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## **RULES FOR RETIREES WHO**

## **OPERATING ENGINEERS LOCAL 101**

### **RETURN TO WORK**

### **HEALTH AND WELFARE FUND**

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*Health and Welfare Plan*

The Trustees of Operating Engineers Local 101 Health and Welfare Fund have adopted these Rules and Forms. This information is included in the Summary Plan Description Booklet, but *please read this Notice and the attached forms, which are to be used if you resume employment.*

#### *Return to Employment*

Eligibility for coverage as a Retired Participant shall be subject to immediate and permanent termination if the Retired Participant interrupts his retirement by performing disqualifying employment.

Disqualifying employment shall mean:

- A. Working 40 or more hours in one month in any capacity, including employment as a supervisor, for an employer engaged in the building or construction industry; or
- B. In the case of a former employee of Operating Engineers Local 101 Fringe Benefit Funds or Operating Engineers Local Union No. 101, working 40 or more hours in one month performing labor services that are similar in nature to those previously performed for the Funds or the Union.

This rule applies regardless of whether the post-retirement employment is with a union or nonunion employer and regardless of the geographical jurisdiction in which the employment occurs.

If a Retired Participant fails to notify the Plan about his return to employment and the Plan has reason to believe the Retired Participant may be working, the Presumption Rule applies. The Presumption Rule provides that until such time as the Retired Participant proves otherwise, the Plan may presume that he is engaged in employment that meets the conditions for termination of benefits, and the Retired Participant shall have the burden of overcoming such presumption. Consequently, benefits will be immediately terminated, however, they shall be reinstated in the event the Retired Participant successfully demonstrates that at no time was he engaged in employment meeting the conditions for termination of benefits. If it is determined that benefits for certain months should not have been terminated, benefits for those months will be paid as soon as practicable after coverage is reinstated.

Notwithstanding any other provision in this section to the contrary, where a Retired Participant voluntarily and affirmatively elects to suspend his retirement benefits with the Operating Engineers Local 101 Pension Fund or the I.U.O.E. Central Pension Fund to return to disqualifying employment (as defined in Subsection F), his eligibility for coverage as a Retired Participant shall be subject to immediate suspension but not termination.

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**NOTICE TO  
RETURN TO WORK**

**OPERATING ENGINEERS LOCAL 101  
HEALTH AND WELFARE FUND**

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*Health and Welfare Fund*

Under the amended rules of Operating Engineers Local 101 Health and Welfare Fund, a Retiree must notify the Fund office and voluntary disclosure of post-retirement employment that exceeds thirty-nine (39) hours per month and understand that engaging in this employment will result in the immediate suspension of eligibility with Operating Engineers Local 101 Health and Welfare Plan while engaged in this disqualifying employment. That pursuant to voluntary disclosure of this post-retirement employment, Retiree may petition the Board of Trustees for reinstatement of participation rights upon completion of post-retirement employment.

Consequently, if you are a Retiree participating in the Retiree Health Plan and post-retirement work exceeds thirty-nine (39) hours per month, complete and return this form:

I, \_\_\_\_\_, SSN \_\_\_\_\_, due hereby certify that I am currently receiving pension benefits through Operating Engineers Local 101 Pension Fund or Central Pension Fund, that I am currently a Participant in the Operating Engineers Local 101 Health and Welfare Plan as a Retired Participant, and that I am voluntarily disclosing that I am returning to post-retirement employment. I further certify that I expect the monthly employment hours to exceed thirty-nine (39) hours, and acknowledge that I understand that engaging in this employment will result in the immediate suspension of my eligibility with Operating Engineers Local 101 Health and Welfare Plan while engaged in this disqualifying employment. I understand that pursuant to my voluntary disclosure of this post-retirement employment that I may petition the Board of Trustees for reinstatement of my participation rights upon completion of my post-retirement employment.

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Participant Signature

Date

**MAIL OR DELIVER TO:**

Operating Engineers Local 101 Health and Welfare Fund  
6601 Winchester Avenue, Suite 250  
Kansas City, Missouri 64133  
Phone (816) 737-5959

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**REQUEST FOR  
RESUMPTION OF BENEFITS**

**OPERATING ENGINEERS LOCAL 101  
HEALTH AND WELFARE FUND**

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*Health and Welfare Fund*

Under the rules of Operating Engineers Local 101 Health and Welfare Fund, a Retiree whose health benefits have been suspended must notify the Fund office when he stops working before health benefits may be resumed. Please use this Form for such notification.

\_\_\_\_\_  
Participant Name

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Name of Employer

\_\_\_\_\_  
Location where work was being performed

\_\_\_\_\_  
Last day of work (Month, Day and Year)

This information will be checked by the Fund office. Health and Welfare benefits will be resumed on the first day of the month after you stop work and this completed form is received in the office (dependent on date and circumstances).

**REMEMBER:** Even though you stop working, benefits *cannot* be resumed until the Fund office receives this form.

\_\_\_\_\_  
Participant Signature

\_\_\_\_\_  
Date

**MAIL OR DELIVER TO:**

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6601 Winchester Avenue, Suite 250  
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