

I.B.E.W. LOCAL 540 PENSION PLAN

Required Notice Under Section 204(h)
of the Employee Retirement Income Security Act of 1974, as amended (“ERISA”)
and
Summary of Material Modifications

TO: Active Participants

This Notice explains a change to the Plan provisions effective January 1, 2010. This change does not affect the pension benefit of any participant who has retired prior to January 1, 2010.

Definition of Total and Permanent Disability

Before January 1, 2010, a participant shall be considered totally and permanently disabled if the Trustees find, on the basis of medical evidence, a physical or mental condition which prevents such participant from being able to work within the electrical construction industry trades as defined under regulations adopted by the Trustees. However, no participant shall be deemed to be totally and permanently disabled for the purpose of this Pension Plan if his/her incapacity consists of addiction to narcotics or if such incapacity was contracted, suffered or incurred while he/she was engaged in a felonious enterprise, or resulted from an intentional self-inflicted injury.

Effective January 1, 2010, a participant shall be considered totally and permanently disabled if you have received a total disability award from the Social Security Administration. However, no participant shall be deemed to be totally and permanently disabled for the purpose of this Pension Plan if his/her incapacity consists of addiction to narcotics or if such incapacity was contracted, suffered or incurred while he/she was engaged in a felonious enterprise, or resulted from an intentional self-inflicted injury.

Please keep this information with your Summary Plan Description. If you have any questions regarding this change, please contact the Fund Office.

Board of Trustees
The I.B.E.W Local 540 Pension Plan

December 11, 2009