

CALIFORNIA AND VICINITY FIELD IRON WORKERS ANNUITY TRUST FUND

FREQUENTLY ASKED QUESTIONS

The responses to the frequently asked questions below are intended to give general guidance. The information provided may not reflect the specific facts and circumstances of every situation. If you have a specific question please contact the Plan administrator for a response tailored to your situation.

1. Who must obtain a QDRO?

Generally, a plan cannot pay benefits to anyone other than the participant in the plan. A QDRO allows a plan to pay benefits to an alternate payee. An alternate payee can be a spouse, former spouse, child or other dependent of the participant. Most commonly, the participant and his/her spouse will get divorced and the spouse will be awarded a portion of the participant's benefits. For the spouse to receive the benefits awarded to her in the divorce, a QDRO must be obtained.

A QDRO creates or recognizes an alternate payee's right to receive all or a portion of the benefits payable with respect to a participant in a plan. The order must relate to the provision of child support, alimony payments, or marital property rights for the benefit of an alternate payee.

2. When can the alternate payee elect to receive his or her share?

An alternate payee can begin receiving benefits at any time after at least 30 days following the determination that the order is a QDRO, and the alternate payee has provided an application for benefits. (See Paragraph 10 of the Sample QDRO).

3. What type of payment will be paid to the alternate payee?

The alternate payee may choose to receive his or her share in any payment form available under the Annuity Plan, including a roll-over of all or a portion of his or her individual account balance, a lump sum payment, or other distribution options available under the Annuity Plan. If the alternate payee elects to receive his or her share in the form of a monthly annuity, he or she will have to wait until he or she turns a certain age before payments can commence.

4. How do I complete Paragraphs 4 and 6 of the Sample QDRO?

Paragraphs 4 and 6 of the Sample QDRO provide two options for awarding benefits, either a fixed dollar amount, or one-half interest of the Community Benefit. Both divide the participant's individual account between the participant and alternate payee.

If you want to award the alternate payee a fixed dollar amount, then you should delete the first sentence of Paragraph 4, and fill in the blank dollar amount in the second sentence of Paragraph 4. You should also delete the second sentence of Paragraph 6, and fill in the dollar blank in the third sentence of Paragraph 6.

If you want to award the alternate payee one-half interest of the Community Benefit then you should delete the second sentence of Paragraph 4, and the third sentence of Paragraph 6.

Please note, this is a Sample QDRO with sample provisions of how benefits can be divided under the Annuity Plan. You may decide to divide your benefits differently. Please see Question 8 below for further information regarding the Sample QDRO.

5. If the participant has already started receiving benefits can a QDRO still be obtained?
Yes, an alternate payee can obtain a QDRO even if the participant has started receiving benefits from the Plan. However, it will be applied to benefits then remaining.
6. What happens if the participant dies before retirement and before the commencement of payments to the alternate payee pursuant to the QDRO?
The death of the participant will not affect the benefits awarded to the alternate payee under the Annuity Plan.
7. What happens if the alternate payee dies before the commencement of benefits?
The death of the alternate payee will not affect the benefits awarded to the alternate payee under the Annuity Plan. The alternate payee's individual account balance will be distributed to his or her designated beneficiary(ies). The alternate payee may designate a beneficiary by returning to the Fund Office a completed beneficiary designation form. If the alternate payee fails to designate beneficiary(ies), or the designated beneficiary(ies) does not survive the alternate payee, distributions will be made in accordance with the Annuity Plan. (See Paragraph 8 of the Sample QDRO).
8. Should I use this sample order if I am a retiree? Should I use this sample order if I am still working or have not retired?
This Sample QDRO can be used if you are a retiree or are still working or are not working but have not retired. The sample covers both retirees and any participants who have not yet retired.

The sample provides language that divides the community property portion of the benefits equally between both spouses. The sample order is provided as a courtesy, it is not required that you use the sample form. Please note that a 50-50 division is not legally required and does not necessarily accomplish the best result for every situation. The parties should always consult their own attorneys before agreeing to this form, and the attorneys should adopt and revise the language where appropriate. Moreover, the sample contains provisions that are optional or which involves choices that the parties may want to modify. The Plan takes no position on these specific provisions.