

Article XII – Commencement of Benefits

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Article XII – Commencement of Benefits

§ 18-1201 In General.

The Plan benefits of a Participant (or his Beneficiary) may commence after the Participant has Separated from Service. The Separation from Service may be for any reason, including normal retirement (age 65), early retirement (age 62), death, Disability, voluntary quit, or involuntary termination.

[Ord. 415 10-29-2003]

§ 18-1202 Commencement Date.

Except as otherwise provided in this Article XII—

(a) **Immediate Payment.** Benefits derived from the vested portion of all of the Participant's Plan accounts (as of the date of distribution) shall commence within ninety (90) days after the Participant Separates from Service.

(b) **Amounts Allocated After Commencement of Benefits.** All benefits derived from amounts credited to a Participant's account after his benefits commence under subsection (a), shall commence within ninety (90) days after the end of the Plan Year for which they were contributed (or, if later, within thirty (30) days after they were contributed to the Plan).

[Ord. 415 10-29-2003]

§ 18-1203 Commencement of Benefits to a Participant Under Age 65.

(a) **In General.** Notwithstanding anything to the contrary contained in this Plan, if—

(1) any Plan benefits would commence under § 18-1202 during the Participant's lifetime but before the Participant attains age 65, **and**

(2) the vested portion of all the Participant's accounts in the Plan is greater than \$3,500.00 (or was greater than \$3,500.00 at the time of any prior distribution),

then the benefits shall only commence at the time set forth in § 18-1202 if the Participant's consent is first obtained in accordance with subsection (c).

(b) **Commencement.** If any consents required under this Section are not obtained for a distribution in accordance with § 18-1202 during the Participant's lifetime, benefits derived from the vested portion of all of the Participant's Plan accounts (as of the date of distribution) shall commence within 90 days after the **earliest** of—

(1) the date the Participant elects to receive Plan benefits (with proper consents under this Section),

(2) the date the Participant attains age 65, **or**

(3) the date the Participant dies,

but in no case earlier than the commencement date specified in § 18-1202.

(c) **Required Consent.** To be valid under this Section, a Participant's consent to receive benefits prior to age 65 must:

(1) be filed with the Administrator during the 90 day period ending on the Annuity Starting Date (*see* § 18-1301);

(2) be in writing on forms provided by the Administrator;

(3) contain an acknowledgment that the Participant has received the notice required under subsection (d); **and**

(4) be signed by the Participant.

(d) **Notice by Administrator.** Whenever benefits which would otherwise commence under this Plan cannot commence without the filing of a consent described in subsections (a) and (c), the Administrator shall provide the affected Participant with the following information, in writing:

(1) the Participant's right to defer the benefits until after the Participant attains age 65; **and**

(2) a general description of the material features of the optional forms of benefit available under the Plan and an explanation of their relative values.

[Ord. 415 10-29-2003]

§ 18-1204 Reemployment of Participant.

Notwithstanding anything to the contrary contained in this Article XII, no benefits shall commence to any Participant under § 18-1202, or § 18-1203(b) if the Participant is re-employed by the Employer or any Related Employer by the time the benefits would otherwise commence. In that case, such benefits shall only commence after the next event under this Article XII which permits or requires a distribution of benefits.

[Ord. 415 10-29-2003]

§ 18-1205 Production of Information.

Notwithstanding anything to the contrary contained in this Article XII, no benefits shall commence under this Plan to any recipient until an administratively reasonable period of time after the recipient shall file with or make available to the Plan Administrator such information as the Plan Administrator may require to determine that the recipient is entitled to receive such benefits under this Plan at that time, or to administer the payment of such benefits.

[Ord. 415 10-29-2003]