Local are a party; or under the trade jurisdiction of the Union, as that trade jurisdiction is described in the Sheet Metal Workers' International Association's (SMWIA) constitution; or in a related building trade; *or any other work* to which a sheet metal worker has been assigned, referred, or can perform because of his skills and training as a sheet metal worker.

When you work non-signatory employment, you affect your benefits as follows:

- You will lose all Past Service Credit for the purpose of calculating your benefit; however, this loss will not decrease the NRB you had accrued as of August 31, 1988 or cause a loss of any vested benefit accrued before you performed non-signatory work.

- Any benefit you have earned based on Pension Credit earned on or after September 1, 1988 will not be used in determining your initial monthly pension if you elect any form of early retirement. This portion of your benefit will be delayed six months for each calendar quarter in which you performed one hour or more of this type of work. However, this benefit will not be delayed beyond Normal Retirement Age (65).

- In the event that you have been receiving benefits and you return to work in the Sheet Metal Industry with an employer that is not signed to a Union collective bargaining agreement, the resumption of your pension will be delayed six months for each calendar quarter in which you perform one hour or more of non-signatory work. This delay is in addition to any other delays imposed for a return to employment after retirement.

- You can not retire under a Disability Benefit or 55/30 Pension.

- In the event you die before retirement, no Lump Sum Death Benefit will be payable to your beneficiary.

- You will be categorized as a "person with respect to whom contributions are not required to be made" (See section titled "Early Retirement Pensions.")

RECOVERY OF PREVIOUS STATUS

If you performed work in the Sheet Metal Industry not covered by a Union collective bargaining agreement on or after September 1, 1988, the conditions listed above will apply. However, you can recover your previous status if you return to Covered Employment with the Fund and earn months of Future Service Credit that equal the number of calendar months in which you worked at least one hour of work in the Sheet Metal Industry that was not covered by a Union collective bargaining agreement. This opportunity to restore previous status is available only once.

EXAMPLE OF RESTORING PREVIOUS STATUS

James performed work in the Sheet Metal Industry that was not covered by a Union collective bargaining agreement from September 1, 2003 through July 1, 2004, which equals 11 months. James returns to Covered Employment and earns 11 months of Pension Credit. The conditions described above no longer apply to James. However, if James returned once again to non-signatory employment, these conditions will be applied after his second period of non-signatory employment and he will **not** have a second opportunity to recover his previous status.