
RULES FOR RETIREES WHO

OPERATING ENGINEERS LOCAL 101

RETURN TO WORK

PENSION PLAN

Pension Plan

The Trustees of Operating Engineers Local 101 Pension Fund have adopted these Rules and Forms which conform with government regulations on the subject. 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.

- I. A Retiree's monthly benefit will be suspended when the four following conditions exist:
 - A. The Retiree works forty (40) or more hours in a calendar month.
 - B. Work performed is in the industries covered by Local 101's Bargaining Agreement.
 - C. Work performed is at any trade or craft in which the Retiree worked under this Pension Plan or as foreman or supervisor directly connected with the trade or craft.
 - D. The job site is within the geographic jurisdiction of Local 101.

NOTE: As used above, "work" means employment by any employer (union or Non-Union), and also self-employment.

- II. A Retiree must notify the Fund office immediately if he returns to work at any job by submitting the attached Form I, regardless of whether he believes the work meets the four conditions described.
- III. If benefits are suspended, they will not be resumed until the Retiree has submitted the *Request for Resumption of Benefits* to the Fund office.
- IV. A special presumption rule will be used if the Retiree fails to notify the Fund office about his re-employment and the Fund office discovers that he is working. Under this rule, until such time as the Retiree proves otherwise, the Fund may presume that he is engaged in work that meets the four conditions for suspension of benefits, and that he has been engaged in such employment for as long as that particular employer has been working at that particular construction site.

For example, if the employer has been working at that job site for six months, the Fund may suspend the Retiree's benefits for six month, unless the Retiree can prove that he was not working 40 hours or more in each of those months. If it is determined that benefits for certain months should not have been suspended, such benefits will be included in the first check issued when benefits are resumed.

- V. If a Retiree fails to notify the Fund office of his return to work, and the Fund pays benefits for any month when benefits should have been suspended, recovery will be made by full or partial suspensions of future benefits in accord with Plan provisions.
- VI. The Fund will notify a Retiree of suspension of his benefits during the first calendar month in which benefits are suspended.
- VII. A Retiree who wishes to find out in advance whether or not his benefits would be suspended if he took a particular job may request an advance ruling from the Fund office by submitting the *Notice the Return to Work* form.
- VIII. If a Retiree feels his benefits have been improperly suspended, he may ask the Trustees to review the suspension in accordance with the established claims review procedure under the Pension Plan.

NOTICE TO RETURN**OPERATING ENGINEERS LOCAL 101****WORK****PENSION PLAN**

Pension Plan

Under the amended rules of Operating Engineers Local 101 Pension Fund, a Retiree is required to notify the Fund office if the Retiree returns to work regardless of the number of hours worked or place of employment (including work as a self-employed person). This form should be used for that purpose.

Failure to notify the Fund office may result in a suspension or reduction of future pension payments in accordance with Plan rules.

Consequently, if you are a Retiree and work in any job, COMPLETE AND MAIL THE FORM BELOW.

Participant Name

Social Security Number

Mailing Address

Telephone Number

Name of Employer

Type of Work (Describe the type of job (e.g. home building, commercial construction, highway, etc.)

Describe what you will perform

Location where work is being performed

Date you began work (or date you will begin)

Number of hours you expect to be working **per week**. (check one):

Less than 5 hours 5-10 hours 10-20 hours More than 20 hours

Number of weeks you expect this work to continue

Participant Signature

Date**MAIL OR DELIVER TO:**

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

REQUEST FOR**OPERATING ENGINEERS LOCAL 101**

RESUMPTION OF BENEFITS

PENSION PLAN

Pension Plan

Under the rules of Operating Engineers Local 101 Pension Fund, a Retiree whose benefits have been suspended must notify the Fund office when he stops working before pension payments 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. Pension benefits will be resumed on the first day of the second or third month after you stop work and this completed form is received in the office (dependent on date and circumstances). Any amount withheld between the time you stop work and the time payments are resumed, will be included in the first check issued.

For Example: If the Fund office receives this notice in September that you stopped work in August, your pension benefits would be resumed on October 1st or November 1st; but you would not lose your September (or October) benefit because of this delay.

Any overpayments will be deducted from future benefit checks in accord with Plan rules.

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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Kansas City, Missouri 64133
Phone (816) 737-5959