

NOTICE

TO: ALL RETIREES
FROM: THE CENTRAL PENNSYLVANIA TEAMSTERS PENSION FUND
RE: SUSPENSION OF BENEFITS

Attached to this Notice is a copy of the Pension Fund's Rules governing the Suspension of Benefits. These Rules explain the circumstances in which your monthly pension benefit will be suspended (i.e., stopped) if you are reemployed after retirement.* This Notice replaces previous versions.

Your monthly pension benefits will generally be suspended for any month in which you are paid for more than 56 hours, regardless of whether the pay is for working or non-working hours. For purposes of these Rules, the 56-hour limit does not include pay for vacation, sick time, holidays, disability, or severance.

Additionally, your benefits will not be suspended unless your new job is:

- in an Industry or business in which employees covered by the Pension Fund are employed

and

- in a job that is in the Trade or Craft in which you worked as a Teamster. (Note: this "Trade or Craft Requirement" for suspension will generally be met if your present job requires you to use the skills that you used as a Teamster)

and

- in the same Geographic Area Covered by the Pension Fund.

However, there are exceptions to these general principles. You should read the accompanying Suspension of Benefits Rules to see if one or more of these exceptions applies to

* Prior to your retirement (cessation of work for a contributing employer and application for Retirement Benefits), your benefits will not be paid unless you have attained age 72.

you. If you do not understand anything stated in this Notice or if you have any questions about whether or not your acceptance of a new job would cause your benefits to be suspended, you should contact the Pension Fund office for guidance. It is each Participant's responsibility to advise the Pension Fund if he or she returns to work after retiring.

CENTRAL PENNSYLVANIA TEAMSTERS PENSION FUND
SUSPENSION OF BENEFITS RULES

The Central Pennsylvania Teamsters Defined Benefit Plan and the Central Pennsylvania Teamsters Retirement Income Plan 1987 provide that Retirement Benefits (including Normal, Early, Disability, Vested Retirement Benefits or other Retirement Benefits) will be suspended during any period in which a Retired Employee returns to active employment under certain circumstances. Section 203(a)(3)(B) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), authorizes the suspension of benefits in accordance with regulations promulgated by the Department of Labor. The Department of Labor has promulgated Regulation 2530.203-3 (29 C.F.R. Section 2530.203-3 (1985) (the "Regulation") which sets forth the conditions pursuant to which Benefits may be suspended. The Central Pennsylvania Teamsters Pension Fund has enacted the following Suspension of Benefits Rules in accordance with the requirements of the Regulations:

1. **Definitions**: The following definitions shall apply to the Suspension of Benefits Rules under the Defined Benefit Plan and the Retirement Income Plan:

A. "**Disqualifying Employment**" shall mean active service (at any time after a Retired Employee's Retirement Benefits have commenced or would have commenced in accordance with the terms of the applicable Plan) as follows:

- (1) in an Industry in which Participants work and earn Benefits from the Fund; and
- (2) in a Trade or Craft in which such Retired Employee was employed at any time while an active Participant in the Fund; and

(3) in the Geographic Area Covered by the Fund at the time that the payment of Benefits commenced or would have commenced if the Retired Employee had not remained in, or returned to employment.

The Trustees have the discretionary authority to determine whether or not a participant is engaging in Disqualifying Employment, and the discretionary authority to determine the facts and to apply these Rules to the facts. Any determination made by the Trustees shall be subject to the maximum deference permitted by law.

B. “**Benefits**” shall mean Normal Retirement Benefits, Early Retirement Benefits, Disability Retirement Benefits, vested Retirement Benefits or any other Retirement Benefits.

C. “**Industry**” shall mean business activities of the types engaged in by any Employer that contributes to the Fund at the time that the payment of the Retired Employee’s Benefits commenced or would have commenced if the Retired Employee had not remained in or returned to employment.

D. “**Retired Employee**” shall mean a Participant eligible to receive Retirement Benefits from the Defined Benefit Retirement Income Plan, or both.

E. “**Trade or Craft**” shall mean:

(1) a skill, or skills learned during a significant period of training or practice, whichever is applicable, so as to result in opportunities for employment in occupations in the same Industry; or

(2) a skill or skills relating to selling, retailing, managerial, clerical or professional occupations; or

(3) supervisory activities relating to a skill or skills described in Sections 1(E)(1) or 1(E)(2) of these Rules.

The determination of whether a particular job classification, job description or industrial occupation constitutes or is included in a Trade or Craft shall be based upon the facts and circumstances of each case. Factors which may be examined include whether there is a

customary and substantial period of practical, on-the-job training or a period of related supplementary instruction. Notwithstanding any other factor, the registration of a program as an apprenticeship program with the Bureau of Apprenticeship and Training of the Employment Training Administration of the U.S. Department of Labor is sufficient for the conclusion that a skill or skills which is the subject of the apprenticeship program constitutes a Trade or Craft.

F. **“Geographic Area Covered by the Fund”** shall consist of the geographic area in which contributions are made or are required to be made by or on behalf of any Employer that contributes to the Fund, and the remainder of the Standard Metropolitan Statistical Area (“SMSA”) that falls within any such State, determined as of the time that the payment of Benefits commenced or would have commenced if the Retired Employee had not returned to employment. The term “SMSA” shall be defined in accordance with Department of Labor regulations. You should contact the Pension Fund office if you have any questions.

G. **“Suspendable Amount”** is the portion of a Retired Employee’s monthly benefit that may be suspended under these rules.

H. **“Notice”** shall mean not only this Notice, but also any notification given, in writing, by personal delivery or first class mail, postage prepaid.

I. All terms which are not otherwise defined herein shall have the meaning set forth in the applicable plan document.

2. **Suspension of Benefits**. The Fund shall suspend the monthly Benefit of any Retired Employee, in an amount equal to the Suspendable Amount, for each calendar month during which a Retired Employee is paid, or is entitled to be paid, for more than fifty-six (56) hours of Section 203(a)(3)(B) Service in a calendar month as defined in Section 1(A) of these Rules.

(a) Exceptions. The Fund shall not suspend benefits even if a Retired Employee is employed in Section 203(a)(3)(B) Service under the following circumstances.

(1) The Fund shall not suspend the benefits of any Participant once he has attained age 70½.

(2) The Fund shall not suspend benefits unless it has provided proper notification to the Retired Employee in accordance with the rules set forth in DOL Regulations § 2530.203-3(b)(4).

(3) The Fund shall not suspend the benefits of any Retired Employee who has attained age 67, works for a Contributing Employer in a job with respect to which Contributions are not required and is entitled to a monthly benefit under the Plan in an amount that does not exceed \$150.00.

(4) Effective November 1, 2018, the Fund shall not suspend the benefits of any Retired Employee during a calendar month in which the Participant:

- (i) works for an Employer that contributes to this Fund, and
- (ii) is entitled to no more than 100 hours of pay.

(5) Effective November 1, 2018, the Fund shall not suspend the benefits of any Retired Employee during a calendar month in which the Retired Employee works for an employer that does not contribute to this Fund, provided that the Retiree:

- (i) has attained age 65, and
- (ii) is entitled to no more than eighty (80) hours of pay.

(b) Effective June, 2004, the Fund will not suspend the portion of a Retired Employee's benefits that were earned prior to January 1, 1987 unless the Retired Employee is working for an Employer for whom he worked prior to January 1, 1987 or for an Employer that is a successor to such Employer or an affiliate of such an Employer.

If Benefits are paid in any month for which Benefits are later determined to be suspended, the overpayment by the Fund during such month or months shall be recoverable through deductions from future Benefits Payments, pursuant to Section 6 and 7 of the Rules.

3. Required Notices.

A. The Fund shall notify Participants of its Suspension of Benefits Rules in its Summary Plan Description. In the absence of such notification, the Fund shall, upon commencement of Benefits, notify each Retired Employee of the Fund's Rules governing the Suspension of Benefits, which notification may consist of a copy of this Notice. If Benefits have been suspended and payment subsequently resumed, the Retired Employee shall be advised if there has been any material change to these Suspension of Benefit Rules.

B. A Retired Employee shall notify the Fund in writing within five (5) days after starting any employment of a type that is or may be disqualifying under the terms of the applicable plan document and these Rules without regard to the number of hours of such work performed by the Retired Employee.

C. A Retired Employee whose Benefits have been suspended shall notify the Fund when such Disqualifying Employment has ended. The Fund shall have the right to hold back the resumption of Benefit payments until such Notice is received by the Fund; provided, however, any such Benefits payable after the period of Disqualifying Employment will be paid.

4. **Review.** A Retired Employee shall be entitled to a Claim Review of a determination suspending his Benefits by written request filed with the Fund. The same type of review shall apply, under the same terms, to a determination by the Fund that determined that certain contemplated employment will be Disqualifying Employment. Any review of the decision of the Fund shall be undertaken in accordance with the Claims Procedure contained in the relevant sections of the plan documents.

5. **Status Determination.** A Retired Employee shall have the right to request that a determination be made by the Fund as to whether a specific contemplated employment will be Disqualifying Employment as defined in Section 1(A) of these Rules. Such determination and the review thereof, shall be undertaken in accordance with the procedure contained in Section 4 of these Rules.

6. Resumption of Benefits.

A. Benefits shall be resumed for the month after the last month for which Benefits were suspended, with payments beginning no later than the third month after the last calendar month for which the Retired Employee's Benefits were suspended, provided the Retired Employee has complied with the notification requirements of Section 3(c) of these Rules.

B. Overpayments attributable to payments made for any month or months for which the Retired Employee had Disqualifying Employment shall be deducted from Benefit payments otherwise paid or payable subsequent to the period of suspension. A deduction from a monthly Benefit payment shall not exceed Twenty-Five Percent (25 %) of the Benefit payment amount. Before recoupment of overpayments has been completed, deductions shall be made from the Benefits payable to his Beneficiary or spouse receiving a Benefit payment subject to the Twenty-Five percent (25%) limitation on the rate of deduction.

C. If the Fund suspends the Benefits of a Retired Employee under these Rules, Benefits will resume when the Retired Employee attains age 70-1/2 regardless of whether the Benefits are otherwise suspendable under these Rules.

7. Benefit Payments Following Suspension of Benefits.

A. A Retired Employee's resumed Benefit shall be in the same monthly amount as paid prior to the Suspension of Benefits unless readjusted by operation of law.

B. A Qualified Joint and Survivor Annuity option in effect immediately prior to Suspension of Benefits and any other Benefit option following the death of the Retired Employee shall remain effective if the Retired Employees' death occurs while his Benefits are in suspension.

8. Fund Audit and Enforcement Rules. On an annual basis, the Fund will send a questionnaire to Retired Employees that requests certain information to determine whether a Retired Employee is working in Suspendable Employment. If a Retired Employee fails to return the questionnaire, the Fund may suspend payment of the Retired Employee's benefits. The Fund may, from time to time, adopt other Rules relating to the verification of Disqualifying

Employment and other matters related thereto and referred to herein and shall, at all times, use such procedures, audits, and other methods of discovery in order to reasonably enforce the within suspension of Benefits Rules as they may be amended from time to time.

The Central Pennsylvania Teamsters Pension Fund Suspension of Benefits Rules are hereby amended, effective January 1, 2020.

CENTRAL PENNSYLVANIA TEAMSTERS PENSION FUND

By: William M. Shappell
William M. Shappell, Chairman

By: Kevin M. Bolig
Kevin M. Bolig, Trustee

By: Jim Geise
Jim Geise, Trustee

By: Howard W. Rhinier
Howard W. Rhinier, Trustee

By: Charles Shafer
Charles Shafer, Trustee

By: Daniel W. Schmidt
Daniel W. Schmidt, Secretary

By: Mark Gladfelder
Mark Gladfelder, Trustee

By: Kenneth A. Ross
Kenneth A. Ross, Trustee

By: Bryan A. Swaim
Bryan A. Swaim, Trustee