



## SUMMARY ABOUT KINDS OF WORK NOT ALLOWED AFTER RETIREMENT (DISQUALIFYING EMPLOYMENT)

**Retirement** – When an employee receives his first pension payment from the Pension Plan, he is retired. While in retirement, the pensioner will receive monthly pension payments for the rest of his life, as long as he does not do certain kinds of work. The type of work that a pensioner is not allowed to perform is called Disqualifying Employment and is described below.

**Disqualifying Employment** – is defined differently, depending on your age:

- **Before attaining age 65** – Disqualifying Employment is any work (or self-employment) in jobs usually done by Laborers or any other Building Trades Craftsman, including work supervising construction workers. It does not matter where the work is done or how many hours are worked.
- **After attaining age 65** – Disqualifying Employment is any work (or self-employment) of 40 or more hours per month in jobs usually done by construction industry Laborers in the area covered by the Plan. Work after age 65 of less than 40 hours per month in Disqualifying Employment will not stop the pension. The area covered by the Plan includes Illinois and any area covered by the collective bargaining agreements with the local unions.
- **After attaining age 70** – There is no Disqualifying Employment. A participant can work unlimited hours and receive full pension.

**Retirement for Disability Pensioners** – Disability pensioners may not engage in any further employment or gainful pursuit and continue to receive their pension.

**Withholding of Pension Payments** – If a pensioner takes the work described above after he has received his first pension payment, his monthly payments will be stopped or withheld for each month he works in Disqualifying Employment.

### **Return to Work**

A pensioner who plans to return to work (or has already returned to work) should inform the Fund Office of the position (along with its duties), so the Fund can determine whether or not the work is considered Disqualifying Employment. If the work is not considered Disqualifying Employment, the pensioner may receive his pension while working in this position. If the Fund determines that the position is considered Disqualifying Employment, the Fund will notify the pensioner that he cannot receive his pension while working in such position. If the pensioner does not agree with the determination, he has the right to appeal.

A pensioner must notify the Fund Office of a return to work within 15 days of starting the job, no matter how many hours he is going to work in a month. If it is determined that the work is Disqualifying Employment and the pensioner had failed to provide notice within 15 days of his return to work, the Fund will presume that he worked in

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Disqualifying Employment for at least 40 hours each month after returning to work. The 40-hour-per-month presumption will continue until the Fund receives notification from the pensioner that he has ceased Disqualifying Employment.

### **Paying Benefits Back**

If a pensioner works in Disqualifying Employment while receiving his pension, he must repay the amounts he received during such employment. After the pensioner ceases the Disqualifying Employment, the Fund will recover such amounts once he restarts his pension. If the pensioner is younger than age 65 when he restarts his pension, the Fund may recover the amounts owed by withholding from future pension payments at the rate of 100% prior to age 65 and, if necessary, 25% once the pensioner attains age 65. If the pensioner is age 65 or older when he restarts his pension, the Fund may recover the amounts owed by withholding 100% of the first monthly payment plus 25% of subsequent monthly payments. If necessary, the 25% reduction will also be made to any payments to the pensioner's beneficiary.

### **Medical Coverage During a Return to Work**

Pensioners whose benefits are suspended after August 1, 2002 will be required to complete 500 hours in a six-month period or 800 hours in a twelve-month period to regain eligibility for medical coverage under the Active Plan. These requirements will apply regardless of your age when you return to work.

### **Pension Payments After a Return to Work**

When a pensioner stops working in Disqualifying Employment, he must notify the Fund Office immediately in writing with his name, Social Security Number and the date he stopped working in such employment. Payments begin the first of the month following the date the pensioner notified the Fund Office in writing.

At the pensioner's subsequent retirement after terminating Disqualifying Employment, his benefit may (or may not) increase from what he was previously receiving, but in no event will his benefit decrease.

If the pensioner returned to work and earned additional credits under the Plan, any additional pension earned as a result of such return to work ("Additional Pension") are offset by the actuarial value of the pension payments he received on or after June 1, 2001 ("Value of Pension Received").

- If the "Additional Pension" is larger than the "Value of Pension Received", his benefit will increase.
- If the "Additional Pension" is smaller than the "Value of Pension Received", his benefit will not increase.

If the pensioner was previously receiving an Early Pension, his recalculated benefit will reflect his age on the date his pension payments start again. **However, this recalculated benefit will be reduced by the actuarial equivalent of all previous pension payments made to him** (not just on the payments made to him on or after June 1, 2001). This means that if a pensioner was previously receiving an Early Pension and he earned additional credit, his pension amount will not automatically increase.

### **Retiree Medical Coverage and the "Three Strike Rule"**

Once a pensioner is eligible for retiree medical coverage and his benefits are suspended three separate times after initially becoming eligible for retiree medical coverage, he will no longer be eligible for coverage under the Retiree Medical Plan or the Retiree Basic Medical Coverage Plan.

### **Rules on Disqualifying Employment**

The Plan's Disqualifying Employment rules may be found in the Plan's Summary Plan Description. If you wish to obtain a Summary Plan Description or a copy of the Rules and Regulations for the Laborers' Pension Fund, please contact the Fund Office.