

**ATU LOCAL 1596 PENSION FUND  
MINUTES OF SPECIAL MEETING HELD  
MARCH 15, 2005**

**Board Members Present:**

Thomas Lapins - Chairman  
Brian Anderson - LYNX Appointee  
Blanche Sherman - LYNX Appointee  
Edward Johnson - LYNX Appointee  
Maryann Taylor- Union Appointee  
Tom Fagen – Union Appointee

**Others Present**

Scott Baur and Nick Schiess - Fund Administrator  
Jill Hanson - Fund Attorney  
Joyce Baldi – LYNX  
Lisa Darnall – LYNX

| Agenda Item | Discussion  | Decision | Follow-up |
|-------------|---|----------|-----------|
| 1.          | Meeting called to order at 1:06 PM  |          | None      |
| 2.          | <p>Jill Hanson recapped the history of the consideration of the disability provisions within the Plan and provided the Board with a draft Amendment containing the language previously agreed upon by the Board at the last meeting.</p> <p>The Board discussed the long-term disability insurance policy provided by LYNX and it was noted that during the initial thirty-six month period the definition of disability was own occupation and then any occupation thereafter. The Board discussed the provisions contained within the draft Amendment. It was noted that the eligibility requirements of the accrual of a minimum of ten benefit credits remained the same as the current Plan provisions and the disability pension itself was calculated in the same manner, however, the draft Amendment contained an offset for earnings from other sources.</p> <p>It was noted that the revised disability provisions attempted to cost-shift partial liability to the LYNX's long-term disability policy as the waiting period within the draft Amendment was extended to thirty-six months.</p> <p>The Board then discussed the earnings offset in great detail and it was noted that the proposed disability provisions offset</p> |          |           |

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|    | <p>the Plan's disability benefits from earnings from other sources including social security and long-term disability benefits, however, the earnings offset was removed once the Participant reached normal retirement age. A discussion arose regarding the requirements for the filing of the Application for Disability Benefits and it was noted that Participants were responsible for filing the Application, however, it was a possibility that Participants might separate from service prior to the end of the thirty-six month waiting period.</p> <p>The Board discussed the definition of disability and objections were noted to the own occupation disability provision. A discussion arose to the intent of the Plan with regard to providing disability benefits and it was noted that the Plan document stated that the intent was to protect the well being of employees' families through disability and survivor pensions. Brian Anderson provided the Board with a report of all Participants on disability leave and expressed concern that many additional persons would be eligible for disability benefits from the Plan under the own occupation definition of disability.</p> <p>A lengthy and thorough discussion ensued regarding the definition of disability, substantial and gainful employment, and alternatives to the own occupation definition of disability. The discussion continued and comparisons were made of the proposed definition of disability to that within the provisions of the Palm Tran Pension Plan. The Board considered the distinction between benefits and eligibility requirements for duty versus non-duty related injuries and illnesses and other provisions contained within the disability provisions of the Palm Tran Pension Plan.</p> <p>A question arose whether a cost study was necessary prior to the adoption of revised disability provisions. Scott Baur noted that the Actuary considered the provisions not to require a funding increase, however, the revised provisions might impact the experience of the Plan and therefore affect future funding requirements.</p> |  |  |
| 2. | The Board continued the discussion regarding the definition of disability.  |  |  |

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|    | <p>A question arose regarding the definition of substantial and gainful employment and Jill Hanson advised that the definition must be determined by the Trustees under the prevailing conditions on a case-by-case basis. It was noted that a Participant might be considered to be substantially and gainfully employed with earnings less than their current wages.</p> <p>The Board readdressed the requirements for the filing of an Application for Disability Benefits. It was noted that it was important to establish procedures to require Participants on leave with disabilities submit an Application for Disability Benefits and the Application itself held until the end of the waiting period. The Board determined that the Administrator would file the Applications and continuously provide the Board with a status report of pending disability Applications.</p> <p>The Board discussed the earnings integration provision in the draft Amendment and it was noted that the original intent was to offset any potential negative experience to the Plan in the adoption of an own occupation of disability. It was also noted that the own occupation of disability was not adopted and earnings offsets were very difficult to administer.</p> | <p>Tom Fagen made a motion adopt the definition of disability as a Participant shall be regarded as being disabled when he or she is unable to engage in any substantial, gainful employment for any occupation for which he or she are qualified by reason of age, education or work experience by reason of any medically determinable physical or mental impairment which has continued for at least thirty-six (36) months, or such time during which unreduced disability payments are available through the LYNX long term disability Plan. Maryann Taylor seconded the motion, approved by the Trustees 6-0.</p> <p>Blanche Sherman made a motion that Participants must submit an Application for Disability Benefits at the time of disability but no later than termination from LYNX. Tom Fagen seconded the motion, approved by the Trustees 6-0. The Administrator would receive and file the Applications until the termination of the thirty-six month waiting period and report on the status of all disability Applications to the Board.</p> <p>Maryann Taylor made a motion to remove earnings integration from the proposed disability provisions. Tom Fagen seconded the motion, approved by the Trustees 6-0.</p> | <p>Jill Hanson</p> <p>Administrator</p> |
| 3. | The meeting adjourned at 4:22 P.M.   |   | None                                    |

Respectfully submitted,

Brian Anderson, Secretary