

Facts on becoming a participant in the General Pension Plan as spelled out in the General Pension Plan of the IUOE Summary Plan Description Effective January 1, 2005, (copy enclosed)

Who are Participants in the Plan? (Page 7)

You become a Participant if you are a Full-Time Salaried Officer or Employee of either (i) a Local Union affiliated with the International Union of Operating Engineers or (ii) a "Related Organization" that has met the requirements for participation in the Plan. If you are doing such work for a Local Union or a participating Related Organization, you are working in what is known as Covered Employment. In addition to individuals working as described above, a Participant is also a pensioner or a former Officer or Employee who has become vested in the Plan.

A participating Related Organization is any jointly administered apprenticeship program, welfare plan, Pension Plan or any other program or organization to which a Local Union or the International is a party and which has been accepted for participation in the Plan, all of their Full-Time Officers and Employees must participate in the Plan unless they are covered by a collective bargaining agreement which expressly excludes them from participation in the plan as a result of good-faith bargaining.

You are considered a Full-Time Officer or Employee if you work for a Local Union or a participating Related Organization at the rate of at least 20 hours per week for which salary is paid by a Local Union or participating Related Organization. The only exception to this is if your employment will be temporary and you will work less than 1,000 hours in the year.

An Officer is a person who is elected or appointed to an official position of a Local Union in accordance with the Constitution of the International or a person who is elected or appointed to an official position of a participating Related Organization. An Employee is a person who renders services directly to, and receives compensation from, a Local Union or Participating Related Organization

If you are a Full-Time Officer or Employee who meets these requirements, you must be covered by the Plan beginning on your first date of employment.

Facts on becoming a participant in the General Pension Plan as spelled out in the General Pension Plan of the IUOE Summary Plan

Description Effective January 1, 1989, as amended through January 1, 1993 (copy enclosed)

Coverage (Page 1)

The Pension Plan covers Full-Time Salaried Officers and Employees of Local Unions affiliated with the International Union of Operating Engineers. It also covers employees of certain related organizations that have met the requirements for participation in the Plan.

As an Officer or Employee, you are considered "Full-Time" if you work at least 1,000 hours a year for which salary is paid by a Local Union or participating Related Organization. An Officer is a person who is elected or appointed to an official position of a Local Union in accordance with the Constitution of the International. An Employee is a person who renders services directly to the Local Union or participating Related Organization.

If you are an Officer or Employee who meets the definition above, you must be covered by the Plan beginning on the first date of employment. The only employees who are excluded from this coverage are employees who are represented by a union and are not included in the Plan after good faith bargaining.

An Officer or an Employee covered by this Plan is referred to as a "Participant". A Participant is also a Pensioner, or a former Officer or Employee who has attained Vested Status under this Plan.

The International Union of Operating Engineers General Pension Plan (United States) Summary Plan Description Effective January 1, 2005.

And

The General Pension Plan of the International Union of Operating Engineers of the United States Summary Plan Description Effective January 1, 1989 (As amended through January 1, 1993).

The commonality in both Plan Summaries is specific in three critical areas for a Local Union Member to qualify as a General Pension Plan Participant;

The General Pension Plans, New and Old, and the International Union Constitution, Clearly define the obligations of all IUOE Local Unions as to their obligations to the General Pension Plan and to all elected, appointed officials of the Unions and any and all full-time employees of the Local Unions and any and all Related Organizations.

A member who renders services to the Local Union and/or a Related Organization would have to make a concerted active effort to opt out of the General Pension Plan. They would have to seek out a Union, other than the IUOE to represent them and they would have to engage in good faith bargaining and negotiate a collective bargaining agreement that expressly excludes them from participating in the Plan.

The commonality in both Plan Summaries is specific in three critical areas for a Local Union Member to qualify as a General Pension Plan participant.

- 1) **An Officer appointed to an official position of a Local Union in accordance with the Constitution of the International or a person who is elected or appointed to an official position of a participating Related Organization. A person who renders services directly to, and receives compensation from a Local Union or Participating Organization.**
- 2) **A Full-Time Employee who works a minimum of 1,000 hours per year.**
- 3) **A Full-Time Employee who does not select a collective bargaining agent and who does not participate in collective bargaining which expressly excludes them from participating in the Plan as a result of good-faith bargaining.**

The International Constitution is clear; Page 110 Article XXVIII states; (copy enclosed) Article XXVIII

THE GENERAL PENSION FUND PLAN

The terms and provisions of the General Pension Fund Plan, as amended from time to time by the trustees thereof, are printed in a separate booklet available through each Local Union and distributed to each participant. Participation in the General Pension Fund Plan is a mandatory obligation of all Local Unions.