

## UNITED FOOD AND COMMERCIAL WORKERS

### UNION LOCAL 655 PENSION PLAN

#### ABOUT RETIREMENT AND SUSPENSION OF BENEFITS

##### RETIREMENT

To be considered retired you must refrain from what is defined under the Plan as disqualifying employment.

##### DISQUALIFYING EMPLOYMENT

###### **Before age 62**

Any employment which is Covered Employment or any work for gainful pursuit in the retail food industry within the geographic area covered by this Plan including those areas covered by Reciprocal Agreements with this Plan which provide for the combining of related pension credits in order to qualify for a benefit from each plan.

###### **At or after age 62**

As of August 1, 1989, employment of 80 hours or more in any employment or self-employment which is in an:

- a. industry covered by the Plan when pension payments began;
- b. in the geographic area covered by the Plan when your pension began; and
- c. in any occupation in which you worked under the Plan at any time or any occupation covered by the Plan at the time your pension payments began. However, if you worked in Covered Employment only in a skilled trade or craft, employment or self-employment shall be disqualifying only if it is in work that involves the skill or skills of that trade or craft directly or, as in the case of supervisory work, indirectly. However, in any event, any work for at least 80 hours in a month for which contributions are required to be made to the Plan shall be disqualifying.

Paid non-work time shall be counted toward the measure of 80 hours if paid for vacation, holiday, illness or other incapacity, layoff, jury duty, or other leave of absence.

###### **After age 70-1/2**

As of April 1 of the calendar year following the year in which you reach 70-1/2, you will be considered in retirement, whether or not you are employed. This means that no types of employment are prohibited after April 1 of the calendar year following the year in which you reach age 70-1/2.

##### RETIREMENT ON A DISABILITY PENSION

If you are a Disability Pensioner, the Plan document states that you may not work at any occupation. If you do work, you must report any earnings to the Plan Office within 15 days after the end of the month in which you have earnings. You will not receive your pension for any month in which earnings were reported. If you recover from your disability and return to work, you may apply and receive any other type of pension for which you are eligible. Your post-retirement employment will then be subject to the same rules that apply to other types of pension.

##### NOTICE OF RETURN TO WORK

You must notify the Fund Office of your return to work within 30 days of the date you return. The Pension Plan is permitted to recover any benefits paid to you while you were working in disqualifying employment without providing the required notice by withholding a portion of your benefit when payment is resumed.

If you are age 62 and the Board of Trustees learns that you have worked in disqualifying employment without providing proper notice, it will be presumed that you have been working at least 80 hours per month for the months prior to the month you gave such notice. You will have the right to overcome this presumption by establishing the actual facts of such employments.

You are entitled to a review of any determination suspending your benefits. You may file a written request for review with the Board of Trustees within 60 days of the notice of suspension at the Fund Office. You may also request that the Board of Trustees review any contemplated employment to determine whether it will be

disqualifying.

#### BENEFIT PAYMENTS FOLLOWING SUSPENSION

You must notify the Plan office in writing when you want your pension payments to resume. After this notice is received, your benefit will be paid for the months after the last month the benefit was suspended. However, if prior benefit payments were made to you while you were working in disqualifying employment, the Plan will not resume your pension while you are younger than age 62 until payment(s) erroneously made to you while you worked in disqualifying employment have been recovered. In any event, the Plan will not withhold more than 25% of your monthly benefit to recover overpayment if you have reached age 62, except for the first payment which may be withheld up to 100%.

When you later retire after a return to disqualifying employment, your benefit will be recalculated. If you earn Pension Credits during your return to work, your pension will be recalculated upon your subsequent retirement based upon any additional Pension Credits.

If you originally retired prior to age 62 (disability excluded) and you returned to work, your benefit will be recalculated when you later retire based on your age upon resumption of your benefit and the amount of the benefits you originally received. That is, your benefit will be adjusted so that the suspension does not result in a reduction in the value of the benefit you would have received if you had waited until age 62 to retire.

#### RULES ON SUSPENSION OF BENEFITS

The suspension of benefits provisions in the Plan are in accordance with Department of Labor regulations concerning suspension of benefits. Those regulations can be found in Section 2530.203-3 of Title 29 of the Code of Federal Regulations.