

CITY OF STAMFORD
CUSTODIANS' RETIREMENT FUND

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CITY OF STAMFORD
CUSTODIANS' RETIREMENT FUND

Section 1: Establishment of Fund; Contributions

There shall be a fund to be known as the "CUSTODIANS' RETIREMENT FUND" (the "Fund") for the benefit of all full-time custodians and employees of the maintenance department of the public schools of the City of Stamford who are members of Local 1083 of the American Federation of State, County and Municipal Employees, AFL-CIO (the "Eligible Employees").

The Fund shall consist of monies received from the following sources:

(a) All appropriations, gifts or bequests made to the Fund from public or private sources, for the purpose for which said retirement fund is established.

(b) A rate of assessment equal to five percent (5%) of the compensation payable to each Eligible Employee by the Board of Education of the City of Stamford, or such other rate of assessment paid by the Eligible Employees in accordance with the terms of a collective bargaining agreement between the City of Stamford and Local 1083 of the American Federation of State, County and Municipal Employees, AFL-CIO ("Local 1083"); provided, however, that for the period from January 1, 1998 through June 30, 1998 the rate of assessment shall be four percent (4%) of the compensation payable to each Eligible Employee by the Board of Education of the City of Stamford. When determining the rate of assessment, compensation shall include all periodic payments made by the City of Stamford to an Eligible Employee as workers' compensation benefits. No Eligible Employee who has completed at least thirty-three and one-third (33-1/3) years of service for the Board of Education of the City of Stamford, as defined in Section 5, shall be required to pay any additional assessments to the Fund.

Effective as of the date on which the last governmental action needed to adopt this amendment and restatement of the Fund has occurred, the City of Stamford will "pick-up" all employee contributions required by this Section 1(b), as permitted by Section 414(h)(2) of the Internal Revenue Code of 1986, as amended (the "Code"). Such contributions will be treated as employer contributions for Federal income tax purposes and will not be included in the current income of employees. The City of Stamford will pay the contributions otherwise required to be made by each Eligible Employee in lieu of having the contributions paid by such Eligible Employees, and the Eligible Employees do not have the option of receiving the contributed amounts directly in cash instead of having them paid to the Fund by the City of Stamford.

(c) All compensation which is payable for services performed by an Eligible Employee and which is unclaimed for a period of six months after the same shall have become due.

(d) An appropriation to said Fund by the City of Stamford in an amount which is equal to the greater of: (i) seven percent of the compensation payable to each Eligible Employee by the Board of Education of the City of Stamford (or such other percentage of the compensation payable to each Eligible Employee as may be required by the terms of the collective bargaining agreement between the City of Stamford and the Union); or (ii) the difference between the amount of the assessments paid by the Eligible Employees and the amount which is actuarially determined to be required to meet the expenditures hereinafter provided, subject to the requirements of the collective bargaining agreement between the City of Stamford and Local 1083.

(e) Any sums which the Board of Education of the City of Stamford may, within its discretion, cause to be paid on behalf of any Eligible Employees who have entered the armed forces of the United States during the period when this country is at war.

Any employee who was actively employed by the City of Stamford prior to April 19, 1995 in a position that was not represented by the Union and who became a full-time custodian and employee of the maintenance department of the public schools of the City of Stamford and a member of the Union prior to April 19, 1995 shall be deemed to be an Eligible Employee as of the date of such transfer and may elect to have his prior contributions to any plan maintained by the City of Stamford transferred to the Fund and thereby receive credit under the Fund for all years of service credited under such other plan. Any employee who is actively employed by the City of Stamford on or after April 19, 1995 in a position that was not represented by the Union and who becomes a full-time custodian and employee of the maintenance department of the public schools of the City of Stamford and a member of the Union on or after April 19, 1995 shall be deemed to be an Eligible Employee as of the date of such transfer but may not elect to have his contributions to any other plan transferred to the Fund and shall not receive credit under the Fund for any years of service prior to the date of such transfer.

Section 2: Trustees of the Fund

The trustees of the Fund shall consist of four employer trustees and four union trustees. The employer trustees shall be the following individuals or their designees: the Mayor of the City of Stamford, the Director of Administration, the Superintendent of Schools and the President of the Board of Education of the City of Stamford. The union trustees shall be the following individuals or their designees: the president of Local 1083 and three other individuals appointed by the executive board of Local 1083.

Section 3: Deposit and Investment of the Fund

All monies belonging to the Fund shall be deposited with the treasurer of the City of Stamford, but the direction, management, and investment of the Fund shall be under the charge of said trustees.

Section 4: Payments from the Fund

The trustees, by a majority vote, shall from time to time, appropriate and cause to be paid from the Fund to the beneficiaries of the Fund such sums as may be needed for the purpose of paying the pensions herein provided for.

Section 5: Eligibility for Normal Pension Benefit; Years of Service

Any Eligible Employee who shall have completed twenty-five (25) years of service for the Board of Education of the City of Stamford may retire and receive benefits under Section 6. For purposes of this Fund, years of service shall be calculated by taking into account whole years of service and portions thereof (rounded to the nearest month of service) performed for the Board of Education of the City of Stamford. In this regard, if an Eligible Employee performs service during at least one day in a calendar month, the Eligible Employee will be credited with service for the entire calendar month. Years of service shall also include the period of time during which an Eligible Employee is receiving periodic payments from the City of Stamford as workers' compensation benefits.

Section 6: Amount of Normal Pension Benefit

Whenever an Eligible Employee shall retire in accordance with the provisions of Section 5 after having performed service for twenty-five (25) years or more for the Board of Education of the City of Stamford, he shall receive annually from the Fund for the remainder of his life a pension benefit equal to two percent (2%) of his basic annual salary, multiplied by the number of his years of service.

However, notwithstanding anything herein to the contrary, in no event may the pension benefit of an Eligible Employee exceed sixty-six and two-thirds percent (66-2/3%) of his basic annual salary.

For purposes of this Fund, basic annual salary shall mean the basic annual rate of pay of an Eligible Employee as of the date of his termination of employment, including any annual lump sum longevity bonuses payable to an Eligible Employee, but excluding any overtime pay, bonuses (other than longevity bonuses) and other forms of additional compensation.

The basic annual salary of an Eligible Employee taken into account under the Fund shall not exceed \$150,000, as adjusted under Section 401(a)(17) of the Internal Revenue Code of 1986, as amended, for the calendar year in which the adjustment is effective and for each

subsequent calendar year.

Section 6A: Increased Medical Benefit

All persons who retired prior to July 1, 1968 shall be paid, in cash, in addition to their regular pension benefits, the sum of one hundred fifty dollars (\$150.00) per year as an increased medical benefit.

Section 6B: Medicare (Part B) Benefit

All employees who retire on pensions after April 3, 1969 and are eligible for Medicare shall be paid a monthly sum equal to the amount required to be paid by such employees for coverage under the Medicare Supplementary Medical Insurance Plan (Part B).

Section 6C: Vested Pension Benefit

Effective as of July 1, 1971, an Eligible Employee who leaves the employ of the Board of Education of the City of Stamford with at least ten (10) years of service but less than twenty-five (25) years of service and who is not eligible for disability retirement benefits under Section 8 shall have the right to elect to receive (in lieu of a refund of his contributions or assessments as provided under Section 10 of the Fund) pro rated pension benefits equal to two percent (2%) of his basic annual salary, multiplied by the number of his years of service. Such pro rated pension benefits shall commence to be paid to the Eligible Employee making such an election on his sixtieth (60th) birthday. However, if such Eligible Employee shall die prior to his sixtieth (60th) birthday, such pro rated pension benefits shall commence to be paid on the sixtieth (60th) anniversary of the Eligible Employee's date of birth to his surviving spouse until the death or remarriage of the surviving spouse, and thereafter to his dependent children, if any.

Section 7: Early Retirement Benefit

Any Eligible Employee who shall have rendered less than twenty-five (25) years of service for the Board of Education of the City of Stamford and who shall have reached his sixtieth (60th) birthday while employed by the Board of Education of the City of Stamford may retire and receive pro rated pension benefits equal to two percent (2%) of his basic annual salary, multiplied by the number of his years of service at the time of his retirement.

Section 8: Disability Pension Benefit

If an Eligible Employee becomes incapable of performing his job due to a physical or mental disability incurred in the discharge of his duties for the Board of Education of the City of Stamford, he shall be entitled to receive disability pension benefits. The determination of an Eligible Employee's mental or physical incapacity shall be made by a physician selected by the trustees.

Any Eligible Employee who retires due to such a mental or physical incapacity shall receive disability pension benefits equal to one-half of his basic annual salary; provided, however, that such disability pension benefits shall be paid only during the incapacity of the Eligible Employee.

The trustees may require an Eligible Employee who is receiving disability pension benefits to undergo periodically a medical examination by a physician selected by the trustees. Should the Eligible Employee refuse to submit to such a medical examination, his disability pension benefits will be discontinued. If the physician performing the medical examination determines that the Eligible Employee's mental or physical incapacity has ceased, his disability pension benefits shall terminate.

Section 9: Death Benefits

(a) If an Eligible Employee dies before completing fourteen (14) years of service for the Board of Education of the City of Stamford, a refund shall be paid to the surviving spouse of the Eligible Employee (or, if he has no surviving spouse, to his dependents, if any, or, if he has no surviving spouse or dependents, to his estate) equal to the amount of the assessments paid by the Eligible Employee and the amount of any "pick-up" contributions made by the City of Stamford on behalf of the Eligible Employee, together with interest at a rate equal to four percent (4%) per annum, compounded annually.

(b) If an Eligible Employee dies after completing fourteen (14) or more years of service for the Board of Education of the City of Stamford, or if an Eligible Employee shall die in the actual performance of his duties, the trustees shall direct that a pension benefit be paid in an amount equal to one-half of the basic annual salary of the Eligible Employee at the time of his death. The pension benefit shall be paid to the surviving spouse of the Eligible Employee until the death or remarriage of the surviving spouse, and thereafter to his dependent children, if any. However, if such an Eligible Employee dies without leaving a surviving spouse or dependent children, the amount of the assessments paid by the Eligible Employee and the amount of any "pick-up" contributions made by the City of Stamford on behalf of the Eligible Employee, plus interest at a rate equal to four percent (4%) per annum, compounded annually, shall be paid to the Eligible Employee's estate.

Section 9A: Dependents and Dependent Children

For purposes of this Fund, the following terms shall have the following meanings:

(a) Dependent shall mean any person who is related by blood or marriage to the Eligible Employee and who was furnished his support by the Eligible Employee.

(b) Dependent children shall mean unmarried children of the Eligible Employee up to

the age of eighteen (18) or, if such children are full-time students, up to the age of twenty-two (22).

Section 10: Return of Assessments

Subject to Section 6C, if an Eligible Employee shall leave the service of the Board of Education of the City of Stamford prior to completing twenty-five (25) years of service and for a reason other than retirement at or after age sixty (60), disability or death, the total amount of the assessments paid by him and the amount of any "pick-up" contributions made by the City of Stamford on his behalf, together with interest at a rate equal to four percent (4%) per annum, compounded annually, shall be refunded to him.

Section 11: Nonassignability of Benefits

No Eligible Employee shall have the right to pledge, assign, transfer, or create or change any lien upon, his annual pension benefits, nor shall such pension benefits be subject to any process of attachment or be paid to any person except such Eligible Employee or his surviving spouse, dependents or dependent children.

Section 12: Veterans' Reemployment Benefits

Notwithstanding any provision of this Fund to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with Section 414(u) of the Internal Revenue Code of 1986, as amended.

Section 13: Sick Leave

Any Eligible Employee on paid sick leave shall be deemed to be employed by the Board of Education of the City of Stamford for all purposes under this Fund.

Any Eligible Employee on unpaid sick leave shall be deemed to be employed by the Board of Education of the City of Stamford for all purposes under this Fund for the lesser of the duration of the sick leave or six months. Any unpaid sick leave in excess of six months shall be deemed to be employment by the Board of Education of the City of Stamford for purposes of determining whether an Eligible Employee is eligible to receive pension benefits, but the amount of the pension benefits shall be computed on a pro rata basis without giving credit for the period of any unpaid sick leave in excess of six months. In determining whether the period of an Eligible Employee's unpaid sick leave is in excess of six months, sick leave (both paid and unpaid) relating to the same illness will be aggregated, and sick leave relating to separate illnesses will be treated separately.

Section 14: Reemployment Following Retirement

If an Eligible Employee who is retired on a disability pension accepts other employment, such other employment shall not deprive the Eligible Employee of any disability pension to which he might otherwise be entitled under the Fund, provided that the performance of his duties in connection with such other employment is not inconsistent with the claim that he is mentally or physically incapacitated from the discharge of the duties of his employment with the Board of Education of the City of Stamford immediately prior to his retirement.

If an Eligible Employee retires and begins receiving his pension benefits from the Fund and thereafter is rehired on a part-time basis by the Board of Education of the City of Stamford, the Eligible Employee's pension benefits shall continue to be paid during the period of his part-time employment. For this purpose, an employee will be deemed to be employed on a part-time basis if he is normally scheduled to work 20 or less hours per week.

Section 15: Post-Retirement Benefit Adjustments

(a) On the January 1 of each third year beginning January 1, 1999 (such January 1 being referred to herein as the "Effective Date"), each Eligible Employee who has reached age sixty-two (62) and who has received or has been credited with at least twelve monthly pension payments as of the July 1 preceding the Effective Date shall have his pension benefits adjusted. The adjustment will commence on the Effective Date, retroactive to the July 1 preceding the Effective Date.

(b) The adjustments required by this Section 15 shall be based upon the Fund's Average Annual Return for the thirty-six (36) month period ending on the July 1 which is six months prior to the Effective Date of the adjustment. The Average Annual Return shall be determined by the Board of Trustees using the dollar weighted rate of return methodology. The Average Annual Return shall be determined as the geometric average of the annual return for each of the three years.

(c) An adjustment account will be established as of July 1, 1995 with a zero balance. Beginning July 1, 1998 and on July 1 of each third year thereafter, the adjustment account balance will be redetermined as follows:

(i) The adjustment account balance will equal the adjustment account balance as of the July 1 three years prior, plus Item (ii)(1)(A) less Item (ii)(2)(C) plus Item (iii) minus Item (iv).

(ii) The adjustment account will be credited or debited for investment performance as follows:

(1) If the Average Annual Return is greater than 10%, the adjustment

account will be credited as follows:

- (A) Subtract 10% from the Average Annual Return;
- (B) Multiply the result in Item (A) by 50%.
- (C) Multiply the result in Item (B) by the pension benefit obligation for each such Eligible Employee receiving or who is credited with monthly pension payments as of the July 1 six months prior to the Effective Date.

(2) If the Average Annual Return is less than 6%, the adjustment account will be debited as follows:

- (A) Subtract the Average Annual Return from 6%;
- (B) Multiply the result in Item (A) by 50%.
- (C) Multiply the result in Item (B) by the pension benefit obligation for each such Eligible Employee receiving or who is credited with monthly pension payments as of the July 1 six months prior to the Effective Date.

(3) If the Average Annual Return is greater than or equal to 6% but less than or equal to 10%, no credit or debit will be made to the adjustment account.

(iii) The adjustment account will be credited with the Average Annual Return for each of the prior three years.

(iv) The adjustment account will be debited for adjusted pension payments (including interest at the Average Annual Return rate) paid during the prior three years.

(d) The percentage increase equals Item (i) less Item (ii) divided by Item (iii):

(i) The adjustment account balance as of the July 1 six months prior to the Effective Date of the adjustment.

(ii) The pension benefit obligation as of such July 1 for prior year adjustments for all such Eligible Employees.

(iii) The pension benefit obligation as of such July 1 for all such Eligible Employees.

(e) The pension adjustment will be the percentage increase multiplied by the amount

currently being paid to such Eligible Employees, subject to the following limitations:

(i) If the percentage increase is greater than 4%, the percentage increase will be limited to 4%. Any excess adjustment account credit from Item (c)(ii)(1)(C) will remain in the adjustment account.

(ii) If the percentage increase is negative, no adjustment will be made. Any excess adjustment account debit from Item (c)(ii)(2)(C) will remain in the adjustment account.

(f) The pension benefit obligation will be determined by the Fund's actuary in accordance with actuarial assumptions with respect to interest and mortality as used in the most recent actuarial valuation report. Pension benefit obligation will have the meaning set forth in Government Accounting Standards Board Statement No. 5.

(g) The adjustments referred to above shall be fully applicable to the eligible survivors of deceased Eligible Employees as of the Effective Date such Eligible Employees became or would have become eligible to receive such adjustment.

Section 16: Required Minimum Distributions

All distributions under the Fund shall be made in accordance with the requirements of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, which is incorporated herein by reference, and the regulations thereunder, including the minimum distribution incidental benefit requirement of Section 1.401(a)(9)-2 thereof.

Section 17: Maximum Retirement Benefits

Notwithstanding anything else herein to the contrary, the benefits payable under this Fund shall at all times comply with the provisions of Section 415 of the Internal Revenue Code of 1986, as amended, and the regulations thereunder (as they apply to governmental plans), the terms of which are specifically incorporated herein by reference.

If an Eligible Employee participates in one or more defined benefit plans sponsored by the City of Stamford in addition to the Fund and the benefits under the Fund and such other plan or plans exceed the limitation set forth in Section 415(b) of the Internal Revenue Code, or if an Eligible Employee participates in one or more defined contribution plans sponsored by the City of Stamford and the benefits under the Fund and such other plan or plans exceed the limitation set forth in Section 415(e) of the Internal Revenue Code, then the Eligible Employee's benefits under the Fund shall be reduced to the extent necessary to satisfy such limitation.

Actuarial equivalence for purposes of Section 415 of the Internal Revenue Code shall be determined by reference to the 1983 Group Annuity Mortality Table and an 8.0% rate of interest.

Section 18: Forfeitures

Forfeitures under the Fund, if any, will be applied to reduce the contributions hereunder and shall not be applied to increase the benefits any Eligible Employee would otherwise receive under the Fund.

Section 19: Nonreversion of Assets

No assets of the Fund shall ever revert to, or be used or enjoyed by, the City of Stamford, nor shall any such funds or assets ever be used other than for the exclusive benefit of the Eligible Employees and their surviving spouses, dependents and dependent children.

Section 20: Termination of the Fund

In the event of the termination or partial termination of the Fund, the rights of each Eligible Employee or, in the event of a partial termination, the rights of each Eligible Employee affected by such partial termination, (including a retired, disabled or terminated Eligible Employee) to benefits accrued to the date of such termination or partial termination, to the extent funded as of such date, shall become nonforfeitable.

Section 21: Direct Rollover of Eligible Rollover Distributions

Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distributee's election under this Section 21, a distributee may elect, at the time and in the manner prescribed by the Trustees, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code; and the portion of any distribution that is not includible in gross income.

An eligible retirement plan is an individual retirement account described in Section 408(a) of the Internal Revenue Code, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code, an annuity plan described in Section 403(a) of the Internal Revenue Code, or a qualified trust described in Section 401(a) of the Internal Revenue Code, that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.

A distributee includes an employee or former employee. In addition, the employee's or

former employee's surviving spouse is a distributee with regard to the interest of the spouse.

A direct rollover is a payment by the Plan to the eligible retirement plan specified by the distributee.

Section 22: Indemnification

To the extent permitted by law, the City of Stamford shall indemnify and save harmless the trustees from and against any and all claims, loss, damages, expenses (including reasonable counsel fees) and liability (including reasonable amounts paid in settlement with the approval of the City of Stamford) to which the trustees may be subjected by reason of any act done or omitted to be done, except where the same is finally adjudicated to be due to the willful misconduct or negligence of the trustees.

Section 23: Qualification of the Fund

The provisions of the Fund shall be interpreted in a manner that is consistent with the Fund being a qualified employee pension benefit plan within the meaning of Section 401(a) of the Internal Revenue Code.

Section 24: Early Retirement Window Benefits

The provisions of this Section 24 shall apply only to Eligible Employees who:

(a) are active employees of the Board of Education of the City of Stamford on the date on which the 1994-1997 collective bargaining agreement between the City of Stamford and the Union was approved by the Board of Representatives of the City of Stamford (the "Approval Date");

(b) by the Approval Date, either: (i) have reached age fifty-five (55) and have completed at least twenty-five (25) years of service; or (ii) have reached age sixty (60) and have completed at least ten years of service; and

(c) elect to terminate employment within the ninety (90) day period beginning on the Approval Date and terminate employment by the end of such ninety (90) day period.

An Eligible Employee who satisfies the requirements of this Section 24 shall be credited with an annual supplemental pension benefit equal to two and one-half percent (2/1/2%) of the Eligible Employee's basic annual salary.

Section 25: Titles Are For Reference Only

The titles are for reference only. In the event of a conflict between a title and the content of a Section, the content of the Section shall control.

Notes:

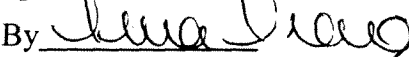
1. The provisions of the Fund and any amendments thereto are subject to the terms of a collective bargaining agreement between the Board of Education of the City of Stamford and Local 1083, provided that the adoption of such collective bargaining agreement satisfies the requirements of Section 7-474(b) of the Connecticut General Statutes, as amended.
2. All prior or future decisions by the trustees which set a precedent shall be considered on their merits.
3. Pertinent documents such as the original plan, legislative or collective bargaining amendments, and the trust agreement are on file with the Benefits Manager of the City of Stamford and Local 1083.


IN WITNESS WHEREOF, the parties have hereunto set their hands and seals.

WITNESS:

THE CITY OF STAMFORD

By 

By 


By 

By 

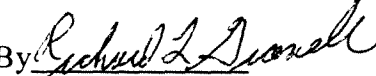
Its
Dated: 5/11/00

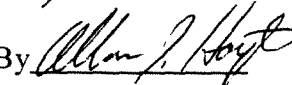
WITNESS:

LOCAL 1083 OF THE AMERICAN
FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES, AFL-
CIO

By 

By 

By 

By 

Its
Dated: 5/11/00

AMENDMENT A

WHEREAS, the City of Stamford maintains the Custodian's Retirement Plan for the benefit of certain of its Employees, which Plan was last revised as of March 27, 1998; and

WHEREAS, under the provisions of the Plan, the City of Stamford and Local #1083 of Council #4 of the American Federation of State, County and Municipal Employees may amend the Plan through collective bargaining from time to time; and

WHEREAS, the parties reached a contract settlement, thereby amending certain provisions of the Plan;

NOW, THEREFORE, the premises considered,

BE IT RESOLVED that the Plan as revised effective March 27, 1998, be and the same is, hereby amended, effective upon ratification of the Board of Representatives on March 1, 1999, unless otherwise provided, in the following respects:

Section 1: Establishment of Fund; Contributions

Amended in the following subsections:

(b) Effective March 2, 1999, a rate of assessment equal to seven percent (7%) of the compensation payable to each Eligible Employee by the Board of Education of the City of Stamford, or such other rate of assessment paid by the Eligible Employees in accordance with the terms of a collective bargaining agreement between the City of Stamford and Local 1083 of the American Federation of State, County and Municipal Employees, AFL-CIO ("Local 1083"). When determining the rate of assessment, compensation shall include all periodic payments made by the City of Stamford to an Eligible Employee as workers' compensation benefits. No Eligible Employee who has completed as least thirty-three (33) years of service for the Board of Education of the City of Stamford, as defined in Section 5, shall be required to pay any additional assessments to the Fund.

Effective as of the date on which the last governmental action needed to adopt this amendment and restatement of the Fund has occurred, the City of Stamford will "pick-up" all employee contributions required by this Section 1(b), as permitted by Section 414(h) (2) of the Internal Revenue Code of 1986, as amended (the "Code"). Such contributions will be treated as employer contributions for Federal income tax purposes and will not be included in the current income of employees. The City of Stamford will pay the contributions otherwise required to be made by each Eligible Employee in lieu of having the contributions paid by such Eligible Employees, and the Eligible Employees do not have the option of receiving the contributed amounts directly in cash instead of having them paid to the Fund by the City of Stamford.

(d) Effective March 2, 1999, an appropriation to said Fund by the City of Stamford in an amount which is actuarially determined to be required to meet the expenditures of the Fund hereinafter provided.

Section 5: **Eligibility for Normal Pension Benefit; Years of Service**

Any Eligible Employee who shall have:

- (a) performed service for twenty-five (25) years or more for the Board of Education of the City of Stamford, regardless of age; or
- (b) rendered less than twenty-five (25) years but more than ten (10) years for the Board of Education, and who shall have reached his sixtieth (60th) birthday;

may retire and receive benefits under Section 6. For purposes of this Fund, years of service shall be calculated by taking into account whole years of service and portions thereof performed for the Board of Education of the City of Stamford. In this regard, if an Eligible Employee performs service during at least one day in a calendar month, the Eligible Employee will be credited with service for the entire calendar month. Years of service shall also include the period of time during which an Eligible Employee is receiving periodic payments from the City of Stamford as workers' compensation benefits.

Section 6: **Amount of Normal Pension Benefit**

Effective March 2, 1999, whenever an Eligible Employee shall retire in accordance with the provisions of Section 5 shall receive annually (but payable monthly) from the Fund for the remainder of his life, a pension benefit equal to two and one-quarter percent (2.25%) of his basic annual salary, multiplied by the number of his years of service. Years of service are determined in the manner set forth in Section 5.

However, notwithstanding anything herein to the contrary, effective March 2, 1999, in no event may the pension benefit of an Eligible Employee exceed seventy-four and one-quarter percent (74.25%) of his basic annual salary.

For purposes of this Fund, basic annual salary shall mean the basic annual rate of pay of an Eligible Employee as of the date of his termination of employment, including any annual lump sum longevity bonuses payable to an Eligible Employee during the fiscal year of his termination, but excluding any overtime pay, bonuses (other than longevity bonuses) and other forms of additional compensation.

The basic annual salary of an eligible Employee taken into account under the Fund shall not exceed \$150,000, as adjusted under Section 401 (a) (17) of the Internal Revenue Code of 1986, as amended, for the calendar year in which the adjustment is effective and for each subsequent calendar year.

Section 6B: **Medicare (Part B) Benefit**

All employees who retire on pensions after April 3, 1969 are eligible for Medicare, and provide proof that they are paying for such Medicare benefit, shall be paid a monthly sum equal to the amount required to be paid by such employees for coverage under the Medicare Supplementary Medical Insurance Plan (Part B). The cost for such coverage shall be borne by the Plan.

Section 6C: **Vested Pension Benefit**

Effective as of March 2, 1999, an Eligible Employee who leaves the employ of the Board of Education of the City of Stamford with at least ten (10) years of service but less than twenty-five (25) years of service and who is not eligible for disability retirement benefits under Section 8 shall have the right to elect to receive (in lieu of a refund of his contributions or assessments as provided under Section 10 of the Fund) pension benefits equal to two and one quarter percent (2.25%) of his basic annual salary, multiplied by the number of his years of service. Such pension benefits shall commence to be paid to the Eligible Employee making such an election on his sixtieth (60th) birthday. However, if such Eligible Employee shall die prior to his sixtieth (60th) birthday, such pension benefits shall commence to be paid on the sixtieth (60th) anniversary of the Eligible Employee's date of birth to his surviving spouse until the death or remarriage of the surviving spouse, and thereafter to his Dependent Children, if any.

Section 7: **Early Retirement Benefit**

Deleted and all subsequent sections renumbered.

Section 8 (old): **Disability Pension Benefit**

(a) Service Related Disability. If an Eligible Employee becomes permanently and totally disabled and thus incapable of performing his job due to a physical or mental disability incurred in the discharge of his duties for the Board of Education of the City of Stamford, he shall be entitled to receive a disability pension benefits equal to one-half of his basic annual salary; provided, however, that such disability pension benefits shall be paid only during the incapacity of the Eligible Employee. The determination of an Eligible Employee's mental or physical incapacity shall be made by a physician selected by the Trustees.

(b) Non-Service Related Disability. Effective March 2, 1999, if an Eligible Employee with at least ten (10) years of service for the Board of Education of the City of Stamford, becomes permanently and totally disabled and thus incapable of performing his job due to a physical or mental disability incurred as the result of an injury or illness incurred while not discharging his duties for the Board of Education of the City of Stamford, he shall also be entitled to receive a disability pension following a determination by the Custodian and Mechanics Pension Board that the participant is Permanently and Totally Disabled. The amount of the annual Non-Service Related Disability Retirement Benefit, payable monthly, shall be equal to the lesser of:

- (1) fifty percent (50%) of the Participant's Average Final Compensation, or
- (2) the annual retirement benefit that would have been payable to the Participant had he remained continuously employed until age sixty (60) and had he/she continued to earn the same rate of compensation throughout that period.

(c) The trustees may require an Eligible Employee who is receiving disability pension benefits to periodically undergo a medical examination by a physician selected by the trustees. Should the Eligible Employee refuse to submit to such medical examination, his disability pension benefits will be discontinued. If the physician performing the medical examination determines that the Eligible Employee's mental or physical incapacity has ceased, his disability pension benefits shall terminate.

(d) "Permanently and Totally Disabled": A Participant shall be deemed permanently and totally disabled within the meaning of this Plan if the Trustees, in their sole and absolute discretion, shall determine on the basis of medical evidence that:

- a) such Participant is totally unable, as a result of bodily injury or illness, to engage in, or perform, the duties of his or her occupation for the City of Stamford/Board of Education and, considering age, education, and work experience, cannot engage in any similar capacity of work which exists in the national economy; and
- b) such disability shall be presumed to be permanent and continuous for the remainder of his/her life.

An eligible participant applying for a disability retirement may be required to submit to an examination by a physician or physicians selected by the Trustees.

Section 9 (old): **Death Benefits**

(a) Effective March 2, 1999, if an Eligible Employee dies before completing ten (10) years of service for the Board of Education of the City of Stamford, a refund shall be paid to the surviving spouse of the Eligible Employee (or, if he has no surviving spouse, to his Dependent Child(ren), if any, or if he has no surviving spouse or Dependent Child(ren), to his estate) equal to the amount of the assessments paid by the Eligible Employee and the amount of any "pick-up" contributions made by the City of Stamford on behalf of the Eligible Employee, together with interest at a rate equal to four percent (4%) per annum, compounded annually.

(b) Effective March 2, 1999, if an Eligible Employee dies after completing ten (10) or more years of service for the Board of Education of the City of Stamford, or if an Eligible Employee shall die in the actual performance of his duties, the trustees shall direct that a monthly pension benefit be paid in an amount equal to one-twelfth (1/12) of one-half (1/2) of the basic annual salary of the Eligible Employee at the time of his death. The pension benefit

shall be paid monthly to the surviving spouse of the Eligible Employee until death or remarriage of the surviving spouse, and thereafter to his Dependent Children, if any. However, if such an Eligible Employee dies without leaving a surviving spouse or Dependent Children, the amount of the assessments paid by the Eligible Employee and the amount of any "pick-up" contributions made by the City of Stamford on behalf of the Eligible Employee, plus interest at a rate equal to four percent (4%) per annum, compounded annually, shall be paid to the Eligible Employee's estate.

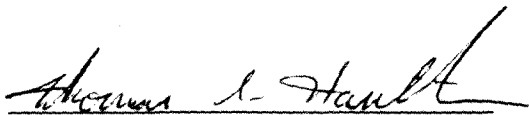
(c) Post-Retirement Death Benefit. If an Eligible Employee retires and is receiving pension benefits and subsequently dies, the pension benefit shall continue to be paid monthly to the surviving spouse of the Eligible Employee until death or remarriage of the surviving spouse, and thereafter to his Dependent Children, if any.

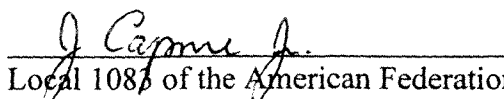
Section 26 (old): Military Service Pension Buyback

Effective March 2, 1999 and continuing for a period of sixty (60) days, an Eligible Employee may elect, in writing, to the Director of Human Resources, to "buyback" pension service credit for any full-time active military service in any of the branches of the United States Armed Forces. The maximum amount of service credit an Eligible Employee is permitted to buyback will be thirty-six (36) months. An Eligible Employee electing to buyback time under this provision will be required to contribute to the Fund a sum equal to seven percent (7%) of his current monthly salary for each month of buyback. The Eligible Employee must pay into the Fund, the full amount by January 1, 2000. Military service buyback will count towards an Eligible Employee's vesting requirement. Prior military service pension credit purchased under other City bargaining unit agreements, or through prior agreements with Local 1083, is excluded from this buyback option.

This amendment represents all changes to the Plan, negotiated between the City of Stamford and Local 1083 of the American Federation of State, County and Municipal Employees, Council #4, AFL-CIO, for the collective bargaining agreement dated July 1, 1998 through June 30, 2002.

Adopted by the Trustees of the City of Stamford Custodian's Retirement Plan on the 15th day of March 2000.


The City of Stamford


Local 1083 of the American Federation of State, County & Municipal Employees, AFL-CIO