

## **SECTION 1 – DEFINITIONS**

### **Actuarially Adjusted**

In order to assign the portion of a benefit to the Alternate Payee under a separate interest QDRO, the Plan's actuary may need to determine the actuarial present value of the benefits. The benefits to an Alternate Payee then may be actuarially adjusted (increased or reduced) to reflect payments over the Alternate Payee's life rather than over the Participant's life, and payments commencing to the Alternate Payee prior to the time the Participant begins receiving payments, etc. Actuarial adjustments will be made in accordance with the actuarial factors adopted by the Plan.

### **Alternate Payee**

An Alternate Payee, as that term is used in ERISA, means a spouse, former spouse, child or dependent of a Participant who is named in a QDRO and given the right to receive all or a portion of the Participant's pension benefits. A QDRO may name multiple and successor Alternate Payees. To qualify as an alternate payee, a child must be the dependent of the Participant. A child who is the dependent of the Participant's former spouse therefore would not qualify, nor would a child who is claimed as someone else's dependent for federal income tax purposes, including a child who claimed him- or herself as a dependent.

### **Domestic Relations Order (DRO)**

A DRO is a judgment, decree or order, including a court approval of a property settlement agreement, that provides child support, alimony, or property rights to a spouse, former spouse, child or other dependent of a Participant. It must be made pursuant to state domestic relations law.

### **Earliest Retirement Age (under the Plan) also, See IRC Section 414(p)(4)(B)**

The earlier of: 1) the date on which the Participant is entitled to a distribution under the Plan; or 2) age 52 and has at least 5 Pension Credits or 10 Pension Credits if one hour of service was not completed on or after January 1, 1998.

### **Participant**

A Participant is a person who is receiving or has received pension credits under the International Union of Operating Engineers Local 4 and Its Branches Pension Plan.

### **Qualified Domestic Relations Order (QDRO)**

A QDRO is a DRO that the Plan Administrator has determined meets the specific requirements contained in ERISA, 29 USC §1056(d) (ERISA §206(d)), and the Internal Revenue Code, 26 USC §414(p). A QDRO must be executed by the Court before it can be formally qualified by the Plan Administrator.

### **Required Beginning Date**

April 1 of the calendar year following the calendar year in which the Participant reaches age 70½.

The following is provided for helpful informational purposes only and should not be construed or relied on as legal advice provided by the Fund, the Plan or the Board of Trustees.

### **Surviving Spouse**

The Surviving Spouse of a Participant is the spouse to whom the Participant was married for at least the 12 months immediately preceding the Participant's death. An Alternate Payee may also be a Surviving Spouse if the QDRO provides that the Alternate Payee shall be treated as the Surviving Spouse (provided the Alternate Payee and the Participant met the one-year marriage rule).