



MASSACHUSETTS LABORERS' PENSION & ANNUITY FUNDS

To: Active Participants and Retirees
From: Board of Trustees
Massachusetts Laborers' Pension Fund
Re: Changes to Rules on Working After Retirement

This notice is to announce various changes to the rules on working after retirement, as described below. Please read this notice carefully.

Working After Retirement—Disqualifying Employment

Pensions are intended for participants who have retired from the type of employment covered by the Plan. For that reason, there are restrictions on the work you may do after retiring.

Engaging in what is considered “disqualifying employment” will cause your pension to be suspended for a period of time. When your benefits are suspended, you do not receive any payments until a later date. Different rules apply to disqualifying employment before and after normal retirement age. For this purpose only, Normal Retirement Age is:

- for participants that first work in covered employment before January 1, 2010, age 62;
- for participants that first work in covered employment on or after January 1, 2010 and before January 1, 2020, age 65; or
- for participants that first work in covered employment on or after January 1, 2020, the later of age 65 or the participant’s fifth anniversary of participation.

The Plan may periodically request that you confirm that you are not working in “disqualifying employment.” You may be required to submit evidence of your employment status or otherwise cooperate with the Plan in verifying your employment status.

Disqualifying Employment Before Normal Retirement Age

“Disqualifying employment” before Normal Retirement Age means:

- any employment with a contributing employer in the states of Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and/or New York;

- employment with any employer in the same or related business as any contributing employer in the states of Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and/or New York;
- self-employment in the same or related business as any contributing employer in the states of Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and/or New York; or
- before January 1, 2024, employment or self-employment in any business that is or may be under the jurisdiction of a participating local union or of the Laborers' International Union of North America.

Beginning January 1, 2024, work is disqualifying only if it is or may be under the jurisdiction of a participating local union in the states of Connecticut, Maine, New Hampshire, Rhode Island, Vermont, Massachusetts or New York. Beginning January 1, 2024, retirees may work outside those states without suspension of their pension benefits.

Your benefits will be suspended for the entire time you work in disqualifying employment, plus an additional 6 months after you leave disqualifying employment. **The first time you return to work after retiring before Normal Retirement Age, this additional 6-month penalty will now be waived**, unless you failed to notify the Plan prior to your return to work or you knowingly misrepresented your disqualifying work status.

If you re-retire and return to work again, your monthly pension benefit will be suspended for six consecutive additional months after you stop working in disqualifying employment for each period of reemployment.

Totally Disqualifying Employment After Normal Retirement Age

If you have reached your normal retirement age, your benefit will be suspended for any month in which you work 40 hours or more in “totally disqualifying employment.” Totally disqualifying employment means employment:

- in an industry covered by the Plan when your pension payments began;
- in the geographic area covered by the Plan when your pension payments began. The geographic area covered by the Plan includes the states of Connecticut, Maine, New Hampshire, Rhode Island, Vermont or Massachusetts; and
- in any occupation covered by the Plan at the time your pension payments began.

Employment for which contributions are required will always be considered totally disqualifying employment, and if you work 40 hours or more your benefit will be suspended.

New Exception to Suspension Rules After Age 62

Between January 1, 2024 and December 31, 2025 only, there is a new, temporary exception to the suspension rule for employment after age 62 (regardless of your Normal Retirement Age). Your benefit will not be suspended if you work for a contributing employer as an estimator, safety officer, project engineer, project manager, superintendent, operations manager, quality assurance/quality control supervisor, or any other position approved by the Board of Trustees, provided that:

- Your employer is not now making, and has not in the past made, contributions to the Fund for members in your position;
- You are not directly supervising laborers; and
- You are a member in good standing of a Local Union of the Massachusetts & Northern New England Laborers' District Council.

You may apply to the Board of Trustees for consideration of additional positions under this temporary program.

Your employer will not make contributions to the Plan for work under this temporary program and therefore you will not receive additional benefits. You and/or your employer are required to notify the Fund Office in accordance with its procedures **before** you may begin work under this temporary exception; otherwise, this exception will not apply to you and your benefits will be subject to suspension.

This is a pilot program, and may be extended at the discretion of the Board of Trustees.

Summary of Material Modifications

This notice is a Summary of Material Modifications (SMM) intended to notify you of important changes made to the plan of benefits of the Massachusetts Laborers' Pension Fund. Please attach this SMM to your Summary Plan Description (SPD) for future reference.

Questions regarding this SMM can be directed to the Fund Office at 781-272-1000 ext. 150 or pension@mlbf.org.