

**AMENDMENT NUMBER SIX**  
**TO THE**  
**AMERICAN FEDERATION OF MUSICIANS**  
**AND EMPLOYERS' PENSION PLAN**

(As Amended and Restated Effective as of January 1, 2014)

**WHEREAS**, the Board of Trustees (the "Board") of the American Federation of Musicians and Employers' Pension Fund (the "Fund") adopted the American Federation of Musicians and Employers' Pension Plan, as amended and restated effective as of January 1, 2014 and as thereafter amended (the "Plan"); and

**WHEREAS**, pursuant to Article 9, Section 9.01 of the Plan, the Board reserves the right to amend the Plan at any time; and

**WHEREAS**, the Board has authorized the undersigned to execute this Amendment Number Six to clarify certain provisions of the Plan;

**NOW, THEREFORE**, the Plan is amended as follows:

**Section 5.02 of the Plan shall be restated in its entirety to read as follows:**

**Section 5.02 REGULAR PENSION BENEFIT ELIGIBILITY.**

- (a) A Participant shall be eligible to receive a Regular Pension Benefit once he or she has (i) attained his or her Normal Retirement Age, or (ii) retired from Covered Employment, attained age 55 and is 100% vested in his or her Regular Pension Benefit in accordance with Section 4.01(b), provided the Plan Administrator receives from the Participant a written application for such a pension benefit which is complete in all respects on the form(s) provided by the Plan Administrator for such purpose. A Participant's failure to file with the Plan Administrator an application for payment of a pension benefit which is complete in all respects shall be deemed to be an

election to defer payment of such benefit in accordance with the provisions of Section 8.05 (Commencement of Pension Benefits Generally).

- (b) Whether a Participant is “retired from Covered Employment” for purposes of this Section 5.02 shall be determined in accordance with the Plan’s Early Retirement Verification Procedures set forth in Appendix B, as same may be amended from time to time by the Trustees (“Verification Procedures”). Any Pensioner who shall become entitled to payment for Hours Credited (Section 1.17) (or otherwise was employed by a Contributing Employer) within the applicable two-month period following his or her annuity starting date shall not be considered to have retired, in which case the Pensioner shall have his or her Regular Pension Benefit suspended and shall be required to repay benefits received with interest, in accordance with the Verification Procedures.

**IN WITNESS WHEREOF**, the undersigned have executed this Amendment Number Six on this 13th day of February 2020.

/s/ Christopher Brockmeyer  
Christopher J.G. Brockmeyer, Co-Chair

/s/ Raymond M. Hair, Jr.  
Raymond M. Hair, Jr., Co-Chair



AMERICAN FEDERATION OF MUSICIANS AND EMPLOYERS'  
PENSION FUND

## EARLY RETIREMENT PROCEDURES - PARTICIPANT NOTICE

To comply with federal law, the Plan 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 any Employers contributing to the Fund. These Early Retirement Procedures – Participant Notice (“Procedures”) set forth the Plan’s rules for determining whether a Participant has retired and is therefore eligible to begin receiving an early retirement pension. 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. WHAT IS RETIREMENT

You will be considered to be retired only if you meet **all** of the following requirements:

- You have stopped all work with all Employers who contribute to the Fund as of your Pension Effective Date, whether or not pension contributions are payable for such work;
- You have no intention or expectation to work after your Pension Effective Date with any Employer who contributes to the Fund;
- You have no right under a Collective Bargaining Agreement or any other contractual right to employment after your Pension Effective Date with any Employer who contributes to the Fund;
- You perform **no work of any kind** for an Employer participating in the Fund during the first two calendar months following your actual Pension Effective Date (which may be later than your requested Pension Effective Date); and
- If you retire from steady employment with an Employer that has seasonal breaks in work at the end of a season, you perform **no work of any kind** for that Employer in the first two calendar months following the beginning of that Employer’s new season.

Your **Pension Effective Date** is the first day of the first month for which you receive your pension benefit.

- Your earliest Pension Effective Date is the first day of the first month following the month in which we receive from you a complete Part 2 of the Pension Application (Choice of Benefit Payment Option form and spousal consent form, if required) if we receive these forms *on or before* the 15th day of the month or, if we receive the forms *after* the 15th day of the month, your Pension Effective Date is the first day of the second month following our receipt of the forms.
- You may choose a later Pension Effective Date.
- Your Pension Effective Date will not change if there is an administrative delay in processing your benefits. In that case, you will receive retroactive benefits back to your Pension Effective Date.

Please refer to the accompanying article, *Applying for Your Pension Benefit – The Two-Part Application*, for more information.

**Two calendar months** is the period of time from the Pension Effective Date (always the first day of a month) through the end of the second month following the Pension Effective Date. *Example: if the Pension Effective Date is February 1, the first two calendar months following that date end March 31 (regardless of the actual number of days between these dates).*

**Special Note:** For Participants retiring from steady employment with an Employer that has seasonal breaks, **two calendar months** is also the period of time from the beginning of the new season following retirement through the end of the day before that calendar date two months later. *Example: if the season begins September 15, the first two calendar months following that date end on November 14.*

## 2. HOW THE FUND WILL CONFIRM RETIREMENT

The Fund will confirm your retirement in three ways:

- by your statement on Part 1 - Preliminary Information form of the 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 Effective Date.

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

Part 1 - Preliminary Information form of the Pension Application requires a signed statement that:

- you will have stopped **all** work with all Employers who contribute to the Fund as of your Pension Effective Date, including any work for which no pension contributions are payable (such as administrative services);
- you have no intention or expectation to work after your Pension Effective Date with any Employer who contributes to the Fund; and
- you have no right under a Collective Bargaining Agreement or any other contractual right to employment after your Pension Effective Date 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(s) before your Pension Effective Date to confirm that you have actually retired, and that you have no further right, understanding or expectation of future employment. Examples of steady employment include:

- employment for the run of a Broadway show;
- employment in a house band for a network variety show;
- employment with the AFM or its local unions (including employment as an elected officer);
- employment under an orchestra Collective Bargaining Agreement; or
- employment with AFM-related funds such as the Film Musicians Secondary Markets Fund, the Sound Recording Special Payments Fund or the Music Performance Trust 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 Early Retirement Procedures.

### **Requirements Following Your Pension Effective Date**

After your Pension Effective Date, the Fund will confirm the statements made on Part 1 of the 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 first two calendar months following your Pension Effective Date, 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 calendar months following the beginning of that Employer's new season, you will be considered not to have retired.

### **3. 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 Early Retirement 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 calendar months described above, or if the Fund discovers that you had future musical engagements scheduled prior to your Pension Effective Date (even if those engagements are outside the applicable two calendar months).

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 claims and appeals procedures described in the 2013 Summary Plan Description.

### **4. RETURNING TO WORK AFTER YOUR EARLY RETIREMENT PENSION EFFECTIVE DATE**

If you return to work after your early retirement Pension Effective Date, you will continue to receive your early retirement pension unless you returned to work before the applicable two calendar months described above, or unless the Fund otherwise determines that you were not in fact retired as of your Pension Effective Date.

### **5. MORE INFORMATION ABOUT THE PROCEDURES**

If you have questions about these Early Retirement Procedures, please contact the Fund 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 we 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, PO Box 2673, New York, New York 10117-0262 Attn: Pension Dept. – Early Retirement or using Contact Us on the Fund's website at [www.afm-epf.org](http://www.afm-epf.org)