NAME: **SS#:**

Warehouse Employees Union Local No. 730 Pension Trust Fund

EMPLOYER:	Jessup Logistics	**LOCAL:**	730
DATE OF HIRE:	July 1, 1977	**STATUS:**	**Terminated, December 31, 2011**
PLAN:	E		

ISSUE: Pension - Eligibility #P13/126-9776

WAREHOUSE EMPLOYEES UNION LOCAL NO. 730 PENSION TRUST FUND RULE:
“Eligibility
Generally you become eligible to participate in the Plan by working at jobs covered by a collective bargaining agreement between Local 730 and a participating employer, where the agreement requires the employer to make contributions to the Fund on your behalf."
(Warehouse Employees Union Local No. 730 Pension Trust Fund SPD, Page 9)

"Pension Rights Notice - ATTENTION ALL LOCAL 730 MEMBERS WHO HAVE TRANSFERRED JOBS WITHIN A COMPANY
Many questions have been raised by members who, while working for Giant Food, were either 1) transferred from work covered by one pension plan (such as the Local 67 Pension Plan, the Milk Drivers and Dairy Employees Local 246 Pension Plan, or the UFCW Local 400 Pension Plan), into work covered by the Local 730 Pension Trust, or 2) transferred out of work covered by the Local 730 Pension Trust into work covered by a different plan (or not covered by any plan). These members are concerned about their pension rights. This notice is to explain an important protection provided by law.

Each of the pension plans mentioned above is a "multiemployer plan." Under the law, if while working for one employer (such as Giant), you transfer from work not covered by a particular multiemployer pension plan into work covered by that plan, the plan is required to count both the covered and noncovered service toward your vesting…

The law does not require that each plan count your "contiguous noncovered service" toward the amount of your pension... Similarly, the plans are not legally required to credit your "contiguous noncovered service" toward determining whether you are eligible for particular type of benefits, such as a 30-and-Out or Rule of 80 Pension. Thus, although each plan is required to treat you as fully vested, they are only required to provide you with a benefit for your service that was actually covered under the plan."
(Quoted from Warehouse Employees Union Pension Rights Notice, dated August 5, 1999)

"8.5 Transfer to Covered Employment
An Employee who is employed by an Employer obligated to make contributions to the Trust Fund under the terms of the Collective Bargaining Agreement but who is not engaged in Covered Employment shall receive credit for his prior employment for purposes of computing his Years of Service for Vesting if he transfers to Covered Employment. No credit shall be given for service other than Covered Employment for purposes of computing Accrued Benefit."
(Warehouse Employees Union Local No. 730 Pension Trust Fund Plan Document Restated as of January 1, 2002 as amended on February 25, 2002, Page 34)

FELRA & UFCW PENSION FUND RULE:
“THIRTY & OUT RETIREMENT
The Thirty & Out Retirement Pension is also an unreduced Early Retirement Pension form, but it is payable at any age when you’ve accrued 30 or more years of *Benefit service.* For the Thirty & Out Retirement only, your *Vesting Service* with a *Participating Employer* outside the scope of collective bargaining units covered by this *Plan* can also be included as *Benefit Service* in counting the 30 years.”
(FELRA & UFCW Pension Fund SPD, Page 30)
(continued)

SUMMARY: Appeal Received: May 21, 2012

The **participant** is appealing to request that his eight (8) years of service with the Baltimore Retail Clerks be added to his twenty-seven (27) years of service with Local 730 Pension Trust Fund. The participant states that he realizes the unions are separate, but the years of service are with the same company. The participant further states, "I am hoping this can be considered a hardship case, since the warehouse is being closed down, and I am so close to my 30 years of service with Local 730".

Fund records indicate the participant was hired on July 1, 1977 under UFCW Local 692. The participant transferred to Local 730 on April 15, 1985. According to the Warehouse Employees Union Local No. 730 Pension Trust Fund rules, the participant has 30 years of service for vesting purposes, and 26 years of service for benefit accrual purposes. The participant does not qualify for a Local 730 Pension Trust Fund “30 & Out” pension benefit.

This appeal was denied by the Board of Trustees on June 8, 2012

Re-Appeal Received: July 2, 2013

The **participant** is re-appealing to request that his eight (8) years of service with the Baltimore Retail Clerks be added to his twenty-seven (27) years of service with Local 730 Pension Trust Fund in order to qualify for a Local 730 Pension Trust Fund "30 & Out" pension. The participant states that he qualfied for a FELRA "30 & Out" pension benefit with the combined years of service, consequently, he should qualify for the Local 730 Pension Trust Fund benefit as well.

Fund records indicate that a completed FELRA pension application was received on September 20, 2012. Under the FELRA & UFCW Pension Fund rule, the participant qualified for a FELRA "30 & Out" pension benefit. Payment of this benefit commenced on February 1, 2013, with a retroactively effective date of July 1, 2012.

ACTION: Approved ☐ **Denied** ☐ **Tabled** ☐

COMMENTS: