

# NECA-IBEW MEMPHIS RETIREMENT PLAN

---

## SUMMARY OF MATERIAL MODIFICATION TO THE NECA-IBEW MEMPHIS RETIREMENT PLAN

You are receiving this Summary of Material Modification (SMM) because you are a participant of the NECA-IBEW Memphis Retirement Plan. The following SMM describes changes that have been made to the Retirement Plan. Please keep a copy of this SMM with your Summary Plan Description (SPD).

### **Required Beginning Date**

The federal rules governing retirement plans mandate that you must begin drawing your retirement benefit at the time you reach your required beginning date. Until recently, a person was required to begin drawing benefits no later than April 1<sup>st</sup> following the year in which he or she turned age 72. Effective January 1, 2023, these rules have changed. Anyone who attains age 72 after January 1, 2023, must begin receiving the required distributions no later than April 1<sup>st</sup> after the year in which he or she turns age 73. You may delay this date even further if you are still actively employed with a Contributing Employer past age 73 – provided that you are not a 5% or more owner of a company.

### **Overpayments**

Effective December 29, 2022, several important changes have been made regarding the recovery of benefit overpayments.

If a participant or beneficiary is paid a benefit in excess of what is provided for under the terms of the Plan, the Board of Trustees will determine whether to recoup the overpayment. The Trustees may consider the financial hardship that recoupment would impose on the participant or beneficiary.

If the Trustees determine that the overpayment will be recouped, they will determine whether the overpayment resulted from culpable conduct in part of the participant or beneficiary. Culpable conduct may include, but is not limited to, a misrepresentation or omission by the participant or beneficiary.

If the participant and/or beneficiary was not culpable, the Trustees may recoup the overpayment by reducing the participant or beneficiary's future benefit or by other methods, subject to new limitations:

- No interest or fees may be recouped.
- No more than 10 percent of the total overpayment may be recouped in a year, and the monthly benefit shall not be reduced by more than 10 percent.
- Recoupment may not be sought if the first overpayment occurred more than 3 years before the participant or beneficiary is notified of the error.
- An overpayment made to a participant may not be recouped from the participant's surviving spouse or beneficiary.

If the participant or beneficiary was culpable, the Trustees may take action to recoup the overpayment, without limitation.

If you have any questions regarding this SMM, please contact the Benefit Office.

Sincerely,

Board of Trustees  
NECA-IBEW Memphis  
Retirement Plan