

MIDWEST OPERATING ENGINEERS PENSION PLAN SUSPENSION OF BENEFITS NOTICE

To: Participant

The following suspension rules are in accordance with the regulations issued by the Department of Labor and found in section 2530.203-3 of the regulations of the Department of Labor. ***Please read this notice in its entirety and pay special attention to your employment status.***

FOR RETIRED PARTICIPANTS REHIRED BEFORE NORMAL RETIREMENT AGE (GENERALLY, AGE 60)

This notice is to inform you that because you have returned to work in Disqualifying Employment prior to your Normal Retirement Age (generally age 60), the retirement benefit you have been receiving from the Midwest Operating Engineers Pension Plan (the “Plan”) has been suspended.

The Plan “suspends” retirement benefits for all participants who return to work in Disqualifying Employment after a previous early retirement. Under the Plan’s provisions, you will not receive any benefit payments until your actual retirement.

This policy of not making payments while you are actively employed, prior to your Normal Retirement Age, is based on specific provisions of the Plan and is called a “Suspension of Benefits.” Under the Plan’s suspension provisions, you will not receive any benefit payments until you actually retire at a later date. To be considered retired, a participant must have separated from Covered Employment for a period of at least 30 days and not be engaged in Disqualifying Employment. Please note upon your reemployment, you may continue to earn additional benefits under the Plan based on hours of employment while benefit payments are suspended.

Disqualifying Employment prior to Normal Retirement Age is defined as:

1. Employment or self-employment in the:
 - construction industry; or
 - for an Employer; or
 - any other industry which Participants were employed as operating engineers and accruing benefits under the Plan at the time pension benefits commenced or would have commenced if the participant had not remained in or returned to work, or in the employment of the:
 - ✓ Midwest Operating Engineers Pension Trust Fund
 - ✓ Midwest Operating Engineers Retirement Enhancement Fund
 - ✓ Midwest Operating Engineers Welfare Fund (including Local 150, I.U.O.E. Vacation Savings Plan)
 - ✓ Operating Engineers Local 150 Apprenticeship Fund
 - ✓ Midwest Operating Engineers Construction Industry Research Service Trust
 - ✓ Midwest Operating Engineers IT Services Corp.
 - ✓ In the employment of Local 150 and its affiliates
2. Employment or self-employment in the same “trade or craft” that is covered by the Plan or supervisory activities relating to such trade or craft. Trade or craft extends to any job or occupation using the same skill or skills covered under the Plan.
3. Employment or self-employment in the geographic area covered by the Plan, including:
 - any state of the United States
 - a Province of Canada in which Employer Contributions have been made, or have been required to be made to the Trust Fund, on behalf of the Participant, within the last five (5) years and any other area covered by the Plan when a Participant’s Pension began or, but for suspension, would have begun
 - any area covered by a Plan, which under a Reciprocal Agreement, is required to forward contributions to the Trustees, or is required to provide pro rata pension credit for Participants covered under the terms of the Plan

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4. Employment or self-employment by owner-operators and corporate shareholders who are contributing to the Plan pursuant to a participation agreement.

Please Note:

- Disqualifying Employment **shall not** include work performed by municipal employees, county highway supervisors or road commissioners provided the Participant is at least age 55 and is not performing bargaining unit work. Salesmen and estimators **shall not** be considered as working in Disqualifying Employment if the Participant is at least age 55 and is not working on equipment covered under an applicable Collective Bargaining Agreement.
- As of April 1, of the Calendar Year following the Calendar Year in which a participant attains age 70-1/2, **no employment** will be considered Disqualifying Employment with respect to such Participant.
- If you are retired and are called back to work under the Temporary Waiver of Suspension of Benefits provision of the Plan, this notice is not applicable. However, it is imperative that you contact your local Dispatch Office to complete the necessary forms every calendar year you participate as well as follow the proper procedures of the program. If you have questions regarding the Temporary Waiver of Suspension of Benefits, contact the Retirement Services Group at (708) 579-6630 or your local Dispatch Office.

When you decide to retire again, after your Disqualifying Employment ends, notify the Retirement Services Group at (708) 579-6630. At that time, your benefit may be recalculated based on the provisions of the Plan but will be reduced by the value of the benefits you received from the Plan during your Disqualifying Employment.

If you wrongfully received payments for months that should have been suspended, your future payments (determined as of your later retirement date) will be reduced to recover all overpayments.

FOR PARTICIPANTS WHO CONTINUE TO WORK PAST NORMAL RETIREMENT AGE (GENERALLY, AGE 60)

Since you have attained your Normal Retirement Age (generally age 60) and have continued to work in Covered Employment, your monthly benefits will be suspended for any month in which you work or were paid for **more than 40 hours** in Disqualifying Employment.

Disqualifying Employment after Normal Retirement Age is defined as:

1. Employment or self-employment in the:
 - construction industry; or
 - for an Employer; or
 - any other industry which Participants were employed as operating engineers and accruing benefits under the Plan at the time pension benefits commenced or would have commenced if the participant had not remained in or returned to work, or in the employment of the:
 - ✓ Midwest Operating Engineers Pension Trust Fund
 - ✓ Midwest Operating Engineers Retirement Enhancement Fund
 - ✓ Midwest Operating Engineers Welfare Fund (including Local 150, I.U.O.E. Vacation Savings Plan)
 - ✓ Operating Engineers Local 150 Apprenticeship Fund
 - ✓ Midwest Operating Engineers Construction Industry Research Service Trust
 - ✓ Midwest Operating Engineers IT Services Corp.
 - ✓ In the employment of Local 150 and its affiliates
2. Employment or self-employment in the same “trade or craft” that is covered by the Plan or supervisory activities relating to such trade or craft. Trade or craft extends to any job or occupation using the same skill or skills covered under the Plan.
3. Employment or self-employment in the geographic area covered by the Plan, including:
 - any state of the United States

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- a Province of Canada in which Employer Contributions have been made, or have been required to be made to the Trust Fund, on behalf of the Participant, within the last five (5) years and any other area covered by the Plan when a Participant's Pension began or, but for suspension, would have begun
 - any area covered by a Plan, which under a Reciprocal Agreement, is required to forward contributions to the Trustees, or is required to provide pro rata pension credit for Participants covered under the terms of the Plan
4. Employment or self-employment (before age 65) by owner-operators and corporate shareholders who are contributing to the Plan pursuant to a participation agreement.

Please Note:

- Disqualifying Employment **shall not** include work performed by municipal employees, county highway supervisors or road commissioners provided the Participant is at least age 55 and is not performing bargaining unit work. Salesmen and estimators **shall not** be considered as working in Disqualifying Employment if the Participant is at least age 55 and is not working on equipment covered under an applicable Collective Bargaining Agreement.
- As of April 1, of the Calendar Year following the Calendar Year in which a participant attains age 70-1/2, **no employment** will be considered Disqualifying Employment with respect to such Participant.
- If you are retired and are called back to work under the Temporary Waiver of Suspension of Benefits provision of the Plan, this notice is not applicable. However, it is imperative that you contact your local Dispatch Office to complete the necessary forms every calendar year you participate as well as follow the proper procedures of the program. If you have questions regarding the Temporary Waiver of Suspension of Benefits, contact the Retirement Services Group at (708) 579-6630 or your local Dispatch Office.

Under the Plan's suspension provisions, you will not receive any benefit payments until you actually retire. When you decide to retire, please notify the Retirement Services Group at (708) 579-6630. Your benefit will begin on the first day of the month following the month in which your completed application is approved. At that time, your benefit will be based on your entire period of service in the Plan.

Any Pensioner must notify the Retirement Services Group (see Additional Information below) in writing within 30 days after starting work that is or may be Disqualifying Employment. If a Pensioner has worked in Disqualifying Employment in any month and has failed to give timely notice to the Plan of such employment, the Plan shall presume that the Pensioner has worked more than 40 hours in Disqualifying Employee and benefits will be suspended until the Pensioner provides notice that he has ceased Disqualifying Employment.

In addition, it is imperative that you understand and follow the hiring hall rules and contact Dispatch when you return to Covered Employment regardless of how many hours you intend to work each month.

ADDITIONAL INFORMATION

If you believe that your benefits have been suspended in error, you have the right to review this decision by following the Appeal Procedure in the Summary Plan Description (SPD). If you need a copy of the SPD, you may obtain one from the Fund Office or you can view the SPD online at local150.org/moe/. If you have any questions about your benefit or the rules described in this notice, please contact the Fund Office at:

Midwest Operating Engineers Fringe Benefit Funds
c/o Retirement Services Group
6150 Joliet Rd
Countryside, IL 60525

Retirement Services Group
Tel: (708) 579-6630
Fax: (708) 354-7732