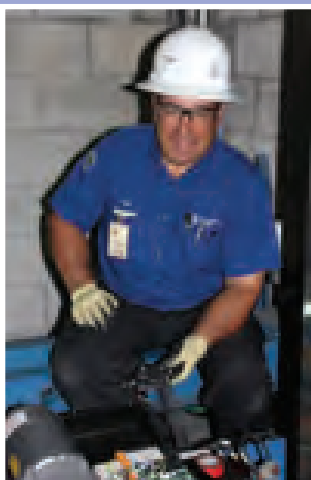
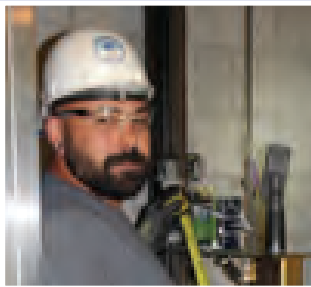


# Summary Plan Description



Elevator Constructors Annuity  
and 401(k) Retirement Plan



# National Elevator Industry Letter to Participants

## **National Elevator Industry Annuity and 401(k) Retirement Plan**

19 Campus Blvd., Suite 200  
Newtown Square, PA 19073

September 2016

Dear Participant,

Throughout your career as an Elevator Constructor, the International Union of Elevator Constructors (“Union”) and signatory employers make every effort to provide you with the tools you need to do your job safely and efficiently. The Elevator Constructors Annuity and 401(k) Retirement Plan (Plan) is another tool developed by the Union with signatory employers to provide additional income to you and your family when you retire. The Plan can help to supplement the retirement income you may receive from other sources—such as the defined benefit National Elevator Industry Pension Plan, Social Security, and your own personal savings.

This Summary Plan Description (SPD) summarizes the Plan as of September 30, 2016 and supersedes all previous versions of the SPD. It is a tool to help you make your retirement decisions. You should share this SPD with your spouse or beneficiary because it contains important information about benefits that are payable to your survivor.

This SPD has been designed to be easy to read and understand. “Fast Facts” appear at the beginning of each section to give you a quick overview of what is contained within that section. Also, useful information—such as definitions and phone numbers—appears in the margin as a quick reference.

Beginning on page 24, you will find a chapter called “Life Events That May Affect Your Benefit.” Refer to this chapter for information about what to do if:

- you get married or divorced;
- you stop working;
- you become disabled; or
- you or your spouse dies.

If you have any questions about the 401(k) portion of your Plan, contact Massachusetts Mutual Life Insurance Company, by calling 1-800-74-FLASH or visit the RetireSmart website at [www.massmutual.com/iuec](http://www.massmutual.com/iuec).

Sincerely Yours,

*The Board of Trustees*



This Summary Plan Description provides a summary of the benefits for participants in the Elevator Constructors Annuity and 401(k) Retirement Plan. The actual Plan documents contain the information on which this booklet is based—therefore, the actual Plan documents will govern the rights to benefits in all cases. The Board of Trustees reserves the right to amend the Plan document from time to time and to terminate the Plan.

# Board of Trustees

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Trustees as of January 5, 2017

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# An Overview of the Elevator Constructors Annuity and 401(k) Retirement Plan

On October 1, 1998, the National Elevator Industry 401(k) Retirement Plan was established for the benefit of Elevator Constructors represented by the IUEC and employed by Otis Elevator. Later, participation was expanded to include Elevator Constructors employed by other signatory employers. Beginning January 1, 2003, a non-elective Annuity Plan was added to this program and the Plan's name was changed to the Elevator Constructors Annuity and 401(k) Retirement Plan.

## FAST FACTS:

- **The Elevator Constructors Annuity and 401(k) Retirement Plan offers TWO plans in one: an Annuity Plan and a 401(k) Plan. An "individual account" is established for you that may consist of four sub-accounts—one for your Annuity Plan contributions made prior to January 1, 2011, one for your Annuity Plan contributions made on or after January 1, 2011, one for your 401(k) Plan elective contributions and one for any rollovers made into your individual account from a qualified retirement plan maintained by your former employer.**
- **Your employer contributes the collectively bargained contribution to your Annuity Plan account on your behalf. These contributions are pooled and invested by the Board of Trustees.**

## WHAT IS THE ELEVATOR CONSTRUCTORS ANNUITY AND 401(k) RETIREMENT PLAN?

The Elevator Constructors Annuity and 401(k) Retirement Plan is a defined contribution retirement plan that offers two sources of retirement income for you. The retirement benefits you receive under this Plan are in addition to the pension benefit you may be eligible to receive under the NEI Pension Plan.

When you become eligible to participate in the Plan, an individual account is established for you. Your individual account is made up of a non-elective annuity contribution account (Annuity Account), an elective contribution account (401(k) Account) and, if applicable, a qualifying rollover distribution account (Rollover Account).

The collectively bargained contributions to your Annuity Account, the contributions you elect to have withheld from your pay on a pre-tax basis to the 401(k) Account, and any qualified plan rollovers to your Rollover Account will accumulate in your individual account. Your individual account will be adjusted for investment earnings or losses in your account and administrative expenses allocable to your account. You do not pay taxes on your account balance earnings until you receive a distribution from your individual account.

When you terminate employment in the elevator industry, you can receive a distribution of your 401(k) Account, Rollover Account and "Old" Annuity Account or you may roll these portions of your individual account over into another eligible retirement plan.

### WHAT IS MY "INDIVIDUAL ACCOUNT?"

*When you become eligible to participate in the Elevator Constructors Annuity and 401(k) Retirement Plan, an individual account is established for you. Your individual account holds your employer's collectively bargained contributions to your non-elective annuity contribution account (Annuity Account), your elective contributions to your elective contribution account (401(k) Account) and any rollovers you made to your qualifying rollover distribution account (Rollover Account).*

## YOUR INDIVIDUAL ACCOUNT

Your Annuity Account	Your 401(k) Account	Your Rollover Account
Automatic Participation	Voluntary Participation	Voluntary Participation
Non-elective contributions at rates set forth in the collective bargaining agreement are made to your Annuity Account.	You elect to have a certain portion of your wages contributed to your 401(k) Account.	Qualifying rollovers are made from an employer sponsored qualified retirement plan.
The contributions are invested on your behalf by the Board of Trustees.	You choose how to invest your contributions.	You choose how to invest the rollovers.

## HIGHLIGHTS OF THE PLAN

The information below highlights some of the features of the Plan. More detailed information is provided later in this booklet.

<b>Initial Participation</b>	You are eligible to participate in the Plan if you work in Covered Employment (work covered by a collective bargaining agreement or participation agreement). A probationary apprentice becomes a participant as of the date his employer is first required to make contributions to the Plan on his behalf under the terms of the collective bargaining agreement, but not later than after completion of 1,000 hours of service within a 12 consecutive month period.
<b>Vesting</b>	You are always 100% vested in your 401(k), Annuity and Rollover Accounts.
<b>Retirement</b>	You are eligible to retire as early as age 55 provided you separate from service and are either receiving a pension from the National Elevator Industry Pension Fund or receiving Social Security Retirement benefits.
<b>Other Distributions</b>	Generally, a distribution of your entire individual account may be made upon your death, disability or retirement. Whether and when you may receive a distribution prior to your death, disability or retirement, depends on whether you are seeking a distribution of your Annuity Account or 401(k) Account. Please refer to pages 18-21 for the rules regarding these other distribution rules.
<b>Forms of Payment</b>	<p>You (or your beneficiary, if you die) may receive your entire individual account balance in the Plan either as a lump sum or in periodic installments. Periodic installments can be elected for any period between 12 and 119 months as long as the period is less than your life expectancy or the life expectancy of you and your spouse.</p> <p>The periodic installment payment option is flexible. At any time you can change the frequency of the payments, the amount of each payment, or the period over which the payments will be made as long as the total period for the payments remains less than 10 years and also less than your life expectancy or the life expectancy of you and your spouse.</p> <p>In some circumstances, partial distributions and a "Special Three Tier" distribution option are also available. For further information regarding the Plan's distribution options, see the Distribution Chart on pages 20 and 21.</p>
<b>Death Benefits</b>	Your spouse or other designated beneficiary will receive your individual account balance upon your death. If you do not have a surviving spouse and you have not made a beneficiary designation or your designated beneficiaries die before you, your benefit will be paid to the person or persons designated by you under the terms of the National Elevator Industry Health Benefit Plan, or else to your estate if no designation has been made under the Health Benefit Plan.

## THE ANNUITY PLAN

Your participation in the Annuity Plan portion of the Elevator Constructors Annuity and 401(k) Retirement Plan begins at the time your employer first makes non-elective annuity contributions to the Plan on your behalf as required by a collective bargaining agreement or participation agreement. Once you become a participant, an account is set up for you (your Annuity Account), and your employer makes contributions to this account at rates set by the collective bargaining agreement or participation agreement. The money in your Annuity Account is invested for you, and you are 100% vested in your Annuity Account. For more information about the Annuity Plan, see "Earning Your Annuity Plan Benefit" on page 13.

## THE 401(k) PLAN

Participation in the 401(k) portion of the Elevator Constructors Annuity and 401(k) Retirement Plan is voluntary. You may elect to participate in the 401(k) Plan by making pre-tax contributions of a portion of your pay to your 401(k) Account. To do so, you must submit a form to your employer notifying your employer that you wish to start to defer a portion of your pay to the 401(k) Plan. You invest the money in your 401(k) Account in one or more of the 401(k) Plan's investment options. Through the 401(k) Plan, you can reduce your annual income taxes and save for retirement. For more information about the 401(k) Plan, see "Earning Your 401(k) Plan Benefit" on page 8.

## **WHEN CAN I PARTICIPATE?**

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You begin participating in the Annuity Plan immediately upon becoming a “covered employee” (defined below).

You are eligible to participate in the 401(k) Plan on the first business day you become a covered employee. To begin making 401(k) contributions (or to change your 401(k) contribution rate), you must submit to your employer a completed 401(k) contribution enrollment/deferral change form. This form authorizes your employer to redirect a portion of your pay to your 401(k) Account. Your contributions will begin as soon as administratively feasible after you file your election.

## **WHO IS A “COVERED EMPLOYEE?”**

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You are a “covered employee” if:

- You are employed by a contributing employer and perform work covered by a collective bargaining agreement that requires your employer to submit contributions to the Plan on your behalf (A probationary apprentice becomes a covered employee as of the date his or her employer must first begin making non-elective annuity contributions to the Plan in accordance with the terms of the collective bargaining agreement, but not later than after completion of 1,000 hours of service within a 12 consecutive month period.); or
- You are employed by the IUEC or a local union of the IUEC and perform work covered by a participation agreement between that organization and the Trustees that requires the organization to submit contributions to the Plan on your behalf; or
- You are a fulltime employee of the Elevator Industry Work Preservation Fund or the National Elevator Industry Educational Program and perform work covered by a participation agreement between either of those organizations and the Trustees that requires that organization to submit contributions to the Plan on your behalf; or
- You are eligible for continued Plan participation under the 2009 Non-Eligible Employee Arbitration Award as a Grandfathered Employee; or
- You are a former employee of a contributing employer and are an officer or employee of the AFL-CIO, the Building Construction Trades Department of the AFL-CIO, an affiliate of the AFL-CIO or the Building Construction Trades Department or similar organization, if a participation agreement between such organization and the Trustees requires that organization to submit contributions to the Plan on your behalf.

Special participation rules apply to covered employees who perform work under a collective bargaining agreement and who: (a) directly or indirectly own at least one half of one percent (0.5%) of stock of a contributing employer; (b) are relatives of such owners, or (c) are corporate officers or corporate officials of a contributing employer. For information regarding the participation rules for owners, owners’ relatives and corporate officials and officers, contact the Benefits Office.

## WHEN CAN I RECEIVE A DISTRIBUTION OF MY INDIVIDUAL ACCOUNT?

Whether you may receive a distribution of your individual account will depend on whether you seek a distribution of your 401(k) Account, your Annuity Account or your Rollover Account.

### Distributions upon Retirement, Disability or Death

Generally, a distribution may be made of any portion of your individual account:

- When you **retire**
- If you become **disabled**
- Upon your **death**

Under the terms of the Plan, you will be deemed to have **retired** if:

- You have had a separation from service;
- You are age 55 or older; and
- You are either receiving a pension benefit from the NEI Pension Fund or receiving Social Security Retirement benefits.

Under the terms of the Plan, a participant is considered **disabled** if the participant's disability has been determined by the Social Security Administration to qualify the participant for Social Security Disability benefits.

### If You Die

Your spouse or other designated beneficiary will receive your individual account balance upon your death. If there is no surviving spouse and no beneficiary designation is on file or your designated primary and contingent beneficiaries all die before you, your benefit will be paid to the person or persons designated by you under the terms of the National Elevator Industry Health Benefit Plan or to your estate if no designation has been made under the Health Benefit Plan. Details about the Plan's death benefits can be found on page 23.

### Distributions upon Separation from Service

Under certain circumstances, you may receive a distribution of your 401(k) Account, your Rollover Account or a portion of your Annuity Account even though you have not retired and have not suffered a disability. Specifically, you can receive such a distribution after you have incurred a **separation from service**. Generally, a separation from service occurs when you terminate employment in the elevator industry for a specific period of time. Separation from service is any absence from employment with all contributing employers (other than on account of retirement, disability or death) that causes you to have no annuity contributions made to your Annuity Account for a certain period of time outlined in the Distribution Chart on page 20.

### Distributions of Your 401(k) Account at Age 59½

If you have not retired and have not incurred a separation from service, you may voluntarily receive a distribution from your 401(k) Account or your Rollover Account at age 59½.

### Financial Hardships

If you experience a financial hardship—a heavy and immediate financial need—you may withdraw all or any portion of your 401(k) Account, exclusive of earnings. Information regarding these **"hardship withdrawals"** is provided on page 15.

### Distribution Chart

To help you understand when you can receive a distribution of your 401(k) Account, your Annuity Account or your Rollover Account, this SPD includes a "Distribution Eligibility Rules Overview" table and a "Distribution Chart" that describe when you may receive distributions under the Plan. See page 18 and page 20.



# Earning Your 401(k) Plan Benefit

Your 401(k) Account can earn money based on how much you choose to contribute and how well your investments perform. The 401(k) Plan provides a variety of investment options for you to choose from.

## FAST FACTS:

- If you decide to participate in the 401(k) Plan, you make “elective contributions” through payroll deductions.
- When you elect to contribute to your individual account, your employer forwards a portion of your pay to your 401(k) Account, so that you “lower” your own taxable income and pay less income tax.
- You are responsible for investing the money in your 401(k) Account by selecting from the 401(k) Plan’s investment options.

## HOW DO I CONTRIBUTE TO MY 401(k) ACCOUNT?

Once you are a participant, you may elect to direct a portion of your pay to the 401(k) Plan where it will be credited to your 401(k) Account. This is an “**elective contribution**” which means you may choose to put dollars into the 401(k) Plan with before-tax payroll deductions. Elective contributions are your own contributions, and you can choose to increase them (up to applicable limits established by the Internal Revenue Code), decrease them or stop your contributions at any time.

**To start contributing, you must submit to your employer a completed 401(k) contribution enrollment/deferral change form** that indicates the amount you’d like to contribute to the 401(k) Plan. Your election will become effective as soon as administratively feasible after you submit it. Your employer is required to forward your contributions to the Benefits Office no later than seven (7) calendar days after the pay date on which your contributions would have been payable to you in cash.

**Note: If you switch employers, you must complete and submit to your new employer a new 401(k) contribution enrollment/deferral change form.**

### Your Enrollment Kit

To receive an enrollment kit, which includes a 401(k) contribution enrollment/deferral change form and more information about the 401(k) Plan, contact MassMutual at 1-800-74-FLASH or visit the RetireSmart site at [www.massmutual.com/iuec](http://www.massmutual.com/iuec).

## HOW DO I INVEST MY ELECTIVE 401(k) CONTRIBUTIONS?

If you’ve decided to contribute to the 401(k) Plan, your enrollment kit will include information about the investment options that are currently available to you. You decide how you’d like to invest. If you change your mind, it is easy to change the way your contributions are invested by calling 1-800-74-FLASH or by visiting [www.massmutual.com/iuec](http://www.massmutual.com/iuec). If you don’t provide information for how you would like contributions to your 401(k) Account invested, they will be invested in the retirement target-date fund that corresponds to your age.

### Investment Options

The Plan’s Trustees offer a wide variety of investment options for participants who elect to contribute to the 401(k) Plan. To review the 401(k) Plan’s current investment options, log on to [www.massmutual.com/iuec](http://www.massmutual.com/iuec) or call 1-800-74-FLASH for up-to-date investment information. Each investment option has different risks and potential for investment returns. No one can promise how your investments will perform. Read over your enrollment kit materials carefully to make the right decision for you. Remember, the choice is yours.



CALL  
1-800-74-FLASH

- for information about your 401(k) Account,
- to receive an enrollment kit, and
- to make changes to the way your 401(k) Account contributions are invested.



### Information about Your Investments

You will receive quarterly statements concerning your 401(k) Plan investments by mail or you can elect to receive them electronically. You can request more information about each investment option and the portfolios that make up each of the investment options.

You may also receive, upon request:

- a prospectus;
- a description of the annual operating expenses of the investment options;
- copies of investment fund financial statements and any other material relating to the investment options if this material is provided to the 401(k) Plan;
- information concerning assets in each investment option; and
- information concerning the value of each investment option held in your 401(k) Account.

To inquire about this information, contact MassMutual by calling 1-800-74-FLASH or by writing to:

Elevator Constructors Annuity and 401(k) Retirement Plan  
c/o MassMutual Retirement Services  
100 Bright Meadow Blvd.  
Enfield, CT 06082

### WHAT HAPPENS TO MY ELECTIVE 401(k) CONTRIBUTIONS?

The elective contributions you make to the 401(k) Plan initially are placed in an interest bearing "holding account." At least once per week the Benefits Office reconciles these contributions with employer remittance forms and submits this reconciliation to MassMutual. MassMutual acts as custodian of your entire individual account.

The Plan's recordkeeping and reconciliation procedures are designed to monitor and record elective contributions accurately. While the process protects your interest, it may also mean that there will be some delay between the time you make an elective contribution and the time that the contribution is entered into your 401(k) Account.

### HOW MUCH CAN I CONTRIBUTE TO MY 401(k) ACCOUNT?

You may contribute as much of your pay as you'd like, up to the limits set by the Internal Revenue Code (IRC). The IRC limits the amount you may contribute in any calendar year. The amount is adjusted periodically by the Internal Revenue Service (IRS) to reflect changes in the cost of living. The annual limit for both 2016 and 2017 is \$18,000. Even if you participate in more than one retirement program that allows you to make contributions, your total for all plans is still \$18,000. If you are or will be age 50 or older during the year, you can make additional elective contributions, called catch-up contributions, to the 401(k) Plan. See "Catch-Up Contributions" on page 10.

There may be a lower limit for some highly paid participants under certain circumstances. You will be notified if and when a lower limit applies to you.

### Contributing More than the Law Allows

If you contribute more than what's allowed by law, the Plan may be required to take corrective actions. Such corrective actions may include distribution of excess contributions and earnings on such excess contributions. In the event the Plan distributes to you excess contributions and related earnings (if any), such distribution must occur by April 15 of the year following the year that the money went into your account. The distribution of this excess amount will be considered taxable income in the year in which it is distributed to you. If this is your year of hire and you contributed to another 401(k) plan with your prior employer, you need to contact the Plan to request a refund of excess contributions by March 1 of the following year to make sure any excess is distributed by April 15.

#### GET YOUR INFORMATION ONLINE

Visit our website at  
[www.massmutual.com/liuec](http://www.massmutual.com/liuec)  
to view your account  
at any time or to get  
information about the Plan.



### **Catch-Up Contributions**

If you are age 50 or older by the end of the plan year, you can make additional elective contributions to the 401(k) Plan, called “catch-up contributions.” Like regular 401(k) contributions, catch-up contributions are withheld from your compensation on a pre-tax basis, but you can make catch-up contributions even if you have reached the IRC’s contribution limit (\$18,000 for 2016 and 2017). Ask your employer for a 401(k) contribution enrollment/deferral change form to make catch-up contributions to the 401(k) Plan. In some cases, your contributions to the 401(k) Plan will automatically become catch-up contributions when you reach the IRC’s contribution limit if you are or will be over age 50 during the year, but some employers require that you make a separate catch-up contribution election.

The maximum catch-up contribution for each of the 2016 and 2017 plan years is \$6,000. The catch-up contribution amount is adjusted periodically by the IRS to reflect changes in the cost of living.

### **Your Compensation**

For Plan purposes, your compensation is your gross earnings paid to you by your employer. It generally includes wages and other remuneration provided to you by your employer in a calendar year. However, under IRS rules, there are limits on the amount of your compensation that may be taken into account under the Plan. If you earn more than \$265,000 in 2016, only the first \$265,000 is considered your compensation under the Plan. This \$265,000 cap is adjusted periodically by the IRS to reflect changes in the cost of living. In 2017, the limit is \$270,000.

### **DOES MY EMPLOYER CONTRIBUTE TO MY 401(k) PLAN?**

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No. Your employer does not contribute to your 401(k) Account. However, your employer does make contributions to the Annuity Plan on your behalf regardless of whether you elect to make contributions to the 401(k) Plan.

### **HOW DO THE CONTRIBUTIONS I MAKE TO MY 401(k) ACCOUNT EARN MONEY?**

---

Once you make elective contributions to the 401(k) Plan, you choose how you'd like to invest those contributions. You have the opportunity to change or stop your contributions if you'd like. You can change your investment elections at any time.

### **DO I CONTROL HOW MY 401(k) AND ROLLOVER CONTRIBUTIONS ARE INVESTED?**

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Yes. You direct how your elective contributions in your 401(k) Account are invested. If you have established a Rollover Account, you also direct the investment in your Rollover Account. You may make investment changes, subject to excessive trading limits as described on page 11, by simply calling 1-800-74-FLASH or visiting [www.massmutual.com/iuec](http://www.massmutual.com/iuec).

The assets in your 401(k) Account and Rollover Account are intended to comply with Section 404(c) of the Employee Retirement Income Security Act of 1974 (ERISA) and Title 29 of the Code of Federal Regulations Section 2550.404(c)-1. The Plan gives participants the right to direct how their money is invested. This means that the Trustees are not liable for any investment losses that are the result of the investment choices that you make or fail to make. You are responsible for making all investment changes for these accounts, even after your employment terminates. You should carefully review all information provided to you by the Plan (and any other information from any other sources that you consider important), and make sure that your investment choices are appropriate for your individual needs.

## HOW DO I CHOOSE MY 401(k) INVESTMENTS?

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When you begin participating in the Plan, you will receive a complete enrollment kit that provides details about the various investment options that are available to you if you elect to contribute to the 401(k) Plan. The goal of the Elevator Constructors Annuity and 401(k) Retirement Plan is to provide you with supplemental retirement income. Investment options have been selected to help you reach this goal. Among these choices are conservative, moderate and aggressive investment options for you to elect based on your age, risk tolerance, plans for retirement and how long you plan to continue working.

If you choose not to actively manage how your 401(k) Account is invested or if you do not affirmatively elect to invest your 401(k) Account in one or more investment options, your 401(k) Account will be invested in the target-date retirement fund appropriate for your age. Each retirement target-date fund is a diversified mix of stocks, bonds and cash that automatically becomes more conservative as the fund's target retirement age nears. Once you establish your 401(k) Account, you may begin to actively manage your 401(k) Account at any time.

As a general rule, you may direct or redirect the investment fund(s) in which your 401(k) Account is to be invested on a daily basis and, separately, direct or redirect the investment of future contributions made on your behalf. Please note, however, that market timing and other excessive trading in the form of frequent purchases and sales of mutual fund shares and similar investments can harm investment performance by increasing transaction costs and disrupting the portfolio manager's investment strategy. Accordingly, you will be prohibited from transferring into most mutual funds and similar investment options if you have transferred into and out of the same option within the previous 60 days. Certain investment options are not subject to this rule, and this rule does not prohibit you from transferring out of any option at any time. In addition to these automated procedures, MassMutual monitors transactions in all investment options to detect excessive trading and may take additional steps as necessary to prevent such activity. Purchases and sales resulting from contributions, distributions and certain other transactions are excluded when determining whether trading activity is excessive.

To receive an enrollment kit and to get information about the investment options available to you under the Plan, call 1-800-74-FLASH or log on to [www.massmutual.com/iuec](http://www.massmutual.com/iuec). Please note: Once you are eligible to participate in the 401(k) Plan, an enrollment kit is mailed to your home. The kit contains your user identification number as well as your password. If you misplace your user identification and/or password, you can call 1-800-74-FLASH and request a new one. Once requested, this information will be mailed to your home.

You may wish to talk to a professional investment advisor to help you understand the best way for you to invest your 401(k) Account for your personal situation. For more information about investing, refer to the chapter "Earning Your 401(k) Plan Benefit," beginning on page 8.

## CAN I STOP, SUSPEND OR CHANGE THE RATE OF MY 401(k) CONTRIBUTIONS?

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If you wish to stop contributing to your 401(k) Account, you must submit to your employer a completed revised 401(k) contribution enrollment/deferral change form. Your contributions will be stopped as soon as administratively possible. Your 401(k) contributions will automatically be suspended (and must remain suspended for 6 months) if you take a hardship withdrawal, as described on page 15.

If you voluntarily suspend your 401(k) contributions, or if your 401(k) contributions are suspended after a hardship withdrawal and you decide you'd like to begin contributing again, you may do so (but no earlier than 6 months after a hardship withdrawal) by submitting to your employer a complete 401(k) contribution enrollment/deferral change form. Your 401(k) contributions will restart as soon as administratively feasible after the new form is received by your employer.





## HOW IS MY 401(k) ACCOUNT VALUED?

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The value of your 401(k) Account is based on the fair market value of the assets in your 401(k) Account.

The value of your 401(k) Account is increased by:

- any elective contributions that you make to your account during the period; and
- the net gains attributed to your investment selections.

The value of your 401(k) Account is decreased by:

- any withdrawals or distributions that have been made to you;
- your share of the investment expenses of the 401(k) Plan; and
- the net losses attributed to your investment selections.

## HOW OFTEN IS MY 401(k) ACCOUNT VALUED?

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MassMutual will compute the value of your 401(k) Account each business day.

## IF I DECIDE NOT TO PARTICIPATE NOW IN THE 401(k) PLAN, CAN I CHANGE MY MIND LATER?

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Yes. If you choose not to participate in the 401(k) Plan when you first become eligible, you may elect to begin making contributions to the 401(k) Plan at a later date. When you're ready to start contributing, you'll need to submit to your employer a complete 401(k) contribution enrollment/deferral change form. Your participation will begin as soon as administratively feasible.

## CAN I RESTART MY 401(k) CONTRIBUTIONS IF I LEAVE AND THEN RETURN TO COVERED EMPLOYMENT?

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Yes. If you leave covered employment after becoming eligible to participate in the Plan and you later return to covered employment, you can begin making contributions to your 401(k) Account, provided you submit to your employer a complete 401(k) contribution enrollment/deferral change form. Your contributions to your 401(k) Account will begin as soon as administratively feasible.

## WHEN CAN I RECEIVE A DISTRIBUTION OF MY 401(k) PLAN ACCOUNT?

---

Generally, you may elect to receive a distribution from your 401(k) Account when you:

- retire;
- attain age 59 1/2;
- become disabled;
- after you have incurred a separation from service. Generally, a separation of service occurs when you terminate employment in the elevator industry for a specific period of time. Separation from service is any absence from employment with all contributing employers (other than on account of retirement, disability or death) that causes you to have no annuity contributions made to your Annuity Account for a certain period of time outlined in the Distribution Chart on page 20; or
- experience a financial hardship (described on page 15).

You must provide written consent to receive your distribution. See "Receiving Your Distribution" on page 18.

# Earning Your Annuity Plan Benefit

The money that your employer contributes to your Annuity Account is invested on your behalf. You may receive a distribution from your Annuity Account provided you leave covered employment and meet the Plan's eligibility rules for a distribution from your Annuity Account.

## FAST FACTS:

- Participation in the Annuity Plan is automatic.
- The money that your employer contributes to your Annuity Account can grow based on the performance of the Annuity Plan's investments.

## HOW DOES THE ANNUITY PLAN WORK?

Your employer makes contributions to your Annuity Account as required under the terms of your employer's collective bargaining agreement with the IUEC or your employer's participation agreement with the Trustees. These contributions are held in a trust fund and invested. The investment income, if any, that is earned on these contributions is also credited to your account.

You do not make contributions to the Annuity Plan. The money in your Annuity Account is always yours and when you leave covered employment, you may apply for and receive a distribution of your Annuity Account, provided you meet the Plan's eligibility rules for Annuity Account distributions.

You do not have to make contributions to the 401(k) Plan to receive employer contributions to your Annuity Account.

## HOW MUCH DOES MY EMPLOYER CONTRIBUTE TO THE ANNUITY PLAN?

The amount your employer contributes to your Annuity Account is defined in your employer's collective bargaining agreement with the IUEC or your employer's participation agreement with the Trustees. Employer contributions to the Annuity Plan are submitted monthly to the Benefits Office by the 15th day of the month following the month in which hours are reported. For specific information, contact the Benefits Office.

### Limits on Contributions

The law limits the total annual amount of contributions that may be made to this Plan on your behalf. The annual limit is \$53,000 (or your total compensation, if less) in 2016 and 2017. This annual limit takes into account both employer contributions made on your behalf to your Annuity Account and your elective contributions to your 401(k) Account. This limit is adjusted periodically by the IRS to reflect changes in the cost of living. You will be notified if contributions to your individual account exceed this annual limit and the corrective actions the Plan will take to address excess contributions.

## HOW IS MY ANNUITY ACCOUNT VALUED?

The value of your Annuity Account is based on fair market value of the assets in your Annuity Account.

The value of your Annuity Account is increased by:

- any Annuity contributions received; and
- the net gains attributed to investment income.

The value of your Annuity Account is decreased by:

- any distributions that have been made from your Annuity Account;
- your share of the investment expenses of the Annuity Plan;
- net investment losses; and
- administrative fees and expenses allocated to your account (see page 30).

**CAN I PARTICIPATE IN THE ANNUITY PLAN IF I DO NOT CONTRIBUTE TO THE 401(k) PLAN?**

*Yes. You do not need to contribute to the 401(k) Plan to participate in the Annuity Plan.*

## HOW OFTEN IS MY ANNUITY ACCOUNT VALUED?

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MassMutual will compute the value of your Annuity Account each business day.

## HOW ARE MY EMPLOYER'S CONTRIBUTIONS INVESTED?

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Your employer's contributions to your Annuity Account are invested and reinvested in investments selected by the Trustees. You do not have the ability to direct the investment of your Annuity Account.

## WHEN CAN I RECEIVE A DISTRIBUTION OF MY ANNUITY PLAN ACCOUNT?

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Generally, a distribution may be made of any portion of your Annuity Account:

- When you **retire**
- If you become **disabled**
- Upon your **death**

Under the terms of the Plan, you will be deemed to have **retired** if:

- You have had a separation from service;
- You are age 55 or older; and
- You are either receiving a pension benefit from the NEI Pension Fund or receiving Social Security Retirement benefits.

A participant is considered disabled if the participant's **disability** has been determined by the Social Security Administration to qualify the participant for Social Security Disability benefits.

Under certain circumstances, you may receive a distribution of the portion of your Annuity Account attributed to contributions made to the Plan prior to January 1, 2011 even though you have not retired and have not suffered a disability. Specifically, you can receive such a distribution after you have incurred a separation from service. Generally, a separation from service occurs when you terminate employment in the elevator industry for a specific period of time. Separation from service is any absence from employment with all contributing employers (other than on account of retirement, disability or death) that causes you to have no annuity contributions made to your Annuity Account for a certain period of time.

To help you understand when you can receive a distribution of your Annuity Account, this SPD includes a Distribution Chart that describes when you may first receive distributions under the Plan. See pages 20 and 21.

You must provide written consent to receive your distribution. See "Receiving Your Distribution" on page 18.

# Hardship Withdrawals

*If you have a financial hardship that threatens your financial security, as defined by IRS regulations, you may apply for a hardship withdrawal from your 401(k) Account.*

## FAST FACTS:

- You may withdraw a portion of the elective contributions you made to your 401(k) Account if you experience a financial hardship.
- To be eligible for a hardship withdrawal you must experience a heavy and immediate financial need that cannot be met from other resources and the hardship must be due to a specific event as prescribed by the IRS.
- You are not required to repay your hardship withdrawal; however, your elective contributions to your 401(k) Account will be suspended for the six-month period following the date you receive the withdrawal.

## WHAT IS A HARDSHIP WITHDRAWAL?

A hardship withdrawal is a distribution from your 401(k) Account in the event that you have an immediate and heavy financial need which is due to a specific event as prescribed by the IRS.

## WHAT TYPES OF HARDSHIPS QUALIFY?

Hardship withdrawals are available only for:

- tax deductible medical expenses for you, your spouse or dependent;
- purchase of a principal residence for you (not including mortgage payments);
- payment of tuition, related educational fees, and room and board expenses for post-secondary education for you, your spouse or your children or dependents for the next twelve months
- prevention of eviction from your principal residence or foreclosure on the mortgage on your principal residence;
- burial or funeral expenses for your deceased parent, spouse, child or dependent; or
- expenses for the repair of your principal residence if the expenses would qualify as deductible casualty expenses under Section 165 of the Internal Revenue Code.

## HOW CAN I RECEIVE A HARDSHIP WITHDRAWAL?

To receive a hardship withdrawal, contact MassMutual by logging onto the RetireSmart site at [www.massmutual.com/iuec](http://www.massmutual.com/iuec) or calling 1-800-74-FLASH. Forward your completed application to:

Elevator Constructors Annuity and 401(k) Retirement Plan  
c/o MassMutual Retirement Services  
P.O. Box 219062  
Kansas City, MO 64121-9062

## ARE THERE PENALTIES FOR MAKING A HARDSHIP WITHDRAWAL?

Yes. If you receive a hardship withdrawal, you may not make elective contributions to your 401(k) Account for six months after you've received the hardship withdrawal.

After the suspension period has passed, you may begin to make elective contributions again, provided you resubmit to your employer a complete 401(k) contribution enrollment/deferral change form.

The hardship withdrawal is taxed as regular income. In addition, if you are under age 59½ at the time of a hardship withdrawal, you may also be subject to a 10% early withdrawal tax penalty on the amount of the hardship withdrawal.

### HOW MUCH MONEY CAN I WITHDRAW?

*You may withdraw your elective contributions up to the amount of your financial need—plus tax and penalties.*





# Taxability of Contributions and Distributions

*You are not subject to federal income tax on any contributions that you or your employer makes, or on any earnings on the money in your individual account, until you receive a distribution from the Plan.*

## FAST FACTS:

- **Your 401(k) Plan elective contributions are redirected to your 401(k) Account before income taxes are taken out of your paycheck, thereby saving you money in income taxes.**
- **While your money is in your individual account, you do not pay taxes on any investment earnings.**
- **When you receive a distribution of the money in your individual account, you are required to pay income taxes on it unless you roll it over into another eligible employer retirement plan, including an Individual Retirement Account (IRA), within 60 days.**

## DO I PAY TAXES ON MY CONTRIBUTIONS?

Since the Plan is a tax-exempt trust and the 401(k) portion of the Plan is a qualified 401(k) plan, you are not subject to current federal income taxes on the elective contributions you make to the 401(k) Plan, the contributions your employer makes to your Annuity Account, or on any investment earnings on the money in your account. Moreover, if you timely roll over an eligible rollover distribution from another eligible employer retirement plan to this Plan, that eligible rollover distribution will not be subject to federal income taxes until you receive a distribution of your Rollover Account.

However, the amount by which your pay is reduced is subject to federal employment (Social Security and Medicare) taxes at the time it is paid to the 401(k) Plan. Elective contributions to your 401(k) Plan and employer contributions to your Annuity Plan may also be subject to state or local taxes in certain jurisdictions.

When the money in your account is distributed to you, it is generally subject to federal, state and local income taxes.

## CAN I DEFER PAYING TAXES ON A DISTRIBUTION FROM MY ACCOUNT?

If you are eligible to receive a distribution from your individual account, in most cases you will be given the opportunity to elect a “direct rollover” (i.e., a plan to plan transfer) of the distribution to another eligible retirement plan as defined by law.

Generally, an eligible retirement plan includes an Individual Retirement Account (IRA) or another employer’s tax qualified retirement plan that will accept the transfer. If you directly roll over a distribution, you do not have to pay taxes on it until you receive a distribution from the eligible retirement plan that receives the rollover.

If you do not elect to make a direct rollover to another eligible retirement plan, the Plan must withhold 20% federal income tax from the distribution. If you subsequently deposit the distribution into an eligible retirement plan within 60 days of distribution, you can choose to pay the 20% withholding amount as part of your deposit rollover and seek a tax refund when filing your tax return.

## IRS FORM 1099-R

You will receive IRS Form 1099-R providing you with tax filing information for all distributions paid to you from the Plan. The form will be sent to you by January 31 following the year in which the distribution was made. As required by law, a copy of the form will be forwarded to the IRS.

### GET HELP FROM A PROFESSIONAL!

*Tax laws are complex— consult with a professional tax advisor before you take a payment of benefits from the Plan to discuss your personal financial situation.*

## HOW DO I ROLL OVER MY INDIVIDUAL ACCOUNT BALANCE TO AN ELIGIBLE RETIREMENT PLAN?

When you apply for a distribution from your individual account, you will be given the option to:

- elect a single lump-sum payment; or
- elect installment payments for a period of between 12 and 119 months; or
- transfer your entire account balance to an eligible retirement plan; or
- transfer one or more periodic installments to an eligible retirement plan.

Generally, a single lump-sum payment or any periodic installment payment from your account is subject to 20% withholding for federal income tax purposes if the payment is not transferred directly to an eligible retirement plan.

To transfer your account balance to an eligible retirement plan, call 1-800-74-FLASH for the appropriate forms.

## DOES THE PLAN ACCEPT ROLLOVERS FROM OTHER ELIGIBLE RETIREMENT PLANS?

Yes, the Plan accepts rollovers from other qualified retirement plans. Call 1-800-74-FLASH or log on to [www.massmutual.com/iuec](http://www.massmutual.com/iuec) for a rollover contribution form. The Trustees may ask you for proof that the rollover contribution is from an employer-sponsored qualified retirement plan from which you were eligible to receive a distribution.

Acceptable proof may include a copy of your request for a distribution from the other plan.

Distributions from an Individual Retirement Account (IRA) are not eligible for rollover into the Plan.

A rollover to the Plan will be credited to a Rollover Account. You are responsible for investing the money in your Rollover Account. Your Rollover Account must be invested in the same investment options that you have chosen for the investment of your 401(k) Account. See page 8 for information about how to invest your 401(k) and Rollover Accounts.

To make a rollover contribution, complete the form and send it along with the rollover check to:

Elevator Constructors Annuity and 401(k) Retirement Plan  
c/o MassMutual Retirement Services  
P.O. Box 219062  
Kansas City, MO 64121-9062

## WHAT IF I APPLY FOR MY BENEFIT BEFORE AGE 59<sup>1/2</sup>?

If you receive a distribution or withdrawal from your individual account before age 59<sup>1/2</sup>, you may have to pay an additional 10% penalty tax on the distribution. There are, however, exceptions to the 10% early distribution penalty. Your tax advisor can assist you in determining if one of the exceptions applies to your distribution.



# Receiving Your Distribution

## FAST FACTS:

- Whether you may receive a distribution of your individual account will depend on whether you are seeking a distribution of your 401(k) Account, your Annuity Account or your Rollover Account. Generally, a distribution may be made of any portion of your individual account once you retire, if you become disabled or upon your death.
- The Plan allows distributions under other circumstances. Please refer to the Distribution Chart below, which outlines each scenario as well as the corresponding distribution options available.
- You must file an application to receive a distribution. To get an application, contact MassMutual by logging onto the RetireSmart site at [www.massmutual.com/iuec](http://www.massmutual.com/iuec) or calling 1-800-74-FLASH

## WHEN CAN I RECEIVE A DISTRIBUTION OF MY INDIVIDUAL ACCOUNT?

Different distribution eligibility rules apply to distributions from your 401(k) Account, Rollover Account and Annuity Account. Moreover, a separate set of distribution eligibility rules applies to the portion of your Annuity Account attributable to contributions received prior to January 1, 2011 (your "Old" Annuity Account) and the portion of your Annuity Account attributable to contributions received on or after January 1, 2011 (your "New" Annuity Account). The following table outlines the general distribution rules that apply to each of these accounts.

DISTRIBUTION ELIGIBILITY RULES OVERVIEW				
Can I receive a distribution...	401(k) Account	Rollover Account	"Old" Annuity Account	"New" Annuity Account
While I'm still working for a contributing employer if I'm age 59 1/2 or older?	Yes	Yes	No	No
While I'm working for a contributing employer, if I have a financial hardship?	Yes, if you meet the eligibility requirements for a hardship withdrawal. See page 15.	No	No	No
If I have a <b>separation from service</b> before I <b>retire</b> or become <b>disabled</b> .	Yes See Distribution Chart	Yes See Distribution Chart	Yes See Distribution Chart	No
When I <b>retire</b> ? (Read the Plan's definition of "retired" on the next page)	Yes	Yes	Yes	Yes
When I die?	Yes, to your surviving spouse or beneficiary.	Yes, to your surviving spouse or beneficiary.	Yes, to your surviving spouse or beneficiary.	Yes, to your surviving spouse or beneficiary.
If I become <b>disabled</b> ? (Read the Plan's definition of "disabled" on the next page)	Yes	Yes	Yes	Yes

### Distributions upon Retirement, Disability or Death

Generally, a distribution may be made of any portion of your individual account:

- When you **retire**
- If you become **disabled**
- Upon your **death**

Under the terms of the Plan, you will be deemed to have **retired** if:

- You have had a separation from service;
- You are age 55 or older; and
- You are either receiving a pension benefit from the NEI Pension Fund or (if you are not vested under the NEI Pension Plan) receiving Social Security Retirement benefits.

A participant is considered **disabled** if the participant's disability has been determined by the Social Security Administration to qualify the participant for Social Security Disability benefits.

Your spouse or other designated beneficiary will receive your individual account balance upon your death. If there is no surviving spouse and no beneficiary designation is on file or your designated primary and contingent beneficiaries all die before you, your benefit will be paid to the person or persons designated by you under the terms of the National Elevator Industry Health Benefit Plan, or else to your estate if no designation has been made under the Health Benefit Plan. Details about the Plan's death benefits can be found on page 23.

### Distributions upon Separation from Service

Under certain circumstances, you may receive a distribution of your 401(k) Account, your Rollover Account or a portion of your Annuity Account even though you have not retired and have not suffered a disability. Specifically, you can receive such a distribution after you have incurred a **separation from service**. Generally, a separation from service occurs when you terminate employment in the elevator industry for a specific period of time. Separation from service is any absence from employment with all contributing employers (other than on account of retirement, disability or death) that causes you to have no annuity contributions made to your Annuity Account for a certain period of time outlined in the Distribution Chart on page 20.

### Distributions of Your 401(k) Account at Age 59<sup>1/2</sup>

If you have not retired and have not incurred a separation from service, you may voluntarily receive a distribution from your 401(k) Account (and, if applicable, your Rollover Account) at age 59<sup>1/2</sup>.

### Financial Hardships

If you experience a **financial hardship**—a heavy and immediate financial need—you may withdraw all or any portion of your 401(k) Account, exclusive of earnings. Information regarding these “hardship withdrawals” is provided on page 15.

### Distribution Chart

To help you understand when you can receive a distribution of your 401(k) Account, your Annuity Account or your Rollover Account, this SPD includes a “Distribution Eligibility Rules Overview” table and a “Distribution Chart” that describe when you may receive distributions under the Plan. See page 18 and page 20.

## DISTRIBUTION CHART

Event	Accounts	Distribution Details and Options
<p><b>3-Month Separation from Service.</b> If you leave employment with all contributing employer, and no employers have made contributions to your Annuity Account for 3 consecutive months, then you will be deemed to have incurred a Separation from Service as of the beginning of your absence.</p>	<p>You may receive a distribution from your 401(k) Account and/or your Rollover Account only.</p>	<p>You may receive distributions from your 401(k) Account and/or Rollover Account as follows :</p> <ul style="list-style-type: none"> <li>• up to 1/3rd of your 401(k) Account and/or Rollover Account on the 1st day of the 4th calendar month after your Separation from Service;</li> <li>• up to 50% of your 401(k) Account and/or Rollover Account on the 1st day of the 5th calendar month after your Separation from Service; and</li> <li>• up to 100% of your 401(k) Account and/or Rollover Account on the 1st day of the 6th calendar month after your Separation from Service.</li> </ul> <p>If an employer makes contributions to your Annuity Account after you receive a distribution in the 4th calendar month but before the 6th calendar month, you will not be eligible to receive a distribution under this category. If an employer makes contributions to your Annuity Account after you receive a distribution in the 5th calendar month but before the 6th calendar month, you will not be eligible to receive a distribution under this category.</p>
<p><b>6-Month Separation from Service.</b> If you leave employment with all contributing employers, and no employer has made contributions to your Annuity Account for 6 consecutive months, then you will be deemed to have incurred a Separation from Service as of the beginning of your absence.</p>	<p>You may receive a distribution from your 401(k) Account, your Rollover Account and/or your “Old” Annuity Account only.</p>	<p><b>401(k) Account:</b> A distribution can be made for all or a portion of your 401(k) Account. You also have the option to have installment payments paid over a period of time not to exceed 119 months.</p> <p><b>Rollover Account:</b> A distribution can be made for all or a portion of your Rollover Account. You also have the option to have installment payments paid over a period of time not to exceed 119 months.</p> <p><b>Annuity Account (“Old” Annuity Account only):</b> A distribution can be made for all or a portion of your Old Annuity Account. You also have the option to have installment payments paid over a period of time not to exceed 119 months.</p> <p>If you return to employment within the industry, any remaining installment payments will cease while you are employed.</p>
<p><b>You’re at least age 59½.</b> If you are still working for a contributing employer at age 59½.</p>	<p>You may receive a distribution from your 401(k) Account and/or your Rollover Account only.</p>	<p>You may receive a distribution from your 401(k) Account and/or Rollover Account as a single lump sum or in installment payments paid over a period not to exceed 119 months.</p>
<p><b>You “retire”</b> (see definition on page 19)</p>	<p>You may receive a distribution from your 401(k) Account, your Rollover Account, “Old” Annuity Account and “New” Annuity Account.</p>	<p><b>401(k) Account:</b> A distribution can be made for all or a portion of your 401(k) Account. You also have the option to have installment payments paid over a period of time not to exceed 119 months.</p> <p><b>Rollover Account:</b> A distribution can be made for all or a portion of your Rollover Account. You also have the option to have installment payments paid over a period of time not to exceed 119 months.</p> <p><b>Annuity Account:</b> A distribution can be made for all or a portion of your Annuity Account. You also have the option to have installment payments paid over a period of time not to exceed 119 months.</p>
<p><b>You are “disabled”</b> (see definition on page 19)</p>	<p>You may receive a distribution from your 401(k) Account, your Rollover Account, “Old” Annuity Account and “New” Annuity Account.</p>	<p><b>401(k) Account:</b> A distribution can be made for all or a portion of your 401(k) Account. You also have the option to have installment payments paid over a period of time not to exceed 119 months.</p> <p><b>Rollover Account:</b> A distribution can be made for all or a portion of your Rollover Account. You also have the option to have installment payments paid over a period of time not to exceed 119 months.</p> <p><b>Annuity Account:</b> A distribution can be made for all or a portion of your Annuity Account. You also have the option to have installment payments paid over a period of time not to exceed 119 months.</p>

## DISTRIBUTION CHART

Event	Accounts	Distribution Details and Options
<p><b>You experience a financial hardship.</b> You must have experienced a heavy and immediate financial need that can't be met from other resources. (See page 15 for more details.)</p>	<p>You may obtain a hardship withdrawal from your 401(k) Account only, investment earnings are not available for withdrawal.</p>	<p>Hardship withdraws can be made for the following reasons:</p> <ul style="list-style-type: none"> <li>• Tax deductible medical expenses for you, your spouse or dependents;</li> <li>• Purchase of a principal residence for you (not including mortgage payments);</li> <li>• Payment of tuition, related educational fees, and room and board expenses for post-secondary education for you, your spouse or your children or dependents for the next 12 months;</li> <li>• Prevention of eviction from or foreclosure on the mortgage on your principal residence;</li> <li>• Burial or funeral expenses for your deceased parent, spouse or dependent; or</li> <li>• Expenses for the repair of your principal residence if the expenses would qualify as deductible casualty expenses under §165 of the Internal Revenue Code.</li> </ul> <p>If you receive a hardship withdrawal, you may not make elective contributions to your 401(k) Account for 6 months after you've received the hardship withdrawal.</p>
<p><b>Distributions to Alternate Payees under the Terms of a QDRO</b></p>	<p>A participant's alternate payee may receive a distribution of the portion of the participant's individual account assigned to the alternate payee in accordance with the terms of the QDRO.</p>	<p>Notwithstanding the distribution eligibility rules described above, a QDRO may provide that any benefits of a participant payable to an alternate payee may be distributed:</p> <ul style="list-style-type: none"> <li>• Immediately upon the order being determined a QDRO, or</li> <li>• At a later time specified in the QDRO, or</li> <li>• If the QDRO does not specify, in accordance with the distribution eligibility rules described above.</li> </ul> <p>A distribution to an alternate payee can be made for all or a portion of the participant's individual account assigned to the alternate payee. The alternate payee has the option to have installment payments paid over a period of time not to exceed 119 months.</p>

## DIRECT ROLLOVERS

*Remember, you may elect to make a direct rollover of your distribution to another employer's eligible retirement plan. If you do not make a direct rollover, you can still delay paying taxes on your benefit by rolling the benefit to another employer's eligible retirement plan within 60 days of distribution.*

## MAY I WAIT TO TAKE A DISTRIBUTION?

You don't have to begin your distribution immediately when you leave employment with a contributing employer. If you want, you can wait to begin receiving your distribution until you reach your **Required Beginning Date**. Your Required Beginning Date is April 1 of the calendar year after the calendar year in which you attain age 70½, or, if later, the date you have a separation from service. However, if you are a 5% owner of a contributing employer, your Required Beginning Date is April 1 of the calendar year after the calendar year in which you attain age 70½ even if you have not had a separation from service. When you reach your Required Beginning Date, you must take a full distribution of your account by either a direct payment or rolling the balance over to another eligible retirement plan, or else begin installment distributions that are at least equal to the IRS minimum required distribution. Once you reach your Required Beginning Date, the portion of your distribution that is a "minimum required distribution" as defined by the IRS will not be eligible for rollover. If you do not receive required minimum distributions in a timely manner under IRS rules, you may be subject to an excise tax of 50% of the amounts that were not distributed on time, so it is important that you file your benefit application on time!

### How Do I Receive a Distribution?

To receive the distribution of your individual account, you'll need to complete an application form. Contact 1-800-74-FLASH to receive your application form. Complete the form and mail it to MassMutual.

The address for MassMutual is:

Elevator Constructors Annuity and 401(k) Retirement Plan  
c/o MassMutual Retirement Services  
P.O. Box 219062  
Kansas City, MO 64121-9061

## INFORMATION, PROOF AND OVERPAYMENTS

You, your beneficiary or any alternate payee shall furnish, at the request of the Trustees, any information or proof reasonably required to determine benefit rights. If you make a willfully false statement material to your application or furnish fraudulent information or proof material to your claim, benefits under the Plan may be modified, denied, suspended, or discontinued. The Trustees shall have the right to recover any benefit payments made in reliance on any willfully false or fraudulent statement, information or proof submitted by you, your beneficiary or any alternate payee.

The Plan shall have a constructive trust, lien and/or an equitable lien by agreement on any overpaid or advanced benefits received by you, your Spouse, alternate payee or Beneficiary ("Payee") or your or your Payee's representative (including an attorney) that is due to the Plan under this Section, and any such amount is deemed to be held in trust by you or your Payee for the benefit of the Plan until paid to the Plan. By accepting benefits from the Plan, you and your Payee consent and agree that a constructive trust, lien, and/or equitable lien by agreement in favor of the Plan exists with regard to any overpayment or advancement of benefits. In accordance with such constructive trust, lien, and/or lien by agreement, you or your Payee agrees to cooperate with the Plan in reimbursing it for all of its costs and expenses related to the collection of those overpayments or advancement of benefits.

The Plan may recover overpaid benefits by offsetting all future benefits otherwise payable by the Plan on your behalf or on behalf of your Payees. For example, if the overpayment or advancement was made to you as a Participant, the Plan may offset the future benefits payable by the Plan to you or your Payees. If the overpayment or advancement was made to your Payee, the Plan may offset the future benefits payable by the Plan to you or your Payees.

If you, or if applicable, your Payee, fails to reimburse the Plan and the Plan is required to pursue legal action against you or your Payee to obtain repayment of the overpayment or the benefits advanced by the Plan, you or your Payee shall pay all costs and expenses, including attorneys' fees and costs, incurred by the Plan in connection with the collection of any amount owed to the Plan or the enforcement of any of the Plan's rights to reimbursement. You or your Payee also shall be required to pay interest at the rate determined by the Trustees from time to time from the date you or your Payee becomes obligated to repay the Plan through the date the Plan is paid the full amount owed.

By accepting benefits from the Plan, you agree to waive any applicable statute of limitations defense available regarding the enforcement of any of the Plan's rights to recoup overpayments.



## HOW IS MY DISTRIBUTION PAID?

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You (or your beneficiary, if you die) may receive your entire individual account balance in the Plan either as a lump sum or in periodic installments (unless your account balance is \$1,000 or less). Periodic installments can be elected for any period between 12 and 119 months as long as the period is less than your life expectancy or the life expectancy of you and your spouse. You may also elect a direct rollover of the distribution to another employer's eligible retirement plan.

The Plan's periodic installment payment option is flexible (subject to the **Required Beginning Date** rules on page 22). At any time you can change the frequency of the payments, the amount of each payment, or the period over which the payments will be made as long as the total period for the payments remains less than 10 years. If you elect installment distributions, the portion of your individual account that remains in the Plan continues to be credited with investment earnings and losses and with your allocated share of expenses until it is distributed to you.

Whether you elect to receive a lump-sum payment or installments, the lump-sum payment or an installment may be rolled over into another eligible retirement plan. If you elect to receive the lump-sum payment or an installment rather than rolling it over into an eligible retirement plan, 20% of the lump-sum payment or the installment will be withheld for income tax. If you subsequently deposit the lump-sum payment or installment into an eligible retirement plan within 60 days of distribution, you can choose to pay the 20% withholding amount as part of your deposit rollover and seek a tax refund when filing your tax return.

The Trustees or their recordkeeper will give you more information about receiving a lump-sum payment or periodic installments, or making a rollover of a lump-sum payment or an installment, when you apply for your benefit.

### **Involuntary Distributions When Your Individual Account Balance Is \$1,000 or Less after Separation from Service**

Notwithstanding the above, if the value of your individual account is \$1,000 or less as of the last day of the calendar year after the calendar year of your separation from service, your individual account will be distributed to you in a lump sum as soon as practicable after that date, provided that no employer contributions to your Annuity Account are due or were paid after your separation from service.

## DO I LOSE THE MONEY IN MY INDIVIDUAL ACCOUNT IF I STOP WORKING?

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No. You are 100% vested in your individual account. The amount in your individual account will be paid only to:

- You; or
- If you die—
  - your surviving spouse or designated beneficiary, or
  - if you don't have a surviving spouse or designated beneficiary, the person or persons designated by you as your life insurance beneficiary under the terms of the National Elevator Industry Health Benefit Plan, or
  - your estate if no designation has been made under the Health Benefit Plan or if your designated beneficiaries have all died before you. (See "If You Die" on page 25); or
- Your spouse, former spouse, child or other dependent under a Qualified Domestic Relations Order (QDRO) providing for child support, alimony payments, or marital property rights.

Note, however, that your individual account continues to be adjusted for investment earnings or losses, and for expenses allocated to your individual account, until it is distributed, so it is possible for your account to decline after you leave employment with a contributing employer.

## WHAT IF I DIE BEFORE I RECEIVE MY DISTRIBUTION?

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If you die before you've received the distribution of your entire individual account balance, your individual account balance will be paid to your surviving spouse as a death benefit in either a lump-sum payment or periodic installments for a period of between 12 and 119 months, as elected by your surviving spouse. If you do not have a surviving spouse or if your spouse consents in writing (and the consent is witnessed by a notary public) to your designation of a non-spousal beneficiary, your individual account balance will be paid to your designated beneficiary. If you don't have a surviving spouse or designated beneficiary, your individual account balance will be paid to the person or persons designated by you under the terms of the National Elevator Industry Health Benefit Plan, or else to your estate if no designation has been made under the Health Benefit Plan or if your designated beneficiaries have all died before you. See "If You Die" on page 25 for more information.



# Life Events That May Affect Your Benefit

*At certain times in your life, you may experience events—such as marriage, divorce or stopping work—that can affect your rights and benefits under the Plan.*

## FAST FACTS:

- **If you marry, your spouse is by law your beneficiary for your Plan benefit. You may name someone other than your spouse to be your beneficiary with your spouse's written consent.**
- **If you die, your beneficiary will receive the distribution of your individual account balance.**

If you fail to designate a beneficiary and you die without having received your entire individual account balance, your individual account balance will be distributed to the person or persons designated by you under the terms of the National Elevator Industry Health Benefit Plan, or else to your estate if no designation has been made under the Health Benefit Plan or if your designated beneficiaries have all died before you.

### IF YOU MOVE

*If you move, keep in touch! Make sure you contact the Benefits Office with your new address and contact information as soon as possible to make sure your records are kept up to date.*

## IF YOU GET MARRIED

If you get married, your spouse is automatically your beneficiary for your Plan benefit. In order to name a beneficiary other than your spouse, the spouse to whom you are married at the time of your death must consent in writing in order for your designation to be effective, and his or her consent must be notarized. Special procedures may apply in the event your spouse cannot be located.

## IF YOU GET A DIVORCE

If you divorce either before or after retirement, your spouse may decide to contact his or her attorney and file a Qualified Domestic Relations Order (QDRO). Under the terms of a QDRO, certain payments could be made from your benefits to pay alimony, child support, or marital property rights of your spouse, former spouse, child or other dependent. You may obtain a copy of the Plan's QDRO procedures from the Benefits Office at no charge.

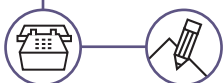
Also, if you have named your spouse as your beneficiary, and you become divorced, your beneficiary designation as to that spouse is automatically revoked as of the effective date of your divorce decree. Your former spouse will have no right to any part of your account except to the extent provided by a QDRO. Your divorce does not revoke your designation of any beneficiaries other than your spouse.

## IF YOU STOP WORKING

If you stop working because you retire or terminate employment in the elevator industry, you may be eligible for a distribution from your individual account. Whether you are eligible to receive a distribution of all or part of your individual account after you have terminated employment in the elevator industry depends on whether you seek a distribution of your 401(k) Account, "Old" Annuity Account, "New" Annuity Account or Rollover Account. Two helpful charts explaining the Plan's distribution eligibility rules—Distribution Eligibility Rules Overview and Distribution Chart—are found on pages 18 and 20 of this SPD.

You must complete an application to receive a distribution. To receive an application form, call 1-800-74-FLASH. Complete and sign the form and mail it to MassMutual. The address is:  
Elevator Constructors Annuity and 401(k) Retirement Plan  
c/o MassMutual Retirement Services  
P.O. Box 219062  
Kansas City, MO 64121-9062

As soon as administratively feasible after the Benefits Office receives your completed application and determines you are eligible to receive a distribution of all or a portion of your individual account, the balance eligible for distribution will be paid to you in either a lump-sum payment or periodic installments for a period of between 12 and 119 months, as you elect, or you may make a direct rollover into an eligible retirement plan in order to defer taxes on your distribution.



## **IF YOU'RE RECEIVING SOCIAL SECURITY BENEFITS**

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Your Plan benefits do not affect your entitlement to Social Security benefits.

## **IF YOU BECOME DISABLED**

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If you become disabled and cannot work, you are eligible for the distribution of your individual account. You are considered disabled under the Plan if the Social Security Administration has determined that you qualify for disability benefits under Title II and XVI of the Social Security Act. You can receive your distribution either as a lump-sum payment or as installments for a period of between 12 and 119 months. Contact MassMutual at 1-800-74-FLASH for more information.

## **IF YOUR SPOUSE DIES**

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If your spouse dies, you should contact the Benefits Office to update your beneficiary information. If you do not update your beneficiary information, your account balance will be paid as described in the following section.

## **IF YOU DIE**

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If you die before you've received the distribution of all of your individual account, your surviving spouse will receive your individual account balance as a death benefit in either a lump-sum payment or periodic installments for a period of between 12 and 119 months, as elected by your surviving spouse, subject to the Required Beginning Date rules described on page 22. If you do not have a surviving spouse or your spouse consents to your election of a non-spousal beneficiary designation, your individual account balance will be paid to your designated beneficiary.

If you do not have a surviving spouse or designated beneficiary, your individual account balance will be distributed to the person or persons designated by you under the terms of the National Elevator Industry Health Benefit Plan, or else to your estate if no designation has been made under the Health Benefit Plan or your designated beneficiaries all die before you.

Payment to a non-spouse beneficiary must be completed no later than by the end of the fifth calendar year after the year of your death.



# Transfer and Reciprocity Rights with Elevator Constructors Union Local No. 1 Annuity and 401(k) Fund

## THE PLAN'S RECIPROCITY AGREEMENT WITH THE LOCAL 1 FUND

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The Plan's Trustees and the Trustees of the Local 1 Fund have entered into a Reciprocal Agreement so that if you are temporarily employed from time to time in the geographic jurisdiction of IUEC Local No. 1 of New York and New Jersey ("Local 1") and you are not a member of Local 1, any employer contributions or employee elective deferrals that are made on your behalf to the Local 1 Fund will be transferred to your account in this Plan. Likewise, if a participant of the Local 1 Fund who is temporarily employed from time to time outside Local 1's geographic jurisdiction has employer contributions or employee elective deferrals made on his or her behalf to this Plan, such contributions or deferrals will be transferred to your account in the Local 1 Fund. If you plan to work or have recently worked in Local 1's geographic jurisdiction and have questions regarding the Plan's Reciprocal Agreement with the Local 1 Fund, please contact the Benefits Office.

## IF YOU TRANSFER TO THE LOCAL 1 FUND

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If you relocate out of the jurisdiction of this Plan and become a participant of the Elevator Constructors Union Local No. 1 Annuity and 401(k) Fund ("Local 1 Fund"), you may have the option to elect to transfer your accounts in this Plan to the Local 1 Fund if:

- You move employment out of the geographic jurisdiction of this Plan so that you are no longer eligible to have employer contributions made to the Plan. A temporary, one-off or fixed-period assignment outside of the jurisdiction of the Plan is not sufficient to elect a transfer;
- You are eligible to participate in the Local 1 Fund; and
- You have not previously transferred your accounts between the Plan and the Local 1 Fund.

### **You must transfer the entire balance of all of your accounts with this Plan to the Local 1 Fund.**

If you are considering transferring your accounts to the Local 1 Fund, please contact the Benefits Office. The Benefits Office will provide you with a transfer form and additional information that will help you make a fully-informed election to transfer to the Local 1 Fund. You also should contact the Local 1 Fund and request a copy of that plan's summary plan description and carefully compare the distribution options and features of the Local 1 Fund with this Plan's distribution options and features as described in this Summary Plan Description. **Transfers of accounts under this provision may be made beginning January 1, 2017.**

## TRANSFERS FROM THE LOCAL 1 FUND TO THE PLAN

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If you are a participant of the Local 1 Fund and you relocate outside the geographic jurisdiction of Local 1 and become a Participant of this Plan, you may have the option to elect to transfer your accounts with the Local 1 Fund to this Plan if:

- You move employment out of the geographic jurisdiction of Local 1 so that you are no longer eligible to have employer contributions made to the Local 1 Fund. A temporary, one-off or fixed-period assignment outside Local 1's geographic jurisdiction is not sufficient to elect a transfer;
- You are eligible to participate in this Plan;
- You do not have an outstanding participant loan balance with the Local 1 Fund;
- You did not participate in the Local 1 Fund at any time prior to July 1, 1992; and
- You have not previously transferred your accounts between the Plan and the Local 1 Fund.

### **You must transfer the entire balance of all of your accounts with the Local 1 Fund to this Plan.**

If you are considering transferring your accounts with the Local 1 Fund to this Plan, please contact the Benefits Office. The Benefits Office will provide you with a transfer form and additional information that will help you make a fully-informed election to transfer to the Local 1 Fund. You also should contact the Local 1 Fund and request a copy of that plan's summary plan description and carefully compare the distribution options and features of the Local 1 Fund with this Plan's distribution options and features as described in this Summary Plan Description. **Transfers of accounts under this provision may be made beginning January 1, 2017.**

# Claims and Appeals Procedures

To file a claim for your benefit under the Plan, complete and file the application form you obtain by calling 1-800-74-FLASH.

## DENIAL OF CLAIM FOR BENEFITS

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If your application for distribution or other claim for benefits is denied, in whole or in part, the Benefits Office or MassMutual will provide you with a written or electronic notice that states the reasons for the denial, refers to specific Plan provisions, describes any additional material or information that might help your claim, explains why that information is necessary, and describes the Plan's review procedures and applicable time limits, including a right to bring a civil action under Section 502(a) of ERISA.

This notice will be given to you within a reasonable time but not more than 90 days after your application for distribution or other claim for benefits is received by the Benefits Office or MassMutual. This 90-day period may be extended for up to an additional 90 days if special circumstances require that additional time is needed to process your application for distribution or other claim for benefits. You will be given written notice of the delay prior to the expiration of the 90-day period stating the reason(s) why the extension is necessary and the date by which the Benefits Office or MassMutual expects to make a decision. Once you receive the decision, you may consider your application or other claim approved or denied. If your application or claim is denied, in whole or in part, you may take steps to appeal the denial.

## APPEALS

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If your application for distribution or other claim for benefits is denied, in whole or in part, you may request the Board of Trustees to review such denial by submitting a written appeal to the Trustees. Your written appeal must be submitted to the Benefits Office within 180 days of receiving the denial notice. Failure to file a timely appeal will result in a complete waiver of your right to appeal, and the denial of your application for distribution or other claim for benefits will be final and binding. Upon receipt of an adverse benefit determination, you are entitled to receive, upon request and free of charge, reasonable access to, and copies of, relevant information regarding the claim determination.

Your written appeal should state your name and address, the date of the denial, the fact that you are appealing the denial, and the reasons for your appeal. You should include documents that support your claim. The review of your appeal will take into account all comments and documents that support your position, even if the Benefits Office or MassMutual did not have this information in making the initial determination. This does not mean that you are required to cite all of the Plan provisions that apply or to make "legal" arguments; however, you should state clearly why you believe you are entitled to the benefit you claim. The Trustees can best consider your position if they clearly understand your claims, reasons and/or objections.

## TIMING OF NOTIFICATION OF DECISION ON APPEAL

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The Trustees or a designated committee of the Trustees will review your appeal at their quarterly meeting immediately following receipt of your appeal unless your appeal was received by the Benefits Office within 30 days of the date of the meeting. If your appeal is received by the Benefits Office within 30 days of the date of the meeting, the Trustees may not be able to review your appeal until the second quarterly meeting following the Benefits Office's receipt of the appeal. You may wish to contact the Benefits Office concerning the date of the next meeting so that you may submit your appeal in time to be heard at that meeting. If special circumstances require a further extension of time for review for the Trustees, a benefit determination will be rendered not later than the third Trustees' meeting following receipt of your appeal. You will be notified in writing prior to the extension of the circumstances requiring an extension and the date by which the Trustees expect to reach a decision. You will receive written or electronic notice of the decision of the Trustees after review by the Trustees, usually within 5 days of their decision.

## **CONTENT OF NOTIFICATION**

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This notice will set forth the specific reason(s) for the adverse determination, the specific Plan provisions on which the benefit determination is based, a statement that you are entitled to receive, upon request and free of charge, reasonable access to and copies of, relevant information regarding a claim determination, and a statement of your right to bring a civil action under Section 502(a) of ERISA. The decision of the Trustees is final and binding upon all parties including the claimant and any person claiming a benefit on behalf of the claimant.

## **TRUSTEES' DECISION ON APPEAL IS FINAL AND BINDING**

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The Trustees have full discretion or authority to determine all matters relating to the benefits provided under this Plan including, but not limited to, all questions of coverage, eligibility, and methods of providing or arranging for benefits.

## **PLAN POLICIES, DETERMINATIONS OR ACTIONS**

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If you disagree with a policy, determination or action of the Plan, you may request the Trustees to review the Plan policy, determination or action with which you disagree by submitting a written appeal to the Trustees. Your written appeal must be submitted within 60 days after you learn of a Plan policy, determination or action with which you disagree and which is not a denial of your application for distribution or other claim for benefits. Your written appeal should state the reasons for your appeal. This does not mean that you are required to cite all applicable Plan provisions or to make "legal" arguments; however, you should state clearly why you believe you are entitled to the benefit you claim or why you disagree with a policy, determination, or action. The Trustees can best consider your position if they understand your claims, reasons and/or objections.

The Trustees or a designated committee of the Trustees will review your appeal at their quarterly meeting immediately following receipt of your appeal unless your appeal was received by the Benefits Office within 30 days of the date of the meeting. If your appeal is received by the Benefits Office within 30 days of the date of the meeting, the Trustees may not be able to review your appeal until the second quarterly meeting following the Benefits Office's receipt of the appeal. You may wish to contact the Benefits Office concerning the date of the next meeting so that you may submit your appeal in time to be heard at that meeting. If special circumstances require an extension of the time for review, you will be notified in writing.

The Trustees have full discretion and authority to determine all matters relating to the benefits provided under this Plan including, but not limited to, all questions of coverage, eligibility, and methods of providing or arranging for benefits.

If the Trustees deny your appeal relating to your application for distribution, other claim for benefits, or challenged policy, determination or action, and you decide to seek judicial review, the Trustees' decision is subject to limited judicial review to determine only whether the decision was arbitrary and capricious.

## **GENERAL INFORMATION ON CLAIMS AND APPEALS**

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You may designate a representative to act on your behalf in filing a claim or an appeal of a denial relating to your application for distribution, other claim for benefits or other adverse determination. If the Benefits Office or Trustees are uncertain whether or not you have designated a representative, they may request that you put such designation in writing and may decline to communicate with a third party claiming to be your representative until such written designation is received.

All determinations of initial claims and appeals will be made in accordance with the Plan document, policies and rules and will apply the Plan provisions consistently, to the extent reasonable, with respect to similarly situated claimants.

Throughout the procedures set forth above, there are several time limits within which a claimant must file a claim or appeal and within which the Benefits Office or the Trustees must issue a decision on such claim or appeal. The Benefits Office or the Trustees may agree to extend the time limits within which the claimant must file and the claimant may agree to extend any time limit within which the Benefits Office or the Trustees must issue a decision. The agreement of the Benefits Office or the Trustees to extend a time limit must be knowing, explicit, and confirmed in writing before the time period in question expires.

# Important Information About Your Plan

## Plan Administration

The Elevator Constructors Annuity and 401(k) Retirement Plan is administered by a joint Board of Trustees with an equal number of Union representatives and representatives from contributing employers. The Board of Trustees is also the "404(c) fiduciary" with respect to 401(k) Plan and rollover funds. The Plan was created according to a Trust Agreement that establishes the Trustees' duties and authority to administer the Plan.

## Custodian and Recordkeeper

Although the Plan is administered by the Board of Trustees, the Trustees have designated a Custodian and a Recordkeeper to process the investments of your individual accounts.

The Recordkeeper is:

Massachusetts Mutual Life Insurance Company  
Retirement Services  
100 Bright Meadow Blvd.  
Enfield, CT 06082

The Custodian is:

Massachusetts Mutual Life Insurance Company  
100 Bright Meadow Blvd.  
Enfield, CT 06082

## Plan Facts

The chart below provides a fast reference for administrative information about the Elevator Constructors Annuity and 401(k) Retirement Plan.

<b>Legal Name of the Plan</b>	Elevator Constructors Annuity and 401(k) Retirement Plan
<b>Plan Number</b>	001
<b>Employer Identification Number</b>	52-2125995
<b>Plan Type</b>	Defined Contribution, Profit Sharing/401(k) Plan
<b>Plan Year</b>	January 1 - December 31
<b>Agent for Service of legal Process</b>	The Board of Trustees
<b>Investment Managers</b>	Massachusetts Mutual Life Insurance Company



### **Employers Maintaining the Plan/Funding Source**

Employers and local unions that sign collective bargaining or other agreements that require them to remit 401(k) contributions and annuity contributions to the Plan are the employers that maintain this Plan. Any collective bargaining agreement that applies to this Plan may be obtained by writing to the Trustees. These agreements are available for you to inspect at the office of the IUEC or the Benefits Office.

To find out if your employer is participating and the address of your employer, write to the Trustees, the office of the IUEC or the Benefits Office. You may also receive a complete list of the employers who are participating in the Plan upon written request.

### **Top-Heavy Plan**

A plan is “top-heavy” if key employees (officers and certain other highly paid participants) receive more than a limited percentage of plan benefits. In the extremely unlikely event that this Plan becomes top heavy, requirements of federal law state that a top-heavy plan must provide certain minimum contributions.

### **PBGC Insurance Does Not Apply**

Although the Pension Benefit Guaranty Corporation (PBGC), a U.S. government corporation, insures some pension plans, it does not provide insurance for this Plan because it is a defined contribution plan.

### **Non-Assignment of Benefits**

Your retirement benefits are intended for your personal financial security. They cannot be sold, borrowed against, garnished or attached in any way. But, if you serve as a fiduciary of the Plan, your benefits may be offset, within certain limitations, to pay for the damage realized to the Plan from your breach of fiduciary duty.

The Plan is required by law to honor a Qualified Domestic Relations Order (QDRO) to settle property rights, pay child support or pay alimony in a divorce. The Fund must also honor a federal tax lien against your benefits. You may obtain, without charge, a copy of the procedures governing Qualified Domestic Relations Orders determinations from the Trustees.

### **Tax-Qualified Plan**

The Plan has been qualified by the Internal Revenue Service, which means that the Plan has met the requirements of the Internal Revenue Code and therefore may receive tax advantages. This Plan is intended to comply with the Employee Retirement Income Security Act of 1974 (ERISA). For an explanation of your rights under ERISA, see page 32.

### **Expenses of the Fund**

Expenses that are incurred by the Fund in connection with a particular investment option will be determined and charged to accounts proportionately based on the total funds in each investment option and the amount invested by each participant in each investment option.

Other expenses of the Fund, including recordkeeper expenses, custodian fees and other administrative fees, are paid from the Trust Fund and charged to all accounts on a uniform per-participant basis.

Other expenses, including those charged by the NEI Pension Plan for collection of contributions, are paid for by interest earned on the holding account at MassMutual prior to the transfer of amounts to the designated investment options. If the interest earned on the holding account is insufficient to pay these expenses, these amounts will be deducted equally from all accounts in the Plan on a periodic basis.

Payroll administrative costs associated with the Fund are absorbed by each employer to the extent that these costs are incurred by each employer with respect to its own payroll.

## Amendment of the Plan

The Trustees reserve the right to amend or suspend the Plan at any time, by written action and to any extent and in any manner that in the opinion of the Trustees is advisable. Any Plan amendment will bind all participants, former participants and other persons claiming an interest under the Plan. No Plan amendment will have the effect of vesting in any employer any interest in any part of the Trust Fund; causing any part of the Trust to be used for purposes other than the exclusive benefit of the participants, former participants and their beneficiaries; or shall be binding on the Custodian except as provided in the Custodial Agreement between the Trustees and the Custodian. Further, no amendment shall reduce your account as of the date of the amendment or divest you of any right to your account.

## Termination of the Plan

The International Union of Elevator Constructors and the participating employers expect to continue the Annuity and 401(k) Retirement Plan indefinitely. However, the participation of any employer is subject to collective bargaining between the employer and the IUEC, and the participation of any local union or other IUEC-related organization is subject to the participation agreement between that local and the Plan Trustees.

The Trustees may terminate the Plan and the Trust Fund in writing if:

- they believe terminating the Plan and the Trust Fund is in the best interests of the participants and beneficiaries;
- there are no living individuals who qualify as participants or beneficiaries under the Plan; or
- there are no collective bargaining or other agreements in effect that allow for elective contributions or annuity contributions to the Plan.

The Trustees will make payment for all necessary administrative expenses that are incurred up to the date of the Plan termination by using the assets in the Trust Fund. They will arrange for a final audit and report of their transactions and accounts for the purposes of terminating their Trusteeship. They will give notice and prepare and file any reports that may be required by law and will apply the Trust Fund in accordance with the provisions of the Plan until the entire Trust Fund is disbursed. Any assets that remain after providing for administrative expenses of the Plan will be distributed among participants by the Trustees, in the same ratio as a participant's account bears to the total accounts of all participants.

No part of the assets or income of the Trust Fund will be used for the benefit of any employer or any union. They will not be used for purposes other than for the exclusive benefit of the participants and beneficiaries or the administrative expenses of the Trust Fund.

If the Plan and the Trust Fund are terminated, the Trustees will promptly notify the union, the employers, and all other interested parties. The Trustees will make every reasonable effort to contact every participant. Those who cannot be located, or those for whom no claim is made for payment of their account within 90 days following the sending of notice to their last known address, shall have their account placed in a federally insured savings account. The names of those individuals for whom a savings account is established shall be available for reference with the Union. An attempt will also be made to contact the designated beneficiary in an attempt to locate the participant. The Trustees will continue as Trustees for the purpose of winding up the affairs of the Plan and the Trust Fund.



# ERISA Rights

As a participant in the Elevator Constructors Annuity and 401(k) Retirement Plan, you are entitled to certain rights and protections under the Employee Retirement Income Plan Security Act of 1974 (ERISA). ERISA provides that all Plan participants shall be entitled to:

## RECEIVE INFORMATION ABOUT YOUR PLAN AND BENEFITS

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- Obtain, upon written request to the Trustees, copies of documents governing the operation of the Plan, including insurance contracts and collective bargaining agreements, and copies of the latest annual report (Form 5500 Series) and updated summary plan description. The Trustees may make a reasonable charge for the copies.
- Receive a summary of the Plan's annual financial report. The Trustees are required by law to furnish each participant with a copy of this summary annual report.
- Obtain, free of charge, a quarterly pension benefit statement indicating the total benefit you have accrued under the Plan.

## PRUDENT ACTIONS BY PLAN FIDUCIARIES

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In addition to creating rights for Plan participants, ERISA imposes duties upon the people who are responsible for the operation of the Plan. The people who operate your ERISA Plan, called "fiduciaries" of the Plan, have a duty to do so prudently and in the interest of you and other Plan participants and beneficiaries. No one, including your employer, your union, or any other person, may fire you or otherwise discriminate against you in any way to prevent you from obtaining a pension benefit or exercising your rights under ERISA.

## ENFORCE YOUR RIGHTS

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If your claim for a benefit is denied or ignored, in whole or in part, you have a right to know why this was done, to obtain copies of documents relating to the decision without charge, and to appeal any denial, all within certain time schedules.

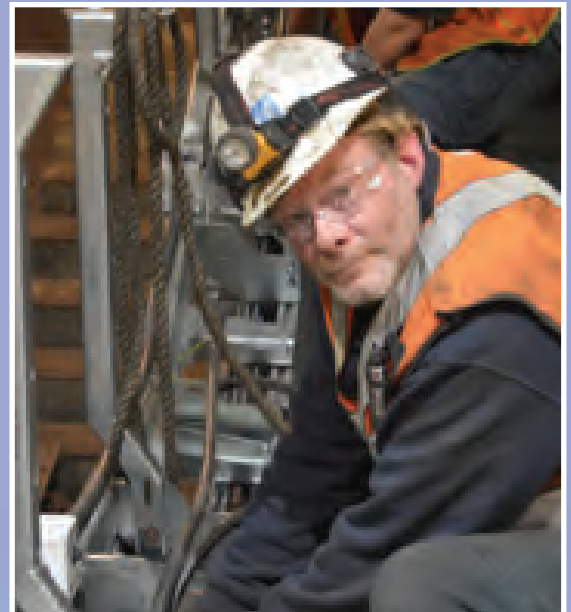
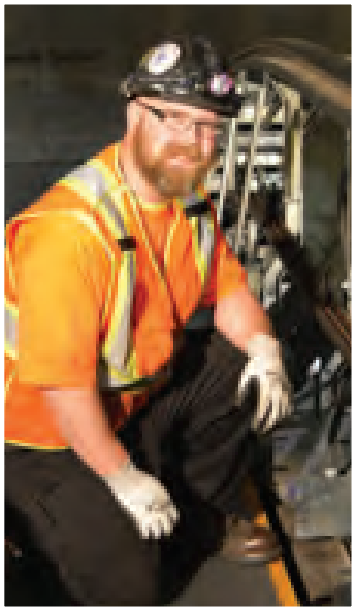
Under ERISA, there are steps you can take to enforce the above rights. For instance, if you request a copy of the Plan documents or the latest annual report from the Plan and do not receive them within 30 days, you may file suit in a Federal court. In such a case, the court may require the Plan to provide the materials and pay you up to \$110 a day until you receive the materials, unless the materials were not sent because of reasons beyond the control of the Trustees. If you feel discriminated against for asserting your rights, you may seek assistance from the U.S. Department of Labor, or you may file suit in a Federal court. The court will decide who should pay court costs and legal fees. If you are successful, the court may order the person you have sued to pay these costs and fees. If you lose, the court may order you to pay these costs and fees, for example if it finds your claim is frivolous.

## ASSISTANCE WITH YOUR QUESTIONS

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If you have any questions about your Plan, you should contact the Trustees. If you have any questions about this statement or about your rights under ERISA, or if you need assistance in obtaining documents from the Trustees, you should contact the nearest office of the Employee Benefits Security Administration, U.S. Department of Labor, listed in your telephone directory or the Division of Technical Assistance and Inquiries, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington D.C. 20210. You may also obtain certain publications about your rights and responsibilities under ERISA by calling the publications hotline of the Employee Benefits Security Administration.

In addition to the information described above, you are entitled to receive an explanation that the 401(k) portion of the Plan is a plan described in Section 404(c) of ERISA and that the Trustees are not liable for any losses that are the result of the investment choices you make for your 401(k) contributions or for your rollover contributions. You are also entitled to a description of the various investment alternatives available under the 401(k) portion of the Plan, a general description of each alternative, information concerning the identity of the investment managers and an explanation of the circumstances in which you may give investment instructions concerning your individual account, including any restrictions.



## Elevator Constructors Annuity and 401(k) Retirement Plan

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