

**BEER INDUSTRY – LOCAL UNION NO. 703 PENSION FUND**  
**18660 Graphic Drive, Suite 202, Tinley Park, Illinois 60477**  
**T708-429-0046 \*\* F708-429-0047**

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**BENEFIT PAYMENTS AND RETIREMENT**

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**DISQUALIFYING EMPLOYMENT RULES WHILE CONTINUING TO WORK**

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Following are the Plan rules. You are required to report **ANY** employment to the Fund Office. If you become employed and fail to advise the Fund Office, and the Trustees have reason to believe you are engaging in Disqualifying Employment, the Trustees will presume that you are working in Disqualifying Employment and your pension will be subject to suspension.

**Section 6.06 Disqualifying Employment**

- (a) Before Normal Retirement Age - Prior to attaining his Normal Retirement age, a Participant is employed in Disqualifying Employment when the Participant is employed in any trade or craft which is covered under any Collective Bargaining Agreement which requires contributions to the Fund and which employment is within the geographical jurisdiction of Joint Council No. 25 of the International Brotherhood of Teamsters.
- (b) After Normal Retirement Age. To be considered retired after he has attained Normal Retirement Age, a Participant may not be employed or self-employed:
  - (i) In any trade or craft at which the Participant worked while in Covered Employment, and
  - (ii) In an Industry covered by the Plan when the Participant's pension payments began, and
  - (iii) Within the geographical jurisdiction of the Union.

Notwithstanding the foregoing, a Participant who has attained Normal Retirement Age may work in any type of employment, without restriction, for up to 39 hours per month. Additionally, as of April 1 of the Calendar Year following the year in which a Participant attains age 70 ½, no employment will be considered Disqualifying Employment with respect to such Participant.

- (c) Requests for Ruling. Any Participant may request a ruling from the Fund Office on whether a particular type of employment constitutes Disqualifying Employment. A Participant may also, by written request, ask the Trustees to review any such ruling made by the Fund Office.

For the purpose of this Section, working in the same “trade or craft” depends on the skills you use and your job duties. For example, if you are working in covered employment as a driver, driving and loading/unloading, and then go to work as a salesman for your employer, you are working in a different “trade or craft” because the skills and duties you have as a salesman are different from the skills and duties you had as a driver. However, if you cease working as a beer delivery driver and then go to work as a soft drink delivery driver, you are working within the same trade or craft, even though you may be working for a different employer with a different product.

Working in the “industry” means whether you are working in beer distribution.

Working in the same geographical jurisdiction of the Joint Council No. 25 means Illinois and Indiana.

Any Plan Participant may request a ruling from the Fund Office on whether a particular type of employment constitutes Disqualifying Employment. If you disagree with the answer, you may also, by written request, ask the Trustees to review any ruling made by the Fund Office. Direct your written request to: Board of Trustees, Beer Industry – Local Union No. 703 Pension Fund, 18660 Graphic Drive, Suite 202, Tinley Park, Illinois 60477.

### **Section 6.07 Suspension of Benefits**

- (a) If a pensioner becomes employed in Disqualifying Employment as described in Section 6.06 above, his pension benefit will be suspended for any calendar month in which he is so employed.
- (b) Reporting Requirement. Any retired Participant who becomes employed is required to report such employment to the Fund Office, regardless of whether such employment constitutes Disqualifying Employment and regardless of the retired Participant's age. If any retired Participant shall take employment and shall fail to so advise the Fund Office, and if the Trustees thereafter have reason to believe that such Participant is engaged in Disqualifying Employment, then the Trustees may presume that such Participant is so employed for more than 39 hours per month and may act to suspend his pension benefit without further inquiry.
- (c) Exception to Preserve Nonforfeitable Benefits. Suspension before Normal Retirement in accordance with Section 6.07 (a) because of employment of a type for which benefits could not be suspended after Normal Retirement Age shall not have the effect of reducing the value of the Participant's pension for payment at his Normal retirement Age and, to the extent necessary to avoid reduction, the monthly amount of the pension shall be adjusted so as not to deprive the Pensioner of the value of his benefit as payable from his Normal Retirement Age.

### **Section 6.08 Benefit Payments Following Suspension**

- (a) When a pensioner whose benefit has been suspended under section 6.07 leaves Disqualifying Employment, his benefit will resume as of the first day of the month following the termination of such Disqualifying Employment.
- (b) Benefits which are paid while a Pensioner was engaged in Disqualifying Employment as described in Section 6.06 shall be recovered by deducting from future benefit payments; provided, however, that such deduction will not exceed, in any one month 25% of that month's total benefit payment, except that 100% of the first payment will be withheld. If a Pensioner dies before the benefits have been recovered, deductions will be made from the benefits payable to the Pensioner's spouse or beneficiary.
- (c) A Pensioner who returns to Covered Employment for an insufficient period of time to complete a Year of Vesting Service shall not, on subsequent termination of employment, be entitled to a recomputation of his pension amount. If a pensioner who returns to Covered Employment completes a Year of vesting Service, he shall, upon resumption of his pension, be entitled to a recomputation of his pension amount, based on any additional Pension Credits and on his attained age upon resumption of his pension.
- (d) If a Pensioner who retired on a pension payable before his Normal Retirement Age (except a Disability Pension which shall be adjusted in accordance with Section 3.17) returns to work in the type of employment described in Section 6.06, he shall, upon resumption of his pension, have his pension amount, as determined in accordance with paragraph (a) of this section, reduced by the actuarial equivalent of the previous pension payments made to the Pensioner during his retirement.

For the purpose of this subsection, the actuarial equivalent is determined by dividing the amount of a Pensioner's previous pension payments received before Normal Retirement Age by the factor appropriate to his age upon his resumption of his pension.

If the monthly benefit resulting from the deduction of the actuarial equivalent of payments received prior to Normal Retirement Age is less than the previous pension amount payable to the Pensioner before Normal Retirement Age, the amount payable upon resumption of his pension will be equal to the previous pension amount payable before Normal Retirement Age.