



**NEWFOUNDLAND AND LABRADOR
MUNICIPAL EMPLOYEE BENEFITS INC.**

**Employee Booklet
For Pension Plan
Option 7**

January 1, 2013

NEWFOUNDLAND AND LABRADOR MUNICIPAL EMPLOYEE BENEFITS INC. PENSION PLAN

OPTION 7

Newfoundland and Labrador Municipal Employee Benefits Inc. (previously the Newfoundland and Labrador Federation of Municipalities) has coordinated pension benefits for employees of participating municipalities since October 1, 1978.

The Pension Plan for Participating Employers of the Newfoundland and Labrador Municipal Employee Benefits Inc. (“Plan”) is administered and operated for the benefit of participating municipalities and their eligible employees by NLMEB Inc., operating as TRIO.

The Plan is a registered pension plan conforming with the Newfoundland and Labrador *Pension Benefits Act, 1997* and to the *Income Tax Act (Canada)* and its Regulations. Contributions made by you are deductible for income tax purposes.

In addition to the benefits from this Plan, you may also receive the pensions provided by the *Canada Pension Plan Act* and the *Old Age Security Act*.

The following pages describe the main provisions of the Plan at the date this booklet was prepared. Please read this booklet carefully so that you will be familiar with the benefits to which you may be entitled under the Plan.

Important note: The Plan terms and the legislation governing the Plan may be amended from time to time. Such amendments may affect the benefits described in this booklet. This booklet is a summary only, and the details of benefits are set in the official Plan text. While we have made reasonable efforts to ensure the accuracy of the information in this booklet as at the date it was prepared, if there is any conflict between the terms of this booklet and the official text of the Plan, the text will govern.

A. ELIGIBILITY

Membership in the Plan is mandatory. If you are a full-time employee, you will be required to join the Plan 24 months after the date you are hired.

If you are a part-time employee, you will be required to join the Plan on the date you have completed 24 months of employment, provided that you have earned at least 35% of the YMPE in two consecutive calendar years. The YMPE (or “year’s maximum pensionable earnings”) is the maximum level of earnings on which contributions and benefits are based under the *Canada Pension Plan Act*. In 2013, the YMPE is \$51,100 (in 2012, the YMPE was \$50,100, in 2011, the YMPE was \$48,300, and in 2010 it was \$47,200).

Individual municipalities have the option to establish a waiting period of less than 24 months after the date you are hired. You should confirm with the human resources department of your municipality whether the waiting period is less than 24 months for your municipality.

B. CONTRIBUTIONS

You will contribute an amount equal to 6.75% of your salary towards the cost of your pension benefits. The employer will also contribute an amount equal to at least 6.75% of your salary towards the cost to provide your pension benefit.

C. BUY BACK OPTION

If you had periods of employment with your current employer during which you were not a member of the Plan, you also have the option to purchase benefits related to all or part of that period. Your employer will determine the amount you will be required to contribute to the pension fund in order to secure benefits for that period of employment.

If you participated in this pension plan while you were employed at another municipality participating in this pension plan, and your benefits are still in the plan, you may, under the Inter-Municipal Transfer Agreement, transfer the value of those prior benefits to your current employer. Advise your employer if this situation is applicable to you, in order to receive further information on the cost and the impact on your benefits of such a transfer.

Furthermore, if you participated in the Newfoundland and Labrador Public Service Pension Plan, you may be able to transfer your benefits from that plan to this Plan under the terms of a Reciprocal Transfer Agreement between the two pension plans. Advise your employer if this situation is applicable to you, in order to receive further information on the cost and the impact on your benefits of such a transfer.

For reciprocal transfer of benefits among municipalities within this Plan, or between the Public Service Pension Plan and this Plan, differences in employment conditions, and the terms and conditions of the exporting plan provisions when compared to those of the importing plan provisions will have an impact on the ability of a member to recognize his full service at his prior employer under the terms of the Plan at his current employer.

D. RETIREMENT DATES

Your normal retirement age under the Plan is age 65. You may also elect to retire on your optional retirement date, which is the date your age plus years of service with the employer equal 80, provided you have attained at least age 55.

Early retirement is permitted at any time after age 55 provided you have at least 2 years of Plan membership. Pensions payable upon early retirement are subject to a permanent reduction. The reduction is described below in Section E. "Amount of Pension".

You may postpone your retirement beyond your normal retirement age but not beyond the end of the calendar year in which you reach age 71. You will continue to contribute and earn benefits during this period of postponement.

E. AMOUNT OF PENSION

(a) Pension at Normal, Optional or Postponed Retirement Date

You will receive on retirement, on or after your normal retirement date or your optional retirement date, an annual pension equal to the sum of the following:

- (i) 2% of your 1994 earnings, multiplied by your years of credited service prior to January 1, 1995; plus
- (ii) 2% of your earnings for each year of Plan membership on and after January 1, 1995.

(b) Pension at Early Retirement Date

If you retire prior to your normal retirement age and after age 55, you will receive, commencing on your early retirement date, a pension determined as in (a) above, but reduced by 1/2% per month (6% per year) that your early retirement date precedes the earlier of your normal retirement age and your optional retirement date (determined using your service only to your early retirement date).

If you terminate employment prior to your attainment of age 55 and commence your pension prior to your normal retirement age, your pension will not be reduced as noted above, but will be reduced at your early retirement date so as to be actuarially equivalent in value to the pension you would have received at the earlier of your normal retirement date and your optional retirement date (determined using your service only to your date of termination of employment).

(c) Indexing of Pension Benefits

That part of your pension benefit that is in respect of credited service earned from January 1, 2000 through December 31, 2012 is increased each January 1 (starting with the January 1 that follows 24 completed months of retirement) by a percentage equal to the adjustment in the Consumer Price Index for the previous year, up to a maximum increase of 2% per year.

That part of your pension benefit that is in respect of credited service earned from January 1, 2013 shall be eligible for provisional upgrades as may be granted by the TRIO Board from time to time, at its discretion, as the financial position of the Plan warrants. Any such post-retirement indexing granted by the TRIO Board shall be permanent.

In no event will the provisional upgrades in respect of credited service from January 1, 2013 exceed the percentage increase in the Consumer Price Index for the previous year, up to a maximum increase of 2% and no increase will be applied until the January 1 that follows 24 completed months of retirement.

F. MINIMUM BENEFIT

You are guaranteed that your contributions made from January 1, 1997 will not be used to provide more than 50% of the value of your pension earned after that date. Any "Excess Contributions" over that amount will be refunded to you in cash, transferred to another retirement savings arrangement or used to provide you with additional pension. This rule applies on retirement, on termination of employment and on death.

G. INTEREST

Your contributions are credited with interest at a rate corresponding to that payable on 5-year personal fixed term deposits at chartered banks during the past year.

H. DEATH BENEFITS

(a) Rules respecting Payment of Death Benefits

Please note that, under the Newfoundland and Labrador *Pension Benefits Act* and other legislation governing the Plan, there are rules that apply to the payment of death benefits, as follows:

- (i) you may designate any person as your beneficiary;
- (ii) if you have a qualifying spouse (please review the definition of "spouse" outlined below) at the time of your death, your spouse may receive certain death benefits from the Plan regardless of any other beneficiary designation;
- (iii) if you do not have a qualifying spouse at the date of your death and you do not designate a beneficiary, any death benefits payable from the Plan will be paid to your estate.

The Newfoundland and Labrador *Pension Benefits Act* prescribes rules to determine who may qualify as a spouse for pension plan purposes. Those rules are summarized here:

- if you are **not** legally married and you have lived in a common law relationship with another person for **one year** or more (and you are currently

living with that person), he or she will be recognized as your spouse under the pension plan;

- if you **are** legally married, but you are separated from that person and you have lived in a common law relationship with another person for **3 years** or more (and you are still living with your common law partner), the person with whom you are living in a common law relationship will be recognized as your spouse under the pension plan;
- if you **are** legally married and you live with your legal spouse or, if you are separated but you do not have a common law spouse as described in the paragraph above, the person to whom you are legally married is your spouse for pension plan purposes.

Your spouse may be of the same or opposite sex.

If your situation changes and you enter a relationship with someone who would be considered a spouse or end a relationship with a spouse, it is important to ensure that your spouse on record for pension plan purposes is updated as required. You may also want to complete a new beneficiary designation in those circumstances. Please contact your employer if you would like to change your spouse on record or your beneficiary designation.

(b) Death Before Retirement

If you die before retiring, and before completing 1 year of service with your employer, your beneficiary will receive a death benefit from the Plan equal to a refund of your contributions to the Plan, with interest.

If you die before retiring, but after completing 1 year of service with your employer, your beneficiary will receive a death benefit equal to the following:

- (i) any contributions you made to the Plan before January 1, 1997, with interest, plus
- (ii) the full commuted value of the pension you earned in the Plan on and after January 1, 1997, plus
- (iii) any other amount payable from the Plan as a result of your death.

However, if you have a qualifying spouse at the date of your death (as described in the preceding section), your spouse will receive the payment described in paragraph (ii) above even if you have named a different person as your beneficiary.

If you have a qualifying spouse at the date of your death and you die before retiring but after being eligible for an immediate pension, instead of the benefits described above,

your spouse will receive a lifetime pension equal to 60% of the pension you would have received had you retired immediately before your death. The value of the benefit paid to your spouse will be at least equal to the benefit described above.

(c) Death After Retirement

If you do not have a qualifying spouse when you start your pension from the Plan, the normal form of pension is a pension payable for your lifetime and guaranteed for 10 years in any event. This means that if you die before having received 120 pension payments, the payments are continued to your beneficiary until a total of 120 payments have been made.

However, if you have a qualifying spouse when you start your pension from the Plan, you will normally receive a pension payable for life, with a 60% spousal benefit. Therefore, if you die after retirement and before your spouse, monthly payments will continue to be made to your spouse for the remainder of your spouse's life at 60% of the amount that was paid to you before your death.

(d) Optional Forms of Pension

Instead of the form of pension described in (c) above, and subject to any requirement for a spousal waiver, you may elect an optional form providing either a different guaranteed period or a different amount of pension payable to your surviving spouse. A written waiver from your spouse is required if you elect a form of pension with no survivor benefit or with a survivor benefit of less than 60%. The amount of pension payable under any alternative option will be actuarially determined so as to have the same value as the normal form.

I. TERMINATION BENEFITS

(a) Before 1 Year of Service

If you terminate employment before completing 1 year of service with your employer, you will receive a refund of your contributions to the Plan, with interest.

(b) After 1 Year of Service

If you terminate employment after completing 1 year of service with your employer, you will receive a deferred pension calculated as in section E(a) and payable at your normal retirement age.

Notwithstanding this, you may elect to receive a refund of one of the following:

- your contributions made prior to January 1, 1997, with interest, provided that you have not both completed 10 years of service and reached age 45; or

- your contributions made prior to January 1, 1985, with interest.

If you elect to receive the above refund of contributions, your deferred pension will be reduced to reflect the amount of the refund received.

(c) Portability

If you terminate employment prior to being eligible to receive an immediate pension and you are entitled to receive a deferred pension, you may elect to transfer the commuted value of your deferred pension to:

- (i) your personal “locked-in” registered retirement savings arrangement; or
- (ii) another registered pension plan, if the administrator of that plan agrees to accept the transfer; or
- (iii) an insurance company, to purchase a deferred life annuity.

Any transfer of the commuted value of your deferred pension is subject to “locking-in” rules. Benefits that are “locked-in” must be used to provide you with retirement income and cannot be taken in a cash lump sum. However, if at your date of termination you have not both completed 10 years of service and reached age 45, your benefits in respect of service prior to January 1, 1997 may be transferred on a non-locked-in basis.

(d) Portability Restrictions

If you terminate employment on or after being eligible to receive an immediate pension from the Plan, you will not be eligible to elect the portability options in (c) above. Instead, you will receive an immediate or deferred pension from the Plan.

J. GOVERNMENT PENSION BENEFITS

In addition to the benefits provided under the Plan, you may receive pension benefits under the *Canada Pension Plan Act* when you reach age 60, and the *Old Age Security Act* when you reach ages 65 to 67, depending upon your date of birth.

(a) Canada Pension Plan Act (“CPP”)

The pension payable from the CPP to those retiring at age 65 is approximately 25% of earnings for the year that is two years prior to retirement, up to a maximum earnings level equal to the YMPE for the year of retirement. In 2013, the YMPE is \$51,100.

The CPP benefits may be payable as early as age 60 but, if they begin early, they will be reduced. The early retirement reduction factors have changed in the recent years and when the changes are fully phased in by 2017, the early retirement reduction will be

0.6% for each month (or 7.2% for each year) of early payment. Check the Service Canada website for up-to-date details on CPP.

(b) Old Age Security Act (“OAS”)

Currently, the maximum OAS benefit payable effective January 1, 2013, is \$6,553 a year. It is paid at ages 65 to 67 (depending on your date of birth) to everyone who meets the residence requirements.

If you were born before April 1, 1958, you will receive OAS at age 65. If you were born after January 31, 1962, you will receive OAS at age 67. If you were born during the period April 1, 1958 to January 31, 1962 inclusive, your OAS commencement age will be between age 65 and 67. Check the Service Canada website for up-to-date details on OAS.

The OAS benefit may be reduced if income exceeds certain levels (\$70,954 for 2013).

Both the Canada Pension Plan and the Old Age Security benefits are adjusted by cost-of-living increases on a regular basis.

K. PROOF OF AGE

You will be required to furnish proof of age before you retire. A baptismal or birth certificate is the best proof of age. A citizenship certificate or passport is also acceptable. If one of these is not available, you may obtain information concerning acceptable proof of age from your employer.

L. FUTURE OF THE PENSION PLAN

Newfoundland and Labrador Municipal Employee Benefits Inc. expects the Plan to be permanent, but necessarily reserves the right to amend or discontinue the Plan in whole or in part if, in its opinion, future conditions should warrant such action. However, this would not affect the benefits earned up to the date of the change.