

# INDIANA ELECTRICAL WORKERS PENSION TRUST FUND, I.B.E.W.

## ***IMPORTANT NOTICE CONCERNING THE SUSPENSION AND RESUMPTION OF BENEFITS***

Your benefits can be **suspended** under certain conditions. Please review the following explanation of these conditions carefully. These conditions are also set out in your Summary Plan Description in more detail. These rules are designed to help the Plan Administrator administer the Plan in accordance with the purposes for which it was formed. **IF, NOW OR IN THE FUTURE, YOU HAVE ANY QUESTIONS CONCERNING THESE RULES, CONTACT THE FUND OFFICE FOR ASSISTANCE.**

### **Suspension of Benefits**

Your benefits shall be suspended if **all** the following conditions apply to you:

- you are under the age of seventy and one-half (70 ½), and
- you are entitled to receive or are receiving a Retirement Benefit, and
- you remain in or return to employment in the same industry, in the same trade or craft and in the same geographic area, and
- **you are employed for forty (40) or more hours in a month.**

If you meet these conditions, then you are considered to have worked in “suspendable employment.” If you work in suspendable employment then you shall forfeit one monthly pension payment for each calendar month during which you are employed for forty or more hours. Additionally, if you continue working past your normal retirement date in suspendable employment, you will not receive an actuarial increase to account for your late retirement date.

### **Verification of Employment Status**

Once you begin receiving or become entitled to receive a Retirement Benefit, you shall be responsible for promptly notifying the Administrator, in writing:

- If you engage in any employment whatsoever, regardless of the number of hours worked per month and regardless of whether you believe such employment to be suspendable employment which would permit suspension of your Retirement Benefit; and
- When you cease any such employment.

You need to make this notification on the forms provided for that purpose by the Plan Administrator. The Plan Administrator shall have the right to request from you access to all reasonable information for the purpose of verifying your employment status. This information shall include, but not be limited to, all tax withholding statements received by you for the periods in question.

If you are receiving or entitled to receive a Retirement Benefit, the Plan Administrator may also require you either to certify that you are unemployed, or to provide information sufficient to establish that your employment does not constitute suspendable employment, before you receive any future benefit payments.

### **Presumptions**

Whenever a Plan Fiduciary, such as a Trustee or Plan Administrator, becomes aware that you are receiving or entitled to receive a Retirement Benefit but are employed and you have not complied with the notification requirements listed below, the Trustees and the Plan Administrator shall presume that you were employed by the same Employer for at least forty (40) hours per payroll month during each month that you have been working for that Employer.

In such a case, your benefits shall be suspended immediately. If your benefits are suspended based on such a presumption but you were not employed in suspendable employment, you are responsible for demonstrating that you did not work in suspendable employment warranting suspension of benefits during the months in question. If you provide sufficient information to allow the Plan Administrator to conclude that you were not employed as presumed, then at the next regularly scheduled time for payment of benefits you shall receive the full amount of any and all payments which had been withheld pending such determination.

### **Notice of Suspension of Benefits**

The Plan Administrator shall notify you of any suspension of your Retirement Benefit pursuant to these rules. This notice shall be made in writing, by personal delivery or first class mail, during the first calendar month in which your payment is suspended.

### **Suspension Review Proceedings**

If your benefits have been suspended under the aforementioned provisions, you shall be given the opportunity to appeal such suspension. Requests for such review shall be considered in accordance with the claims review procedure set out in your Summary Plan Description.

## Advance Status Determination

If you are considering working and you wish to have an advance determination by the Plan Administrator as to whether specific contemplated employment will constitute suspendable employment, you may request the Plan Administrator to make such a determination. The Plan Administrator shall provide you with such a determination within a reasonable period of time after your request.

## Commencement or Resumption of Payments

If your benefits are suspended in accordance with the above conditions, but you cease such suspendable employment, then your benefits can be resumed. When you cease such employment, it is your responsibility to notify the Plan Administrator of such. After the Plan Administrator receives this notice from you and verifies that you have ceased such employment, your Retirement Benefit shall commence or resume no later than the first day of the third calendar month after you ceased to be employed in suspendable employment. The benefit you will receive will be the same benefit as you were receiving when you began suspendable employment but shall be recalculated effective the first day of each Plan Year to reflect any eligible additional Employer Contributions related to work performed the preceding Plan Year, provided you work at least two hundred fifty (250) hours during the Plan Year. Additional benefits calculated hereunder shall be payable beginning the first day of the Plan Year following the Plan Year in which such benefits are earned. Retirement Benefits which resume after you cease working in suspendable employment shall be subject to offset for any benefit payments that you received while working in suspendable employment.

The initial payment you will receive upon commencing or resuming benefit payments shall include:

- the payment scheduled to occur in the calendar month when your payments commence or resume, and
- any amounts withheld during the period between cessation of suspendable employment and the commencement or resumption of payments,
- less any amounts which are subject to offset, as set out below.

## Offset Rules

Once your benefit suspension is lifted because you no longer work in suspendable employment, your benefit payments shall be subject to an offset (or deduction) in an amount equal to any payments made to you while you were employed in suspendable employment.

The first monthly payment you receive when your benefit payments resume shall be subject to offset without limitation. However, after the first monthly payment has been made, there is a limitation on the amount that can be offset from each monthly payment. Beginning with the second payment and continuing for the remaining payments until the balance of the benefits to be offset is deducted, the offset shall not exceed twenty-five percent (25%) of one month's total benefit payment which you would have received except for the offset.

THIS SUMMARY OF THE PLAN RULES CONCERNING SUSPENSION OF BENEFITS IS PROVIDED TO ENSURE YOU FULLY UNDERSTAND THE IMPACT OF WORKING IN SUSPENDABLE EMPLOYMENT AFTER YOUR NORMAL RETIREMENT DATE AND THE PLAN'S RESTRICTIONS ON POST-RETIREMENT WORK. IN THE EVENT OF A CONFLICT BETWEEN THE PLAN DOCUMENT AND THIS SUMMARY, THE ACTUAL PLAN DOCUMENT CONTROLS. IF YOU HAVE ANY ADDITIONAL QUESTIONS ABOUT THE SUSPENSION RULES, PLEASE CONTACT THE BENEFIT ADMINISTRATION OFFICE.

I hereby, acknowledge receipt of this notice concerning the suspension of benefit rules. I have read and understand this summary and the Plan's suspension rules. My questions, if any, concerning the suspension provisions were addressed to my satisfaction.

Date: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_