

**MICHIGAN LABORERS'  
ANNUITY FUND**

**Summary Plan Description**

September 2015

**LiUNA!**

*Feel the Power*

Michigan Laborers' Health Care Fund  
Michigan Laborers' Pension Fund  
Michigan Laborers' Annuity Fund  
Michigan Laborers' Vacation Fund  
Michigan Laborers' Training and  
Apprenticeship Fund  
Michigan Laborers' and Employers'  
Cooperation & Education Trust Funds  
Managed for the Trustees by:  
TIC International Corporation

# Michigan Laborers' Fringe Benefit Funds

6525 Centurion Drive ■ Lansing, MI 48917-9275 ■ (517) 321-7502 ■ Fax (517) 321-7508  
Toll Free 877-MI-LABOR (877-645-2267) ■ [www.michiganlaborers.org](http://www.michiganlaborers.org)

December 2020

TO: ALL PARTICIPANTS OF THE MICHIGAN LABORERS'  
ANNUITY FUND (Fund)

RE: **Summary of Material Modifications (SMM)  
Required Minimum Distribution (RMD)**

Dear Participant:

**LiUNA!**  
Feel the Power

This SMM explains a change regarding your Fund RMD for the 2020 calendar year. Pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, **you may waive your Fund RMD for the 2020 calendar year.**



RMD is the required amount paid to Fund participants who reach age seventy-two (72) or older (or age seventy and one half (70 ½) on or before December 31, 2019) and who have *not* applied for and received their Fund benefit.



So, if you are currently receiving a Fund RMD, you will continue to receive your Fund RMD, *unless you contact the Fund office and specifically waive your RMD for the 2020 calendar year.* Similarly, if you would normally begin a RMD in 2020, this Fund will pay you the RMD *unless you specifically waive this 2020 RMD.* To do so, please contact the Fund office by **December 14, 2020.**

If you have any questions, please contact the Fund office at (877) 645-2267.

Sincerely,

BOARD OF TRUSTEES  
MICHIGAN LABORERS' ANNUITY FUND

## TABLE OF CONTENTS

THE BOARD OF TRUSTEES .....	i
FUND OFFICE, PLAN MANAGER, AND AGENT FOR SERVICE OF LEGAL PROCESS.....	ii
PLAN LEGAL COUNSEL.....	ii
A MESSAGE FROM THE BOARD OF TRUSTEES .....	iii
ABOUT THE PLAN.....	1
KEEPING YOUR PERSONAL CONTACT INFORMATION CURRENT .....	2
QUESTIONS AND ANSWERS ABOUT THE PLAN .....	3
The Plan.....	3
Participation in the Plan .....	4
Your Account and How You Become Vested .....	5
Forfeiture.....	6
Plan Investments and Account Value.....	6
Benefits.....	8
How Benefits are Paid.....	9
Beneficiaries, Taxes, Creditors, and Rollovers .....	11
More On QDROs .....	13
Claims, Appeals, and Related Matters .....	13
Additional Information.....	16
ERISA RIGHTS.....	18

# Michigan Laborers' Annuity Fund

## THE BOARD OF TRUSTEES

### Employer Trustees

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AGC, Michigan Chapter  
2323 North Larch Street  
P. O. Box 27005, #203  
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**Michael Nystrom**  
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P.O. Box 1640  
Okemos, Michigan 48864

### Union Trustees

**Geno Alessandrini**, Chairman  
Michigan Laborers' District Council  
1118 Centennial Way, Suite 100  
Lansing, Michigan 48917-9280

**Alex Zurek**  
Michigan Laborers' District Council  
1118 Centennial Way, Suite 100  
Lansing, Michigan 48917-9280

## **Michigan Laborers' Annuity Fund**

### **FUND OFFICE, PLAN MANAGER, AND AGENT FOR SERVICE OF LEGAL PROCESS**

#### **TIC International Corporation**

6525 Centurion Drive  
Lansing, Michigan 48917-9275  
[www.michiganlaborers.org](http://www.michiganlaborers.org)  
(517) 321-7502  
Toll Free (877) 645-2267  
Fax (517) 321-7508

#### **OFFICE HOURS**

Monday through Friday  
7:30 a.m. to 5:30 p.m.

### **PLAN LEGAL COUNSEL**

#### **Christopher P. Legghio**

Legghio, & Israel, P.C.  
306 South Washington Avenue, Suite 600  
Royal Oak, MI 48067-3837  
(248) 398-5900

## **Michigan Laborers' Annuity Fund**

### **A MESSAGE FROM THE BOARD OF TRUSTEES**

Dear Participant:

This Summary Plan Description (“SPD”) describes the benefits available to you and your family through the Michigan Laborers’ Annuity Plan (the “Plan”).

This SPD *summarizes* Plan benefits current as of September 1, 2015. This SPD isn’t a substitute for the written Plan document itself. If there are any conflicts between this SPD and the Plan document, the Plan document controls. The Plan document is available for your review at the Fund Office during normal office hours.

If you have any questions about your Plan eligibility or participation, or if you have any other Plan-related questions, please contact the Fund Office. You may call the Fund Office at (877) 645-2267 (toll-free) or (517) 321-7502 or write to the Fund Office. We urge you to communicate in writing with the Fund Office on matters of importance.

Board of Trustees of the  
Michigan Laborers’ Annuity Fund

# **Michigan Laborers' Annuity Fund**

## **ABOUT THE PLAN**

The Michigan Laborers' District Council, its affiliated Local Unions, and the Michigan Chapter of the Associated General Contractors of America ("AGC") created this Plan through collective bargaining. The Plan provides supplemental retirement benefits for eligible Participants and their families.

The Plan is a defined-contribution pension plan. It's regulated under federal law -- the Employee Retirement Income Security Act of 1974 ("ERISA"). The Plan is administered by a four-member Board of Trustees. Two Trustees are Union-appointed. Two are AGC-appointed. The Board of Trustees establishes Plan benefits, policies, and rules.

The Board hired TIC International Corporation, a third-party administrator, to manage the Plan's day-to-day operations. The Board and TIC are advised by professional consultants, including the Plan legal counsel, investment managers, auditors, and certified public accountants. As required by law, each year an independent auditor audits the Plan's finances and files required annual reports with the federal government.

The Plan is funded primarily through employer contributions in amounts specified in collective bargaining agreements ("CBAs"). If you want more information about the Plan, contact the Fund Office.

## Michigan Laborers' Annuity Fund

### KEEPING YOUR PERSONAL CONTACT INFORMATION CURRENT

Make sure that you always update the Plan with your current personal contact information.

If there are changes in your contact information, or if you want to designate or change your beneficiary, you must notify the Fund Office in *writing*. **Please Note:** Notifying your Local Union of changes in your contact information is *not* notification to the Fund Office. So, you must keep the Fund Office up-to-date, even if you have notified your Local Union of changes.

Make sure the Plan has a current *Beneficiary Designation Form* containing your contact information. A *Beneficiary Designation Form* accompanies this SPD. Completed forms may be delivered or mailed to the Fund Office. The Fund Office cannot take your personal information by telephone.

If you have questions about your contact information or Beneficiary Designation, please call the Fund Office at (877) 645-2267 (toll-free) or (517) 321-7505.



## Michigan Laborers' Annuity Fund

### QUESTIONS AND ANSWERS ABOUT THE PLAN

#### *The Plan*

**1. Q. What Is The Michigan Laborers' Annuity Plan?**

**A.** The Plan is a defined-contribution pension plan. It was established by the Union and the AGC. Employers pay contributions to the Plan on behalf of Participants as required by the CBA. The contributions are used to finance benefits for eligible Plan Participants and family members. The benefits are payable upon your retirement, death, disability, or separation from employment.

**2. Q. What Is The Plan's Purpose?**

**A.** The Plan exists to provide supplemental retirement income to you. That is, the Plan gives you retirement income that supplements your other retirement benefits -- for example, benefits payable under another pension plan or your Social Security benefits. The Plan also provides income to you if you become disabled or die before retirement.

**3. Q. Who Contributes To The Plan?**

**A.** Employers, who are governed by CBAs between AGC and the Union, make contributions to the Plan. The contributions are based on the number of hours you work. The CBAs set the hourly contribution amounts.

**4. Q. What Is The Plan Year?**

**A.** The Plan Year runs from September 1 through August 31 each year. The first Plan Year, however, ran from the Plan's March 1, 1997 start date through August 31, 1997.

**5. Q. How Is The Plan Administered Or Managed?**

**A.** The Plan is managed by a four (4) member Board of Trustees. The Union appoints two Trustees. The AGC appoints the other two Trustees.

The Trustees must manage the Plan prudently and in the best interest of all Participants. The Trustees interpret Plan documents, make Plan-operational rules and make decisions on benefits applications and other Plan matters.

The Trustees have hired professionals to help administer the Plan. The Plan's day-to-day operations -- such as maintaining Plan records, processing benefits applications, and responding to requests for information -- are handled by TIC,

## Michigan Laborers' Annuity Fund

the Plan's third-party administrator. The Trustees also retain other professionals to advise them. These include an independent auditor, an attorney and investment consultants and managers. As required by law, an independent auditor conducts an annual audit of the Plan and files required reports with the federal government.

### *Participation in the Plan*

**6. Q. Who Is A Plan Participant?**

**A.** A Plan Participant is an employee or former employee of a contributing employer who is or may become eligible for Plan benefits. A Participant performs Laborers' work under the CBAs that require employers to contribute to the Plan.

**7. Q. When Do I Become A Participant?**

**A.** *Before September 1, 2003*, you could become a Plan Participant on the first day of the month after any period of 12 or fewer consecutive months in which you performed two hundred (200) hours of work for a contributing employer(s).

*After September 1, 2003 but before September 1, 2006*, you could become a Plan Participant on the first day of the month after any period of 12 or fewer consecutive months in which you performed seven hundred (700) hours of work for a contributing employer(s).

*After September 1, 2006*, you could become a Plan Participant on the first day of the month after any period of 12 or fewer consecutive months in which you perform two hundred (200) hours of work for a contributing employer(s).

**8. Q. What If I Haven't Worked The Required Hours In 12 Consecutive Months?**

**A.** The 12-month period initially starts when you begin working. But, if you don't work the required hours in the first 12 months -- measured from the date you first started working -- the Plan will "roll" your starting date forward, month by month, until you work the required hours in 12 consecutive months.

**9. Q. Do I Become A Plan Participant Earlier If I Work The Required Hours Before 12 Consecutive Months?**

**A.** Yes. You could become a Plan Participant sooner than twelve (12) months, if you've worked the required hours in consecutive months.

## Michigan Laborers' Annuity Fund

### *Your Account and How You Become Vested*

10. Q. What Is My Account?

A. Employer contributions made on your behalf are held in an Account in your name. Your Account consists of the employer contributions made on your behalf and your share of Plan's investment earnings or losses, and expenses.

11. Q. What Does "Vesting" Mean?

A. Vesting means that you have a non-forfeitable interest in your Account.

12. Q. How Do I Vest In My Account?

A. There are several ways for you to vest in your Account.

***Before September 1, 2003:*** You became fully vested after any period of 12 or fewer consecutive months in which you performed 200 hours of work for a contributing employer(s). So, before September 1, 2003, you became a Participant and vested at the same time.

***After September 1, 2003 but before September 1, 2006:*** You became fully vested after you are credited with three (3) Years of Service before a *Permanent Break in Service*. (A *Permanent Break in Service* is explained in Question 13 below.)

During this period, you earned a Year of Service when you've worked 700 or more hours of work in covered employment for a contributing employer(s) in a Plan Year. An employee will be credited with a Year of Service for an "initial rolling year" after the employee's start date when the employee has worked 700 hours.

***After September 1, 2006:*** You become vested after you're credited with three (3) Years of Service before a *Permanent Break in Service*. After September 1, 2006, you earn a Year of Service when you've worked two hundred (200) or more hours in covered employment in a Plan Year.

You can also vest through age. That is, you vest automatically when you turn age 65, regardless of the number of hours of work then credited to you.

But, if you've had a *Permanent Break in Service* before reaching age 65, any hours contributed on your behalf before the Permanent Break are forfeited.

## Michigan Laborers' Annuity Fund

**13. Q. What Is A Permanent Break In Service?**

**A.** A *Permanent Break in Service* can only occur before you vest. It occurs when you experience five (5) consecutive *One Year Breaks in Service* before you become vested in your Account. This means that if, for five (5) consecutive years, you fail to earn the required Hours of Service in each year, you will suffer a *Permanent Break in Service*.

**14. Q. How Is A One Year Break In Service Determined?**

**A.** Between September 1, 2003 and August 31, 2006, a *One Year Break in Service* occurred if you were not credited with at least 501 Hours of Service for a Plan Year.

Starting September 1, 2006 and thereafter, a *One Year Break in Service* occurs if you are not credit with at least 200 Hours of Service for a Plan Year.

### *Forfeiture*

**15. Q. What Is A Forfeiture?**

**A.** A forfeiture is a permanent loss of your Plan Account. Forfeiture can occur only if you are not vested.

**16. Q. When Does A Forfeiture Occur?**

**A.** Forfeiture occurs when you suffer a *Permanent Break in Service*. A *Permanent Break in Service* occurs on the last day of five (5) consecutive *one-year Breaks in Service*.

**17. Q. What Happens If I Return To Work After A Permanent Break In Service?**

**A.** Once you incur a *Permanent Break in Service*, you forever lose all interest in any contributions made on your behalf that Pre-date your *Permanent Break in Service*.

### *Plan Investments and Account Value*

**18. Q. Who Invests The Plan Assets?**

**A.** The Trustees have hired investment professionals who invest Plan assets. These professionals regularly report on the Plan's investments.

## Michigan Laborers' Annuity Fund

**19. Q. How Is The Value Of My Account Determined?**

**A.** Generally, your Account value is made up of:

- (1) the employer contributions made on your behalf;
- (2) your pro rata share of the Plan's investment earnings or losses; and
- (3) your pro rata share of Plan expenses.

Plan assets are valued at least once each year. The current value of your individual Account is determined annually.

**20. Q. How Do I Know The Value Of My Account?**

**A.** The Plan sends you a yearly statement. Each statement shows:

- (1) current value of your Account;
- (2) the value of your Account at the end of the previous Plan Year;
- (3) the Employer contributions made on your behalf during the covered Plan Year;
- (4) your share of the Plan's investment earnings or losses; and
- (5) your share of Plan administrative expenses.

**21. Q. How Are My Shares Of Plan Earnings Or Losses, And Expenses, Determined?**

**A.** Each year, you're credited with a share of the Plan's investment earnings or losses.

All Plan investment earnings or losses, including interest earned for the Plan Year, are added together. All administrative expenses and other charges for that Plan Year are subtracted.

The resulting *net* amount is then split among all Plan Participants, with each Participant's Account getting its pro rata share of earnings or losses and expenses.

**22. Q. Are There Limits On The Amount Than Can Be Added To My Account Each Year?**

**A.** Yes, the law limits the annual contributions and benefits you can receive, but the limits are so high that few, if any, Participants should be affected.

**23. Q. Beside Contributions, Earnings Or Losses, And Expenses, Does Anything Else Affect My Account?**

**A.** Yes, other Participant's forfeitures could affect your account. If any non-vested Participant incurs a *Permanent Break in Service*, that Participant's Account is forfeited and the forfeited Account is then divided pro rata among the other

## Michigan Laborers' Annuity Fund

Participants. This forfeited-related distribution, which is done on the last day of the Plan Year, is based on the same formula used to allocate your share of Plan earnings or losses, and expenses.

### *Benefits*

**24. Q. When Am I Entitled To Plan Benefits?**

**A.** If you meet the Plan's eligibility rules, you can collect Plan benefits when you:

- (1) retire; or
- (2) become totally and permanently disabled; or
- (3) separate from employment; or
- (4) die.

**25. Q. How Do I Qualify For An Annuity Plan Retirement Benefit?**

**A.** There are three ways to be eligible for retirement benefits.

**First**, you can qualify for Annuity benefits at age 55 if you retire and have accrued 435 or more Hours of Work in each of the ten (10) Plan Years before your 55<sup>th</sup> birthday.

**Second**, you qualify for Annuity benefits upon retirement at age 65.

**Third**, if you have at least 30 thirty (30) Years of Service (counting pre-1997 Years of Service under the Michigan Laborers' Pension Plan), at least ten (10) of which were accrued after August 31, 1968, or if you have at least 79.5 points toward the Index 80 requirement under the Michigan Laborers' Pension Fund, you can retire and qualify for Annuity benefits *before* your 55<sup>th</sup> birthday.

But, if you work for an employer(s) who doesn't make Plan contributions (called contiguous non-covered employment), this work doesn't count toward the 30-year and Index 80 requirements.

**26. Q. How Do I Qualify For Total And Permanent Disability Benefit?**

**A.** You're considered totally and permanently disabled, and, therefore qualified for Plan disability benefits, if the Trustees determine that you have a physical or mental condition which prevents work at the Laborers' trade or any other paid employment.

The Trustees make this determination based on medical evidence. You should submit medical evidence if you believe you're totally and permanently disabled. The Trustees have the discretion to decide if your medical evidence establishes

## Michigan Laborers' Annuity Fund

disability. The Trustees may require that you be examined by a Plan-designated physician.

If your disability is the result of an intentionally self-inflicted injury, or is the result of your involvement in a felonious activity or illegal use of narcotics, you are not eligible for total and permanent disability benefits.

**27. Q. How Do I Qualify For The Separation From Employment Benefit?**

**A.** You must satisfy three (3) conditions to qualify for a separation from employment benefit. First, you can't work for a contributing employer for two (2) consecutive months.

Second, you can't have performed any Laborer's work -- whether for a contributing employer or not -- in the geographic area of any participating Local Union for each of the two (2) calendar months prior to taking your separation benefit.

Finally, for *each* of the two (2) years prior to taking your separation benefit, you must have less than two hundred (200) hours of contributions to the Annuity Plan.

If you retire under the Michigan Laborers' Pension Fund, you are considered separated from employment and, therefore, qualify for Annuity Plan separation benefits as of your date of retirement under the Michigan Laborers' Pension Fund.

**28. Q. What Is Payable If I Qualify For Benefits?**

**A.** If you qualify for benefits, regardless of how you qualify -- whether you qualify because of retirement, disability, or separation of employment in the trade -- the Plan will pay you or your beneficiary the value of your Account as of the last date that your Account was valued.

### ***How Benefits are Paid***

**29. Q. How Are Benefits Paid?**

**A.** Depending on your individual circumstances, you may receive benefits in the following ways when you qualify for benefits:

- (1) if your Account Balance is *less than* \$5,000 when payment is to begin, the Plan will pay you a one-time, cash lump-sum regardless of your marital status;
- (2) if you are married, and have been married for at least one year, and your Account Balance is *more than* \$5,000, the Plan will automatically pay your benefits in the form of a *Joint and Survivor Annuity*. That is, a

## Michigan Laborers' Annuity Fund

monthly benefit for your lifetime and a reduced benefit for the lifetime of your spouse, after your death.

This monthly Annuity is purchased from a licensed insurance company. The monthly benefit amount is actuarially determined based on your Account Balance, your life expectancy, and your spouse's life expectancy.

If you die before your spouse while receiving this Joint and Survivor Annuity benefit, your spouse will receive either fifty-percent (50%) or seventy-five percent (75%) of the monthly amount you were receiving before your death. The reduced amount that your spouse will receive (50% or 75%) is determined by the selection you and your spouse make when you begin collecting your benefit.

- (3) If you are unmarried, and you have not been married for one (1) year when your Annuity benefit payment is due, and your account is *more than* \$5,000, the Plan will pay you a *Straight Life Annuity*. This is an insured lifetime monthly benefit. The benefit amount is actuarially determined based on the value of your Account when you apply for your benefit and by your life expectancy.  
Your *Straight Life Annuity* benefit terminates when you die.

**30. Q. Are There Other Available Forms Of Benefits?**

- A. Yes. If your spouse properly waives the normal *Joint and Survivor Annuity* benefit described above, you can receive a one-time, lump sum cash payment.

If you're unmarried, you may choose a one-time, lump sum cash payment rather than the *Straight Life Annuity*.

**31. Q. What Benefits Are Payable On Death?**

- A. Benefits payable on death depends on whether you die *before* or *after* you began receiving Plan benefits and whether you are married at the time of your death. We explain this further below.

- ***Death Before Any Benefit Payments***

If you're vested, married, and die *before* you collect Annuity benefits, your surviving spouse will receive your Account in either:

- (1) a one-time, lump-sum payment; or
- (2) as a lifetime monthly benefit through an annuity insurance contract.

If you're vested, unmarried, and die before you collect Annuity benefits, your beneficiaries will receive your Account in a one-time, lump sum payment.



## Michigan Laborers' Annuity Fund

- ***Death After Benefits Have Begun***

If you're married and die while receiving a monthly annuity benefit, your spouse will continue to receive a lifetime benefit at either fifty-percent (50%) or seventy-five percent (75%) benefit, of the amount you received before your death.

If you're unmarried and die while receiving a monthly Annuity benefit, your benefits end completely when you die. This is true regardless of when you die.

### ***Beneficiaries, Taxes, Creditors, and Rollovers***

**32. Q. Who Is My Beneficiary?**

**A.** If you are married, your spouse is your beneficiary, unless your spouse agrees in writing to waive their beneficiary status. If you're unmarried, your beneficiary is anyone you designate on your *Beneficiary Designation Form*.

**33. Q. What If I Don't Designate A Beneficiary?**

**A.** If you die *before* collecting benefits without designating a beneficiary, your beneficiary will be determined according to the following priority schedule:

- (1) your spouse;
- (2) your children;
- (3) your parents;
- (4) your brothers and sisters; or
- (5) your estate.

If you haven't designated a beneficiary, or if you want to change your designated beneficiary, send a *Beneficiary Designation Form* to the Fund Office. Use the *Beneficiary Designation Form* which accompanies this SPD, or get the form from the Fund Office or from your Local Union.

Please make sure that the Fund Office always has on file a currently-updated *Beneficiary Designation Form*.

**34. Q. Is There Anything That Can Change My Right, Or The Right Of My Beneficiary, To My Account?**

**A.** Yes. Some federal government claims and certain State court orders may require that all or part of Annuity Plan benefits otherwise payable to you and your beneficiaries be paid to another person.

This includes State court orders called Qualified Domestic Relations Orders ("QDROs"). QDROs typically come out of divorce, alimony, and child support

## Michigan Laborers' Annuity Fund

litigation. If they meet certain federal law requirements, the Annuity Plan must honor them. In addition, changes in the governing law may affect benefits. Any such legal changes generally would apply to all Participants similarly-situated.

**35. Q. Can A Creditor Attach My Benefits?**

**A.** Generally, no. A creditor cannot attach your benefits. But, under certain circumstances, the Internal Revenue Service ("IRS") may collect taxes from your Account.

**36. Q. Are My Benefits Taxable?**

**A.** Yes. Your Annuity Plan benefits are taxable as income when you collect them. Some benefits may be subject to additional excise taxes, depending when the benefits are paid to you. The Trustees and Plan administrative staff cannot provide tax advice to you. You should seek competent, professional advice regarding tax obligations and the consequences of your decision-making before applying for Plan benefits.

**37. Q. Can I Assign, Pledge, Or Sell My Right To Benefits?**

**A.** Generally, no. Your benefits cannot be assigned, pledged or sold to anyone else. And, they can't be used as security for a loan. (But, when you borrow from the Annuity Fund, you do use your benefits as a security for a loan to you.) The exception is for QDRO State court orders which allocate benefits to satisfy divorce, alimony, and child support obligations.

**38. Q. Can My Plan Benefits Be Rolled Into An IRA Or Another Pension Plan?**

**A.** Yes. Some benefits may be rolled over into an Individual Retirement Account ("IRA"). Lump sum benefits payable to you, your spouse, former spouse, surviving spouse or non-spouse beneficiaries generally are eligible for rollover. Contact the Fund Office for information about your rollover options.

When permitted, lump sum cash benefits may be paid to your IRA or to another pension plan in a direct rollover. Monthly normal, early, disability, and survivor benefits, however, generally are not eligible for rollover.

The Plan does not accept eligible rollover distributions from other pension funds.

## Michigan Laborers' Annuity Fund

### *More On QDROs*

**39. Q. If I Am Divorced Or Am Legally Separated, Are My Former Spouse And Children Entitled To Any Of My Plan Benefits?**

**A.** That depends. Under a QDRO, a State court may order that a portion of your benefits be paid to your former spouse, to your children, or to other dependents.

If you're involved in any family law court proceedings, you should be sure that you and your personal lawyer are aware of the QDRO requirements and the impact of your decision-making on Plan benefits.

**40. Q. Who Determines Whether A Court Order Is A QDRO?**

**A.** The Trustees, on the recommendation of the Plan attorneys, determine whether a particular order or judgment qualifies as a QDRO. The Plan charges the Participant or the Participant's former spouse a reasonable fee to review a State court order that assigns benefits. Following review, the Plan will notify you in writing whether the document qualifies as a QDRO.

### *Claims, Appeals, and Related Matters*

**41. Q. How Do I Make A Claim For Benefits?**

**A.** To begin the process, submit a written *Request Application* to the Fund Office. This necessary form is available from the Fund Office.

Once you submit your *Request for Application*, the Plan will notify you of the various benefit amounts and options available to you. The Plan will then send you a *Benefits Application Form* for you to complete and submit to the Fund Office.

Please understand: a *Request for Application form* and a *Benefits Application form* are two separate and different forms.

**42. Q. When Should I Submit A Request For Application?**

**A.** Submit your *Request for Application* well before you wish to collect your Annuity Benefits. If you are married, you and your spouse will have decisions to make regarding benefit options. Those decisions must be made, by law, within the 90 days before benefits begin.

## Michigan Laborers' Annuity Fund

**43. Q. What Must Accompany My Benefits Application?**

- A.** Submit a copy of your birth certificate along with your completed *Benefits Application*. If you are married, also provide a copy of your marriage certificate, driver's license and your spouse's birth certificate.

If you were previously married, provide the copy of all divorce judgments and attachments, including any QDROs. If your spouse is deceased, provide a copy of your spouse's death certificate.

**44. Q. How Soon Will I Receive Plan Benefits?**

- A.** The Plan generally will act within two (2) weeks of the Fund Office's receipt of your completed *Benefits Application*, provided it includes all necessary documentation.

If, for any reason, the Plan can't act on your Application -- for example, if you haven't supplied all needed information -- the Plan will contact you to complete your *Benefits Application*.

**45. Q. If My Application Is Denied, Can I Appeal?**

- A.** Yes. If your Application is totally or partially denied, the Plan will give you a written explanation. The explanation will include the following:

- (1) the reasons why your claim was denied;
- (2) reference to the Plan provisions on which the denial was based;
- (3) a description of additional information, if any, needed to complete your Application;
- (4) notice that you are entitled to reasonable access to Plan copies of records and other information relevant to your Application; and
- (5) a description of what steps you must take to appeal the denial.

If the Fund Office intends to deny an Application, it generally will contact you before sending final notice that the Application is denied. The Fund Office may ask for additional information.

## Michigan Laborers' Annuity Fund

### 46. Q. How Do I Appeal?

A. If you disagree with the Plan's decision denying your Application in whole or part, you may appeal to the Trustees for further review. The appeal procedure is as follows:

- (1) Within 60 days after you've received notice that your Application was denied in whole or part, notify the Fund Office, in writing, that you want your Application reviewed by the Trustees.

Your written appeal should identify the reasons you believe the original decision was wrong, and what action you want the Trustees to take on appeal. Your written appeal should include all information that you would like the Trustees to consider.

- (2) The Plan will make available to you, at no cost, Plan records that reasonably might help your appeal. You must request the documents in writing. On appeal, the Trustees will consider all documents and other information submitted by you or your representative without regard as to whether that information was submitted when your Application was denied. To emphasize, your written appeal must include all information that you would like the Trustees to consider.
- (3) The appeal will be presented to the Trustees or to a Committee designated by the Trustees. The Trustees or the Committee will decide your appeal and notify you in writing of the decision.
- (4) The appeal decision will include the reasons for the result and refer to the Plan terms on which the decision is based. You also will get notice about your right to reasonable access to review and obtain, free of charge, copies of documents and other information relevant to your Application. You also will get an explanation of any remaining appeal procedures. And, you will be informed of your right to sue the Plan if you still believe that your Application was denied improperly.

Generally, you cannot begin any legal action, including any proceedings before administrative agencies, unless you first exhaust the Plan's internal appeal procedure.

If you have any questions about the appeal procedures, please contact the Fund Office in writing.

You may seek legal advice, at your expense, from an attorney of your choice.

## Michigan Laborers' Annuity Fund

### *Additional Information*

**47. Q. Does The Plan Have Reciprocity Agreements With Other Retirement Plans?**

- A.** Yes. Because Laborers work for different employers and often move from location to location, the Trustees have reciprocity agreements with other retirement funds covering workers represented by the Laborers' International Union of North America, AFL-CIO.

These reciprocity agreements make it possible for the money contributed by employers on your behalf to other funds to follow you back to this Plan. But, these Reciprocity transfers are not automatic. You must request that the money be transferred. Transfer request forms are available from the Fund Office or your Local Union. Please contact the Fund Office with questions about reciprocity transfers.

**48. Q. Can I Borrow Money From My Account Before I Retire, Become Disabled Or Separate From Employment?**

- A.** Yes. The Plan has a Loan Program. Provided you meet the eligibility requirements of the Annuity Plan Loan Program, you can borrow from your Account.

**49. Q. What Are The Terms Of The Plan's Loan Program?**

- A.** Loans are available to all Participants on a reasonably equivalent basis. The maximum amount that you can borrow is the *lesser of* fifty-percent (50%) of your Vested Account balance or \$50,000. If you're married, your spouse must agree, in writing, to the loan.

There are additional minimum eligibility requirements to qualify for a Plan Loan. You must have at least \$3,000 in contributions in your Vested Account to be eligible to apply for a loan. But, even if you have this threshold amount in your Vested Account, you cannot qualify for a loan if you are retired or an Alternate Payee. In addition, you cannot have more than one loan at a time. And, you are ineligible for a loan if you ever defaulted on a prior Plan Loan.

All loans must be repaid within five (5) years and the interest rate is established by the Trustees. Once established, the interest remains the same for the term of your loan.

Your loan is secured by assignment of your right, title and interest in your Account. You must agree to this assignment by signing a promissory note for the amount of the loan, including interest.

## Michigan Laborers' Annuity Fund

There are no penalties for prepayment of the loan and late payments of your monthly loan payment will be assessed.

You default on your loan if you fail to make four (4) loan payments when due. If you default, the Fund will send you an IRS Form 1099 and will report to the IRS that your defaulted loan is regular income. This will result in additional taxes to you.

The Plan will send you a monthly statement regarding your loan and the Plan can charge a one-time administrative fee for the processing of your Loan Application.

Contact the Plan Office if you are interested in a Plan Loan.

**50. Q. Can The Plan Be Changed Or Terminated?**

**A.** Yes, although it is unlikely. While the Trustees believe that the Plan will continue indefinitely, the Plan may be changed or terminated subject to governing law. You will be notified of changes, if any, that affect benefits. If the Plan is terminated, each Accrued Benefit Account will be held by the Plan and continue to accrue investment earnings or losses until distributed as part of Plan termination.

**51. Q. What Happens If The Plan Is Terminated?**

**A.** If the Plan is terminated, all Participants will automatically become 100% vested at the time of the termination, even if they are not otherwise vested. The Trustees will arrange for payment of Plan obligations, including the payment of Accounts to eligible Participants and beneficiaries. The Trustees will also arrange for a final Plan audit. The Trustees will also provide the legal notices and file the reports required by law in connection with termination.

Although termination is not likely, the Plan could terminate if:

- (1) there is no individual living who can qualify for Plan benefits; or
- (2) the Union, the Employers, and the Trustees agree to terminate the Plan; or
- (3) a government agency terminates the Plan; or
- (4) all Employers discontinue Plan contributions.

If the Plan terminates, benefits will be distributed to eligible Participants and Beneficiaries as required by the Plan and federal law.

Because the Plan is a defined contribution plan, the Plan pension benefits are not insured by the Pension Benefit Guaranty Corporation (PBGC).

## Michigan Laborers' Annuity Fund

52. **Q. Can I Lose Benefits Once They Are Credited To My Accrued Benefit Account?**
- A. No. You cannot lose your entitlement to benefits once you're vested. But your Account can increase or diminish depending on the Plan's annual investment performance and expenses.
53. **Q. Can I Get Credit For Time In The Military Or Other Governmental Service?**
- A. In some circumstances, yes. The Plan will credit time you spent in the military or other governmental service, as may be required by federal law. Contact the Fund Office for information.
54. **Q. Who Should I Contact With Questions About My Personal Situation?**
- A. If you have any questions about your Account and your personal situation, please contact the Fund Office.

## ERISA RIGHTS

You have certain ERISA rights and protections.

### **Participants Are Entitled To Information About The Plan And Benefits**

You may examine, without charge, at the Plan administrator's office—the Fund Office—and at other specified locations, such as worksites and Union halls, all documents governing the Plan, including insurance contracts and CBAs, and a copy of the latest annual report (Form 5500 Series) filed by the Plan with the United States Department of Labor (US DOL) and available at the US DOL Employee Benefits Security Administration.

You may also get copies of all documents governing the Plan's operation, including insurance contracts and CBAs, and copies of the latest annual report (Form 5500 Series) and an updated summary plan description. The administrator may make a reasonable charge for copies.

The Plan administrator must furnish you with a copy of the Plan's Summary Annual Report.

You are also entitled to a statement from the Plan telling you whether you have a right to receive a pension at normal retirement age (age 65) and the amount of any benefit to which you may be entitled. If you don't have a right to a pension, the statement will tell you how many more years you must work to qualify for a pension benefit. You must



## **Michigan Laborers' Annuity Fund**

request this statement in writing. The Plan isn't required to provide the statement more than once every 12 months. The Plan must provide the statement free of charge. Your requests should be submitted to the Fund Office.

### **Plan Fiduciaries Must Act Prudently**

ERISA imposes duties upon people responsible for the Plan's operation, called "fiduciaries." The Trustees are the Plan's fiduciaries. They have a duty to act prudently and exclusively in your interest and the interests of other Plan Participants and beneficiaries.

No one—including your employer, your Union, or any other person—may fire you or otherwise discriminate against you in any way to prevent you from obtaining a Plan benefit to which you would otherwise be entitled or for otherwise exercising your ERISA rights.

### **Participants Are Entitled To Enforce Their ERISA Rights**

If your claim for a benefit is denied, in whole or in part, you have a right to know why and to obtain copies of documents relating to the decision without charge, and to appeal any denial within certain time requirements.

ERISA provides steps you can take to enforce your legal rights. For example, if you request a copy of Plan documents or the Plan's latest annual report and do not receive them within 30 days, you may sue in a federal court. In such a case, the court may require the Plan administrator to provide you the materials and pay you up to \$110 a day until you receive the materials, unless the materials were not sent because of reasons beyond the administrator's control.

If you have a claim for benefits that is denied, in whole or in part, or ignored, you may sue in state or federal court. And, if you disagree with the Plan's decision, or its failure to make a decision, concerning the status of a proposed QDRO, such as a divorce judgment or a medical child support order, you may sue the Plan in federal court.

If Plan fiduciaries misuse Plan money, or if you are discriminated against for asserting your rights, you may seek assistance from the US DOL or you may sue in a federal court. If you are successful, the court may order the person you have sued to pay certain costs and fees. If you are not successful, the court may order you to pay the other side's these costs and fees.

## **Michigan Laborers' Annuity Fund**

### **Assistance With Your Questions**

If you have any Plan-related questions, contact the Fund Office located at 6525 Centurion Drive, Lansing, Michigan 48917.

If you have any questions about this SPD or about your ERISA rights, or if you need assistance in obtaining documents from the Plan, you may contact the nearest office of the Employee Benefits Security Administration, US DOL, listed in your telephone directory, or you may contact the Division of Technical Assistance and Inquiries, Employee Benefits Security Administration, US DOL, 200 Constitution Avenue N.W., Washington, D.C. 20210.

You can also obtain certain publications about your ERISA rights and responsibilities by calling the publications hotline of the Employee Benefits Security Administration.

Finally, you may consult legal counsel at your own expense at any time regarding your rights under the Plan and ERISA.

**[END OF DOCUMENT]**

# LOCAL UNION DIRECTORY BY COUNTY

**Battle Creek, #355:** 1500 E. Columbia Avenue, 49014-5137, Phone: 269/962-8010, Toll Free: 877/616-9845, Fax: 269/962-1431, website: [www.local355.org](http://www.local355.org). Counties: Allegan, Barry, Berrien, Branch, Calhoun, Cass, Ionia (excluding the City of Portland), Kalamazoo, Kent, Lake, Manistee, Mason, Mecosta, Montcalm, Muskegon, Newaygo, Oceana, Osceola, Ottawa, St. Joseph and Van Buren. Business Manager: Arlandar Washington.

**Ann Arbor, #499:** 3080 Platt Road, 48108-1808, Phone: 734/971-5212, Toll Free: 877-499-2100, Fax: 734/971-0094. Counties: Clinton, Eaton, Hillsdale, Ingham, Jackson, Lenawee, Livingston, Monroe and Washtenaw. Business Manager: Robert Malcolm.

**Flint, #1075:** P.O. Box 5188, 48505-0188, Phone: 810/686-8381, Fax: 810/686-1906. Counties: Genesee, Lapeer, Sanilac, Shiawassee and St. Clair. Business Manager: Dan Husted.

**Pontiac, #1076:** 760 Joslyn Avenue, 48340-2917, Phone: 248/334-0509, Fax: 248/334-0584, website: [www.constructionlaborers1076.org](http://www.constructionlaborers1076.org). Counties: Oakland and the Northeast portion of Livingston County bordered by M-151 (Oak Grove Road) on the West and M-59 on the South. Business Manager: William Bass.

**Saginaw, #1098:** 345 Morley Drive, 48601-9402, Phone: 989/752-6146, Fax: 989/752-5799, website: [www.local1098.org](http://www.local1098.org). Counties: Alcona, Alpena, Arenac, Antrim, Bay, Benzie, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Gladwin, Grand Traverse, Gratiot, Huron, Iosco, Isabella, Kalkaska, Leelanau, Midland, Missaukee, Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle, Roscommon, Saginaw, Tuscola and Wexford. Business Manager: Brent Pilarski.

**Detroit, #1191:** 2161 W. Grand Boulevard, 48208-1115, Phone: 313/894-2241, Fax: 313/894-6250, website: [www.laborerslocal1191.org](http://www.laborerslocal1191.org). Counties: Wayne and Macomb Counties. Business Manager: Michael Aaron.

**Iron Mountain, #1329:** P.O. Box 863, 49801-0863, Phone: 906/774-6070, Fax: 906/774-1199. Counties: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon and Schoolcraft. Business Manager: Geno Alessandrini, Jr.

**Geno Alessandrini Sr. – Business Manager**

**Alex Zurek – Secretary Treasurer**

# LiUNA!

*Feel the Power*

**Michigan Laborers District Council**

**1118 Centennial Way**

**Suite 100**

**Lansing, MI 48917**

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