

# IRONWORKERS DISTRICT COUNCIL OF NEW ENGLAND WELFARE, PENSION AND VACATION FUNDS

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## **NOTICE TO MEMBERS REGARDING RULES PROVIDING FOR SUSPENSION OF PENSION BENEFITS FOR WORKING AS A RETIREE**

The Iron Workers District Council of New England Pension Plan ("Plan") contains provisions relating to the suspension of monthly benefits if a retiree resumes employment after beginning to collect a pension. This notice summarizes those provisions. It is important that participants who plan to retire and continue working understand that certain work jeopardizes their future pension payments.

The general rule is that if you return to work your benefits will be suspended for the months during which you work and for twelve (12) months after you stop working. The period of suspension and the nature of disqualifying work differ for participants who return to work before and after Normal Retirement Age. No suspension applies to participants after 70½. You must notify the Plan if you return to work.

## **WORKING BEFORE NORMAL RETIREMENT AGE**

A participant who retires prior to Normal Retirement Age (generally age 65) will be subject to suspension of benefits for working in "Disqualifying Employment" before Normal Retirement Age. Disqualifying Employment means working

- a) in an occupation for which the Fund accepts contributions; or
- b) in any business which is or may be under the jurisdiction of the Iron Workers Union; or
- c) in any capacity in the Ironworking industry.

The suspension of benefits for working in Disqualifying Employment continues for the number of months in which the retiree has engaged in such employment and twelve (12) additional months. A penalty of an additional twelve (12) month suspension will apply to a participant who fails to notify the Fund office of disqualifying employment. Application of these rules means that a 60 year old retiree who works in disqualifying employment for six (6) months without notifying the Fund office will be subject to suspension for a period of 30 months (i.e., the 6 months of work, the original 12 months and the additional 12 months for failing to notify the office).

Please plan your retirement with these rules in mind. If you have questions about the rules please call the Administrator or Assistant Administrator.

## **WORKING AFTER NORMAL RETIREMENT AGE**

Once you have reached Normal Retirement Age your monthly pension will be suspended if you work in "Totally Disqualifying Employment" for 40 hours per month or more. Totally Disqualifying Employment means employment or self-employment

- a) in an industry that was covered by the Plan when your payments began; and
- b) in the geographic area covered by the Plan when your payments began (i.e., Massachusetts, Rhode Island, New Hampshire, Maine, Vermont and areas covered by reciprocal agreements); and
- c) in the occupation in which you worked while covered by the Plan or any occupation that was covered when your payments began.

If you only worked as an Ironworker, your pension will only be suspended if you work or supervise work that involves the skill or craft of an Ironworker.

## **WORKING AFTER AGE 70½**

Your monthly pension will NOT be suspended for any work after you are age 70½

## **FEWER THAN TWELVE (12) PENSION PAYMENTS**

The Plan provides that a participant who receives fewer than twelve (12) pension payments, returns to Covered Employment and then earns at least three (3) Pension Credits "shall be treated as if he never retired". This has been applied to mean that, although the benefits are suspended during the period when the participant returns to Covered Employment, the additional twelve (12) month period of suspended benefits does not apply.

If a 59 year old retires and receives eleven (11) pension checks and then notifies the Fund office of a desire to return to Covered Employment before receiving the twelfth check, he must earn three (3) Pension Credits without using banked hours in order to avoid the usual twelve month suspension after working in Covered Employment. If the retiree returns to work and does not earn three (3) Pension Credits he will be subject to the additional twelve (12) month suspension. In either event the pension will be recalculated to take into account the pension payments already received.

## **NOTICE**

You must tell the Plan in writing within 30 days after you start any work that may lead to a suspension of your pension payments. It does not matter how many hours you work. Notice to the Plan must be in writing. If you do not provide notice, the Trustees will presume that you worked 40 hours in each month prior to giving written notice. You will have to prove to the Trustees that you worked fewer than 40 hours in order to avoid the suspension.

If you worked for a contractor on a building or construction site and didn't tell the Plan, you will be treated as though you worked at that site for as long as the contractor worked on the site. You will have to prove to the Trustees that your work on that site is not an appropriate basis for a suspension.

To find out if your monthly pension payment will be suspended, you should check with the Fund Office about the type of work you are planning to do and ask for a written statement that the work you are contemplating is not disqualifying.

You should also notify the Fund Office when you have stopped working.

## **REVIEW**

If your monthly pension is suspended and you don't agree with the suspension, you have the right to request a review. If you want the suspension to be reviewed you must request a review in writing within 180 days after receiving the notice of the suspension.

## **WAIVER**

When there is a shortage of qualified employees, the Trustees may adopt a resolution for a specific period of time with objective standards under which benefits will not be suspended for engaging in what would be, in the absence of the resolution, disqualifying employment.