

**NEW YORK STATE TEAMSTERS CONFERENCE
PENSION & RETIREMENT FUND**

PO Box 4928 • Syracuse, New York 13221-4928 • Telephone (315) 455-9790 • Facsimile (315) 234-1047 Email: benefits@nytfund.org

RE-EMPLOYMENT RULES SUMMARY

TO PARTICIPANTS AND PENSIONERS:

The following information will summarize the Pension Plan Re-Employment Rules that have been adopted by the Board of Trustees.

WHEN WILL BENEFITS BE SUSPENDED?

For Pensioners Who Are Less Than 65 Years of Age

Under the suspension rules, pension benefits for *pensioners who are less than 65 years of age* will be suspended if all three of the following conditions are present:

1. A pensioner works forty (40) or more hours during the month; and
2. The work, whether bargaining or non-bargaining, is in any trade, craft or industry covered by this Fund; and
3. The work is performed in any geographical area where the Fund has an Employer contributing to this Pension Fund, including but not limited to the states of Massachusetts, Pennsylvania, New Jersey, and New York, or where a Local or National Reciprocal Agreement is in effect.

OR

4. Any pensioner who has not attained Normal Retirement Age shall not be entitled to any pension benefit for any month in which he is employed for an employer who competes with a Contributing Employer of this Fund (whether bargaining or non-bargaining).

For Pensioners Who Are 65 Years of Age or Older

Pension benefits for *pensioners who are 65 years of age or older* will be suspended for any calendar month, or four or five week payroll period ending a calendar month, in which the pensioner works 40 or more hours of service in:

1. An industry covered by the Fund at the time that the pensioner began receiving pension benefits, or would have begun receiving those benefits had the pensioner not remained in or returned to employment; and
2. A trade or craft in which the pensioner was employed at any time under the Fund; and
3. The geographic area which has an Employer contributing to this Pension Fund at the time the pensioner began receiving benefits, or would have begun receiving benefits had the pensioner not remained in or returned to employment, including by not limited to the states of Massachusetts, Pennsylvania, New Jersey, and New York, or where a Local or National Reciprocal Agreement is in effect

Benefits will be suspended, regardless of the employer, when the conditions listed above are present. This means that even if a retiree returns to work for a non-contributing employer or is self-employed, his pension is subject to the suspension rules.

For each month in which a retiree engages in work and the conditions set forth above are present, one monthly pension payment will be suspended.

WHAT ARE THE PENSIONER'S OBLIGATIONS?

A retiree is required to notify the Fund Office immediately, in writing, if he/she returns to work in any capacity, regardless of the employer, or the number of hours worked.

This notification requirement also applies if the retiree is self-employed.

A Re-Employment Request Form, which is enclosed, must be used for this purpose. A copy may also be obtained on written request to the Fund Office.

In addition, a retiree is obligated to provide Fund Office staff with any information requested that is related to his/her re-employment activity and is needed to verify the hours worked or other conditions of employment.

Such information may include, but is not limited to, wage statements or payroll stubs for any period of time during which the Fund Office has reason to believe that the retiree is or was working.

If you fail to provide the requested information, Pension Benefits may be suspended until the information is furnished to and verified by Fund Office staff.

WHAT HAPPENS IF A PENSIONER DOES NOT NOTIFY THE FUND OFFICE ABOUT HIS/HER RETURN TO WORK?

If a retiree does not notify the Fund Office about his/her return to work and the Fund Office has reason to believe the retiree may be working, the Presumption Rule applies.

This Rule provides that until such time as the retiree proves otherwise, the Plan may presume that he/she is engaged in work which meets the conditions for suspension of benefits. Consequently, benefits will be immediately suspended.

The period of suspension will be equal to the number of months the retiree is presumed to have been working, unless the retiree can prove that he/she was not working in each of those months.

It is important to recognize that once the presumption rule is applied, the retiree's responsibility to furnish data to the Fund Office (such as wage statements, payroll stubs, or any other information permitted by Department of Labor Regulations) regarding his/her re-employment activity if he/she feels that pension benefits should not have been suspended.

If it is determined that benefits for certain months should not have been suspended, benefits for those months will be included in the first check issued when benefits are resumed.

IF A PENSIONER'S BENEFITS ARE SUSPENDED, WHEN WILL THEY BE RESUMED?

If your pension benefits have been suspended in accordance with the Re-Employment Rules, and you will no longer be working, or will be working less than 40 hours per month, you should complete the Request for Resumption of Benefits form. Pension Benefit payments will NOT be resumed until this form is received by the Fund Office and the accuracy of the information has been verified by Fund Office staff.

Once the form is received and information verified, pension payments will be resumed within three (3) months of the date the form is received in the Fund Office.

It should be recognized that payments will not be resumed immediately, as it will be necessary to verify the accuracy of information reported on the form. This is one of the reasons why the resumption of benefits may be delayed for up to three months.

WHAT IF OVERPAYMENTS ARE MADE?

If a retiree fails to notify the Fund Office that he/she has returned to work and if, as a result, the Plan pays benefits for any month when benefits should have been suspended, the retiree is liable for the full amount of such overpayments.

Overpayments will be recovered by applying the Plan's Offset Rule.

The Offset Rule provides for a reduction of up to 100% of the first pension payment (which may include up to three months of payments) made after benefits are resumed following a period of suspension. In effect, if pension payments are not resumed for a period of three months, the first pension check issued when benefits are resumed could be entirely offset.

If this deduction is not adequate to recover all overpayments previously made, subsequent pension payments will be reduced by up to 25% each month until the overpayments are fully recovered.

CAN A PENSIONER FIND OUT IN ADVANCE WHETHER OR NOT HIS/HER BENEFITS WILL BE SUSPENDED?

YES. If a retiree wishes to find out in advance whether or not his/her benefits will be suspended, he/she may request an advisory opinion in writing, from the Fund Office. Such a request must be made on the Re-Employment Request Form.

WHAT IF A PENSIONER DISAGREES WITH THE DECISION TO SUSPEND HIS/HER BENEFITS?

If a retiree does not agree with the Fund Office's determination; the suspension of his/her benefits; or the amounts recovered from each pension payment, the retiree may ask the Board of Trustees to review the decision in accordance with the Plan's Claims Review Procedures, set forth in your Summary Plan Description.

The above Rules have been in effect since January 1, 1982. If you have any questions about the Rules, or how they will be applied, please contact the Fund Office in writing.

Sincerely,

BOARD OF TRUSTEES