



**WANT TO WORK AFTER RETIREMENT?  
Information to Consider Before Returning to Work  
DON'T RISK YOUR BENEFIT!**

*This is a Summary of Plan Rules*

**WHAT IS DISQUALIFYING EMPLOYMENT?** - Once an NPF participant begins to receive his monthly pension or disability benefit, he cannot work in the “Sheet Metal Industry,” or with other building trades, and still draw his monthly pension. The Sheet Metal Industry is a broad and diversified industry, which covers a wide variety of work, not just the work a member performed before he retired. Work along the following lines is **prohibited**:

*Any kind of work* with a Contributing Employer, or with an employer in the same or related business as any Contributing Employer

*Any kind of work* in another building trade, unionized or not (*for example, carpenter, plumber, electrician, etc.*)

Self-employment in the same or related business as any Contributing Employer

Employment or self-employment in any business, which is or may be under the jurisdiction of the SMWIA

If retired on a Disability Benefit before 1994, in addition to the work listed above, any employment resulting in annual earnings of \$35,000 or more

If retired on an Industry-Related Disability Benefit and under age 55, in addition to the work listed above, any employment whatsoever, which results in annual earnings of \$35,000 or more, beginning in 2005.

**ARE THERE ANY EXCEPTIONS?** - Certain limited employment will not result in a cessation of pension or disability benefits.

A Retiree that is **age 65 or older**, may work 40 hours or less a month in an industry that was covered by the Plan when he retired, and the work is in a trade or craft in which he worked while covered by the Plan

A Retiree that is **age 62 but not yet 65**, may work **40 hours or less** a month in Covered Employment (work for which contributions are due to the Plan) or for a Related Organization or apprentice/training fund affiliated with the Union without suspension of benefits

If the Retiree is **age 55 but not yet 62**, he may work **40 hours or less** a month for an apprentice/training fund affiliated with the Union without suspension or termination of benefits

If a Retiree is under age 55 and collecting an Industry-Related Disability Benefit, he may work 40 hours or less a month for an apprentice/training fund affiliated with the Union without suspension or termination of benefits.

## **WHAT IS THE PLAN'S DEFINITION OF SHEET METAL INDUSTRY?**

The term "Sheet Metal Industry" means any and all types of work covered by Collective Bargaining Agreements to which the Union and/or any Local are a party; or under the trade jurisdiction of the Union, as that trade jurisdiction is described in the SMWIA's constitution; or *in a building trade*; or any other work to which a sheet metal worker has been assigned, referred, or can perform because of his skills and training as a sheet metal worker.

## **CAN YOU GIVE SOME EXAMPLES OF RETIREES WHOSE BENEFITS WERE SUSPENDED?**

Below find examples drawn from real-life Retirees whose pensions were stopped because of prohibited employment.

- A. Ted draws an early retirement form of pension at 55 and goes to work for a sheet metal contractor doing collectively bargained work. He cannot do this and draw a pension. This is prohibited employment until age 62, at which time he is limited to working up to 40 hours per month doing covered work.
- B. Pete retires at 55 on an early retirement form of pension (such as 55/30 or Special Early) and goes to work for a government agency as a maintenance mechanic in which he does a variety of things such as toilet partition repair, locker repair, sign repair, and thermostat adjustment. This is prohibited employment. His work - as the Plan Rules say - is work that he "*has been assigned, referred, or can perform because of his skills and training as a sheet metal worker*" and it is work that Contributing Employers also perform. At age 65, he could work up to 40 hours in this type of employment.
- C. Jeff retires at 58 on an early retirement form of pension and a couple of years later decides he wants a part-time job. He starts work for a property management company as a custodial engineer. Besides basic janitorial duties, he also monitors the buildings' mechanical system. An outside contractor performs any repairs or installation. This is prohibited employment as he is working for an employer in the same or related business as our Contributing Employers and it is - as the Plan Rules say - work that he "*has been assigned, referred, or can perform because of his skills and training as a sheet metal worker.*" At age 65, he could work up to 40 hours in this type of employment.
- D. Joe retires at 58 on an early retirement form of pension and goes to work for a demolition contractor. He does no sheet metal work, and works as a supervisor ensuring contaminated materials (asbestos) are properly handled. Until he is age 65, this is prohibited employment as he is working for an employer in the same or related business as Contributing Employers. At age 65, he could work up to 40 hours per month in this type of employment.
- E. Bob retires at age 56 on an early retirement form of pension. His former employer asks him to come in for a shut down job, which could last two or three weeks. ***He calls his local union and they say it is okay by them.*** This work is still prohibited employment and Bob's benefit would be subject to suspension.
- F. Bill retires at 55 on an early retirement form of pension. He works in his son's fabrication shop from time to time, just helping out. **He doesn't get paid.** This is prohibited employment and his benefit would be subject to suspension.

- G. Jane retires at age 60 on an early retirement form of pension. She receives a separate pension from another sheet metal union-sponsored plan. Under this other plan, it is okay for her to work for a union shop, as long as she doesn't do any work covered by the Collective Bargaining Agreement. Jane is working in prohibited employment, and the benefit she receives from the National Pension Fund would be subject to suspension.
- H. Chris retires at age 55 on an early retirement form of pension and takes a job at a factory repairing conveyer systems that distribute grain. This is prohibited employment as it is work claimed by the Union under the SMWIA Constitution, and his benefit would be subject to suspension.
- I. Tim wishes to retire at 57 and applies for pension. The Fund verifies that he works at a company that specializes in holiday decorations, lighting, banners, flags and rooftop advertising balloons and that Tim plans to continue in this employment after his retirement. Most of the work is done for cities, shopping centers and malls. This work is prohibited employment as it is work claimed by the Union under the SMWIA Constitution. Tim will have to cease in this employment in order to qualify for pension. If he should continue in this employment, his request for pension will be denied.
- J. Jack draws an Industry-Related Disability benefit because his shoulders are so damaged that it is no longer possible for him to lift duct, hoist tools etc. He gets a job as a draftsman, which allows him to work sitting down and does not strain his shoulders. His disability benefit will be stopped, as this is work in prohibited employment.
- K. Bruce is age 50 and retires on an Industry-Related Disability Benefit and gets a job selling boats. In 2005, he earns \$35,000. His benefit terminates as of December 31, 2005 as he is under age 55 and has earned \$35,000 or more.

**HOW CAN I PLAY IT SAFE?** – Plan Rules are only summarized here. Any time a Retiree plans to return to work, he should notify the Fund office **in writing** immediately. Disability recipients absolutely must contact the Fund. Even if the Retiree thinks his work falls under the exceptions above, he should notify the Fund office, in writing, for his own protection.

**WHAT HAPPENS IF A RETIREE WORKS IN DISQUALIFYING EMPLOYMENT?** - If a Retiree performs prohibited employment, *AND* does not meet any of the exceptions above, his/her benefit will be stopped as follows:

- A Retiree receiving Disability Benefits will have his benefits stopped and have his disability status reevaluated.
- For a Retiree 65 or older, his pension will be suspended for each month of employment.
- For a Retiree under 65 when he ceases prohibited employment, his pension will be suspended the greater of:
  - the number of months worked, or
  - a total of 3 months.
- Benefits are also suspended for an additional 6-months for every calendar quarter in which the Retiree worked one hour or more in the Sheet Metal Industry and that work was not covered by a collective bargaining agreement with the Union. As noted earlier, the *Sheet Metal Industry* is a broad and diversified industry covering a wide variety of work.

