

**AMERICAN FEDERATION OF MUSICIANS AND EMPLOYERS’
PENSION FUND
PARTICIPANT’S NOTICE CONCERNING
EARLY RETIREMENT PROCEDURES**

To comply with federal law, the Fund requires that a participant may begin receiving a pension benefit before normal retirement age (generally age 65) only if he or she retires from all employment with employers contributing to the Fund. These Early Retirement Procedures (“Procedures”) set forth the Fund’s rules for determining whether a participant has retired and is therefore eligible to begin receiving an early retirement pension for participants who commence an early retirement pension on and after April 1, 2008. 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. HOW THE FUND WILL CONFIRM RETIREMENT

The Fund will confirm your retirement in three ways: by your statement on the enclosed pension application, by the representations of your employer(s) for whom you are employed in steady employment, and by the contributions made on your behalf after your pension begins. These processes are described below. Bear in mind that *each* process will be used if it applies to your situation; they are not alternative ways to show that you are retired.

The pension application

The application requires a signed statement that:

- you have permanently ceased *all* work with all employers who contribute to the Fund, including any work for which no pension contributions are payable (such as administrative services);
- you have no intention or expectation to return to work with any employer who contributes to the Fund; and
- you have no right under a collective bargaining agreement or any other contractual right to future employment 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 before your pension begins to confirm your last date of employment, that you have actually retired, and that you have no further right, understanding or expectation of future employment. Examples of steady employment include:

- employment with a Broadway company or under an orchestra collective bargaining agreement;
- employment in a house band for a network variety show;
- employment with the AFM or its local unions (including employment as an elected officer); and
- employment with AFM-related funds such as the Film Musicians Secondary Markets Fund or the Sound Recording Special Payments 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 Procedures.

Post-retirement requirements

Once your pension begins, the Fund will confirm the statements made on your 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 two months immediately following the effective date of your pension, 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 the Fund finds that you performed any work for that employer in the first two months following the beginning of that employer's new season, you will be considered not to have retired.

2. 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 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-month period, as described in the paragraph above, or if the Fund discovers that you had future musical engagements scheduled at the time you began to receive a pension (even if those engagements are outside the applicable two-month period).

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 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 normal appeals procedures described in the summary plan description.

3. RETURNING TO WORK AFTER YOUR EARLY RETIREMENT PENSION BEGINS

If you return to work after you begin your early retirement pension, you will continue to receive your early retirement pension unless you returned to work before the applicable two-month period described above, or unless the Fund otherwise determines that you did not in fact retire on the date you previously specified as described in Section 2 above.

4. MORE INFORMATION ABOUT THE PROCEDURES

If you have questions about these Procedures, we ask that you contact us in writing 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 will do our best to ensure that you receive a prompt answer to any question that you raise by mail or via the website. Please direct your questions to American Federation of Musicians and Employers' Pension Fund, One Penn Plaza, Suite 3115, New York, New York 10119 Attn: Pension Dept. – Early Retirement or using Contact Us on the Fund's website at afm-epf.org.