



# Operating Engineers Local 139

Health Benefit Fund

The Fund's Health  
Reimbursement  
Account (HRA)

Making the Plan  
work better for you.

The background of the page is a light blue color with a dark blue silhouette of a construction site. On the left and right sides, there are tall cranes. At the bottom, there are silhouettes of construction workers and heavy machinery, including a large crane with a bucket and a smaller piece of equipment. The overall scene is a busy construction site.

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The Trustees of the Operating Engineers Local 139 Health Benefit Fund are pleased to provide our participants with healthcare coverage. Realizing that no two participants are alike, the Health Benefit Fund includes a Health Reimbursement Account (HRA), which gives you the flexibility to use the Plan in the way that best meets your—and your family’s—needs. The Plan’s HRA is designed to provide reimbursement of certain healthcare expenses on a tax-free basis.

## HRA HIGHLIGHTS

How the Fund’s HRA works:

- You work for a contributing employer that contributes to the Fund on your behalf.
- For each hour of contributions made on your behalf, a portion of the hourly contribution rate will be credited to your HRA.
- You determine how you want to use the money in your HRA. You can use it as you incur eligible healthcare expenses or save up and use it in the future.

The more you work, the more contributions are made to your HRA—and the more your HRA grows, tax-free.

Plus, money in your HRA and amounts reimbursed for eligible expenses are not included in your income, which means you aren’t taxed on this money.

An HRA may only be used to pay for eligible healthcare expenses as defined by the Plan (see page 8). However, a wide range of eligible expenses are covered, such as:

- Payments for coverage, including self-payment contributions to continue coverage when you are not working enough hours, COBRA Continuation Coverage self-payments, retiree self-payments, even premiums your spouse pays for other coverage.
- Out-of-pocket Plan costs, such as deductibles, copayments, and coinsurance.
- Healthcare expenses not covered, or only partially covered, under the Plan, such as LASIK surgery, contact lenses, prescription smoking cessation products, prescription drugs, and expenses that exceed benefit maximums.

We encourage you to read this brochure carefully to help you understand how your HRA works and how it can benefit you.

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## ELIGIBILITY

You are eligible for the HRA if you are eligible for coverage under the Health Benefit Fund; all eligibility provisions are the same as listed in your Summary Plan Description. This applies to all eligible participants, including:

- Bargaining unit participants;
- Alumni participants;
- Non-bargaining unit participants; and
- Retired participants.

While contributions are only made on your behalf while you are working for a contributing employer, you don't have to be an active participant to use your HRA. Your HRA balance is available when you're not working enough hours and after retirement, which means that as long as you, your spouse, or eligible dependents, are self-paying to continue coverage under the Plan, you may continue to use your HRA. In addition, your HRA balance is available to your surviving spouse and/or eligible dependents in the event of your death.

Everyone who is eligible for the Health Benefit Fund is eligible for an HRA.

You are eligible for reimbursement of eligible expenses incurred by your spouse and eligible dependents.

### Continued Eligibility

Your eligibility for the HRA is based on your eligibility for Plan coverage. Once you are eligible, your eligibility will continue on a quarter-to-quarter basis, provided the required contributions are made on your behalf.

Your HRA balance will be available to you as long as you are eligible for coverage, whether your eligibility is based on hours of contributions made on your behalf, self-payments you make to continue coverage, or self-payments you make for COBRA Continuation Coverage.

### When Eligibility Ends

As long as you are eligible for Plan coverage, you are eligible to use your HRA, including when you are eligible to continue coverage by making self-payments. Once your eligibility for Plan coverage ends, so too does your eligibility for the HRA.

The Trustees reserve the right to discontinue contributions to your HRA at any time.

If eligibility ends because of a COBRA qualifying event, you will be given the opportunity to continue the same coverage, including your HRA, that you had the day before the qualifying event for the periods determined by COBRA (subject to all conditions and limitations of COBRA).

If you are a public employee and are due to lose eligibility for coverage as soon as your municipality provides coverage through a different source, you will continue to have access to your HRA and be able to use your HRA balance for a period of six months after your eligibility under this Fund ends.

Once you are no longer eligible for coverage, any unused credit in your HRA will be forfeited if at any time you have not been eligible for coverage for a 36 month period (12 consecutive quarters). In addition, if you are self-paying for COBRA Continuation Coverage, you will forfeit any unused amount in your HRA if you do not make the required monthly self-payment or at the end of your COBRA Continuation Coverage period. Any forfeited amounts revert to the Plan's general assets and are used for administrative expenses. In no event will forfeited amounts be paid in cash to any person.

#### *Reimbursements After Eligibility Ends*

When you are no longer eligible for coverage, and before your HRA is forfeited, you may submit expenses for eligible expenses incurred before your eligibility ended.

#### *Freezing Your HRA Balance During Retiree In-and-Out Period*

If you are eligible, when you retire you may freeze your HRA balance if you opt out of the Retiree Plan because you have coverage through another Group Plan, such as one offered through your spouse's employer. To be eligible to freeze your HRA balance during the time you have opted out of coverage, you must follow the Plan's formal process to opt out of coverage (refer to the section about the "Retiree In-and-Out Program" in your Summary Plan Description). When you opt back in to retiree coverage, your HRA balance will be restored for use by you and your dependents.

You should file a written claim for reimbursement with the Fund Office as soon as possible. If your claim is not filed within 24 months of the date of the expense, your claim may not be accepted and may be denied.

### If You Do Not Work Enough Hours

If you do not work enough hours to continue eligibility for coverage, you may use your HRA to make self-payments to continue your coverage. You must contact the Fund Office, and complete any necessary paperwork, to use your HRA balance towards any required self-payment amounts.

### Family and Medical Leave Act (FMLA)

During an FMLA leave, your HRA will be maintained if you properly notify your employer and your employer continues to contribute on your behalf. The Fund will maintain your eligibility until the end of the leave.

Generally, FMLA leave ends

on the earlier of your return to work or after 12 weeks.

If you do not return to work within 12 weeks of the date your leave began, you may be eligible for COBRA Continuation Coverage.

#### Your HRA and COBRA Continuation Coverage

When you, your spouse, and/or eligible dependents are eligible for COBRA Continuation Coverage, your HRA balance may be used for self-payments to continue this coverage.

### Military Leave

If you are inducted into the armed forces for less than 31 days, your HRA will be maintained if your employer contributes on your behalf as required by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). If your military service lasts 31 days or longer, you have two options:

- Your HRA balance will be available for use as long as you are eligible for coverage, including by making self-payments or electing COBRA Continuation Coverage; or
- You can notify the Fund Office of your induction, in writing, in which case, your HRA balance will be frozen for the lesser of your length of service or five years. Your HRA balance will be available upon your reinstatement of eligibility for coverage, in accordance with the rules of your Summary Plan Description.

## When You Retire

Self-payments may be required for retiree coverage. When you retire, you may use the balance in your HRA toward these self-payments for retiree coverage. In addition, as long as you are eligible for retiree coverage, you may also use your HRA to pay for eligible expenses (see page 8 for more information).

If you have no surviving spouse and/or other eligible dependents at the time of your death, any balance in your HRA will be forfeited and become a part of the Plan's general assets.

## In the Event of Death

The HRA provides survivor rights in the event of your death. In other words, your HRA balance would be available to your surviving spouse and/or eligible dependents after your death. Your spouse and/or eligible dependents

may use your Account to pay for eligible expenses (including expenses you incurred before your death) or to make self-payments to continue coverage until your HRA balance is zero or the Plan terminates.

How long your surviving spouse and/or eligible dependents may continue coverage using your HRA is determined by the terms of the Plan.

While your surviving spouse and/or eligible dependents may continue to use your HRA as long as they are eligible to continue to make self-payments for coverage, no further contributions will be made to the HRA.



## YOUR HEALTH REIMBURSEMENT ACCOUNT

### Establishing the Account

When you are initially eligible for Plan coverage and employer contributions are received on your behalf, your Health Reimbursement Account is established and a portion of the employer contributions made on your behalf is credited to that Account. Thereafter, you may submit claims for health care expenses incurred by you, your spouse, and any other eligible dependents.

When you are an active employee, employer contributions made on your behalf will be credited to your HRA. Unused balances carry forward, even into retirement. After termination of employment, your HRA may be carried forward up to 36 consecutive months (12 calendar quarters) without forfeiture.

If money remains in your HRA at the end of a year, it just rolls over into the next year, allowing you to save for future eligible expenses.

While contributions are only made to your HRA while you are an active employee, you can use your HRA in retirement. After retirement, your HRA balance will be carried forward until no balance remains or until you are no longer eligible for coverage.

The Fund Office will establish and maintain a Health Reimbursement Account for each eligible participant, but will not create a separate fund or otherwise segregate Fund assets for this purpose. All HRA reimbursements for eligible expenses are paid from the general assets of the Fund. Your HRA is a recordkeeping account for keeping track of contributions and available reimbursement amounts.

### Contributions

Your HRA is funded exclusively through contributions made by your employer on your behalf in accordance with the collective bargaining agreement or participation agreement applicable to you.

When you work for a contributing employer, your employer contributes to the Fund on your behalf. As of June 1, 2013, the hourly contribution rate is \$9.15 per hour, including pre-funding. For each hour of contributions made on your behalf (on and after June 1, 2013), \$1.00 of the current hourly contribution rate will be credited to your HRA.

## EXAMPLE

Wayne has 350 hours of contributions made on his behalf for the July, August, September work quarter, which earns him eligibility for the December, January, February eligibility quarter. Of the \$3,202.50 ( $\$9.15 \times 350$  hours) of contributions made on his behalf, \$350 ( $\$1.00 \times 350$  hours) will be credited to his HRA.

When looking at hours of contributions made on your behalf, the Fund includes reciprocal hours of contributions made on your behalf. However, these hours are prorated, using the contribution rate as the base rate. Contact the Fund Office for more information about reciprocal hours.

All contributions credited to your HRA are assets of the Fund; you are not vested in the contributions made on your behalf and you may use your HRA only for the purposes stated.

### **Your HRA Balance**

Your HRA balance is the total of employer contributions made on your behalf for the HRA minus any reimbursements you request from your HRA.

The amount available for reimbursement of eligible expenses is the amount credited to your HRA. Contributions made on your behalf are due by the 15th of the month but will not be credited to your HRA until they are received by the Fund. Therefore, there will be a lag between the time contributions are required on your behalf and when they are available for you to use.

Any unused amounts in your Account at the end of a calendar year are carried over into the next year; you will not lose the unused amount credited to your HRA.

#### *Quarterly Status Report*

When you are eligible for benefits, you receive a quarterly status report before the beginning of each eligibility quarter (March, June, September, and December). In addition to reporting the name of the contractor(s), the month(s) worked, and the number of hours reported to the Fund on your behalf during the most recent work quarter, this report will also include your HRA balance.

### *Self-Payment Notice*

If you do not have sufficient hours to continue your eligibility for coverage, you may self-pay to continue coverage. You will receive a self-payment notice before the beginning of each eligibility quarter (March, June, September, or December) that includes the amount of any self-payment due. This notice will also contain information on your HRA balance and give you the option to use your HRA balance toward your self-payment.

### **Tax Status**

Contributions credited to your HRA are pre-tax (not taxable income when made) and generally are not taxable when paid out as benefits.

## HRA BENEFITS

While requests for reimbursement can be made at any time, to limit administrative expenses, *the Plan requires that any requests for reimbursement be for a minimum of \$250.* Therefore, you may have to hold your requests for reimbursement until you have a total of at least \$250 in eligible expenses.

As you incur eligible healthcare expenses, you can use the money in your HRA to pay for eligible expenses incurred by you, your spouse, and/or your eligible dependents. Eligible expenses, as defined by the Plan, include (but are not limited to):

- Coverage costs, including self-payment contributions or premiums:
  - To continue Plan coverage when you are not working enough hours;
  - For COBRA Continuation Coverage;
  - For retiree coverage;
  - For eligible dependent child coverage when your child is under age 26; and
  - You and/or your spouse pay for other coverage (such as employer insurance, group policy insurance, or Medicare, provided it is not paid on a pre-tax basis); and
- Healthcare expenses, including:
  - Out-of-pocket Plan costs, such as deductibles, copayments, and coinsurance; or
  - Expenses not covered, or only partially covered, under the Plan, such as LASIK surgery, contact lenses, prescription smoking cessation products, and prescription drugs.

Healthcare expenses may include medical, prescription drug, dental, and vision expenses.

In general, expenses eligible for reimbursement only include those that:

- Are incurred when you are eligible for Plan coverage;
- You, your spouse, and/or your eligible dependents are required to pay;
- Are not reimbursed by insurance or any other source; and
- You, your spouse, and/or your eligible dependents have not taken (or will not take) as a tax deduction.

If you submit an expense for reimbursement under the Plan's HRA, you cannot deduct that expense on your tax return.

## Dependent Expenses

If your spouse and/or your other dependents meet the Plan's definition of dependent, you may submit their expenses for reimbursement from your HRA. While your spouse, and/or your other dependents must meet the Plan's definition of dependent, they do not need to be covered under the Plan for their expenses to be eligible for reimbursement. For example, if your spouse has other coverage and this Plan is not your spouse's primary coverage, you may submit eligible expenses that your spouse incurs. Any reimbursements you submit for your spouse's and/or your eligible dependents' expenses will be charged against your HRA.

## IRS Publication 502

This brochure offers a summary of the health care expenses that are and are not eligible for reimbursement from your HRA account. For further details, please refer to IRS Publication 502 at <http://www.irs.gov/pub/irs-pdf/p502.pdf>

## Eligible Health Care Expenses

Specific health care expenses eligible for reimbursement from your HRA include:

- Acupuncture (excluding remedies and treatment prescribed by an acupuncturist).
- Alcoholism and chemical dependency treatment.
- Ambulance.
- Artificial limbs/teeth.
- Chiropractic treatment.
- Christian Science practitioner's fees.
- Contact lenses.
- Copayments.
- Crutches.
- Custom orthopedic devices.
- Dental fees.
- Diagnostic fees.
- Eye examination fees.
- Fertility enhancement.
- Hearing exams and devices.
- Home improvements or installation of equipment if the main purpose is medical care. See IRS Publication 502 for further details.
- Hospital bills.
- Insulin.
- Laboratory fees.
- Long-term care. Medical expenses for services

You will only be reimbursed for eligible expenses up to the unused amount in your HRA.

If you have any questions as to whether an expense is eligible for reimbursement, contact the Fund Office.

or premiums paid for long-term care insurance contracts.

- Marriage and family counseling.
- Medications and medical supplies (e.g., syringes, needles, etc.).
- Obstetrical expenses.
- Oral Surgery.
- Orthodontic fees.
- Oxygen.
- Physician fees.
- Payments for coverage, including self-payment contributions to continue coverage when you are not working enough hours, COBRA Continuation Coverage self-payments, and retiree self-payments.
- Prescription eyeglasses.
- Pregnancy test kit.
- Prescription medications from the United States or Canada.
- Psychiatric care.
- Psychologist's fee.
- Routine physicals and other non-diagnostic services or treatments.
- Special Education. Tuition and certain other expenses for children who have learning disabilities caused by mental or physical impairments. See IRS Publication 502 for further details.
- Surgical fees.
- Transportation expenses that are primarily for, and essential to, medical care. See IRS Publication 502 for further details.
- Wheelchairs.
- X-rays.

In addition to the above, HRA eligible expenses also include the following expenses that are not covered under the Health Benefit Fund:

- College student coverage self-payments and after-tax premiums your spouse pays for other coverage.
- Contributions a spouse is required to pay for employer-sponsored group health coverage (provided the contributions are paid on an after-tax basis).
- Contributions or premiums for qualified, employer-sponsored health coverage.
- Deductibles.
- Expenses applied to the out-of-pocket maximum.
- Eye surgery, including laser eye surgery (e.g., cataracts, LASIK, radial keratotomy, etc.).
- Prescription smoking-cessation programs.
- Massage therapy provided by a state licensed

massage therapist.

- Premiums paid for health, disability, or long-term care insurance.
- Weight Loss Program, if it is a treatment for a specific disease diagnosed by a physician (such as obesity, hypertension, or heart disease). Program fees are covered but not food or beverages.

## **Expenses Not Eligible for Reimbursement**

Expenses that are not eligible for reimbursement from the HRA include, but are not limited to:

- Any item that does not constitute “medical care,” as defined in Internal Revenue Code §213, as interpreted under IRS Publication 502. Those items may change from tax year to tax year and may include the following.
- Automobile insurance.
- Bottled water.
- Controlled substances (such as marijuana) that are in violation of federal laws.
- Cosmetic surgery or other similar procedures, unless the surgery or procedure is necessary to ameliorate a deformity arising from, or directly related to, a congenital abnormality, personal injury resulting from an accident or trauma, or disfiguring disease. Cosmetic surgery means any procedure that is directed at improving the patient’s appearance and does not fully promote the proper function of the body or prevent or treat illness or disease.
- Cosmetics, toiletries, toothpaste, etc.
- Custodial care.
- Dental bleaching.
- Diapers or diaper service.
- Expenses incurred before eligible to participate in the Plan.
- Funeral or burial expenses.
- Gym, health club or spa membership dues, even if necessary to alleviate a specific medical condition (such as obesity).
- Household and domestic help.
- Maternity clothes.
- Nurse expenses to care for a healthy newborn at home.
- Over-the-counter items, drugs, or medications.
- Prescription medications received outside the United States or Canada (such as from Mexico).
- Social activities (such as dance lessons).
- Uniforms or special clothing (such as maternity clothing).
- Weight loss programs for general health or appearance.

## **CLAIMS AND REIMBURSEMENT PROCEDURES**

You **must** submit a claim for reimbursement of any eligible expense within 24 months of the date the

Reimbursement is paid directly to you; you are responsible for paying any providers.

expense is incurred. If you, your spouse, and/or your eligible dependents are eligible for other coverage, you must include a copy of the Explanation of Benefits

(EOB) from the other coverage as well as any EOB from this Plan. Only expenses that are covered, but not reimbursed, as shown on the EOB form, will be considered eligible for reimbursement.

You may submit eligible expenses for reimbursement at any time. While requests for reimbursement can be made at any time, to limit administrative expenses, **the Plan requires that any requests for reimbursement be for a minimum of \$250.** Therefore, you will have to hold your requests for reimbursement until you have at least \$250 in eligible expenses. In addition, the amount reimbursed for any eligible expense will not exceed your HRA balance at the time reimbursement is requested. However, in the event your Plan coverage ends, you may submit eligible expenses totaling less than \$250 to close out your Account.

To receive reimbursement for eligible expenses, you must submit a written claim form to the Fund Office in accordance with the Plan's claim procedures as described in your Summary Plan Description and further clarified here.

If you need a claim form, please contact the Benefits Office. It's a good idea to make a copy of all materials you submit for your records. Materials you submit will not be returned to you.

Reimbursement requests must be accompanied by

a properly completed request form, which can be obtained from the Fund Office. The request form will include a statement that you must sign verifying that the eligible expenses:

- Have not been otherwise reimbursed, nor will they otherwise be reimbursed, through any other source;
- Have not been paid on a pre-tax basis; and
- Have not been taken, nor intend to be taken, as a tax deduction.

Along with the form, you must provide any of the



following, as applicable:

- An itemized bill from the service provider that includes the name of the person incurring the charges, date of service, description of services, name of provider, and amount of charge.
- An Explanation of Benefits (EOB) from any coverage (including any EOB from this Plan) when requesting reimbursement of the balance of charges for which coverage is available.
- Proof of the amount and date paid when requesting reimbursement for other insurance premiums, such as a spouse's group health coverage premiums.
- A receipt and proof of purchase or rental for covered items (such as for crutches or wheelchairs).
- Any additional documentation requested by the Fund Office.

## Where to File a Claim

Mail the completed form and any required documentation to:

Operating Engineers Local 139  
Health Benefit Fund  
P.O. Box 160  
Pewaukee, WI 53072-0160

**You must file a written claim for reimbursement with the Fund Office within 24 months of the date of the expense or your claim may not be accepted and may be denied.**

## Claims Decisions

Claim decisions are subject to the Plan's claims procedures listed in your Summary Plan Description. In general, within 30 days of the date you submitted your claim to the Fund Office, you will either be reimbursed or provided with a notification that all or a part of your claim has been denied. If additional time is needed, due to matters beyond the control of the Plan, you will be informed of the extension within this 30-day deadline. If additional information is needed before your claim can be processed, you will be notified within the 30-day period. You will then have up to 45 days to provide the requested information. The Plan will notify you of its decision within 15 days following the earlier of the date the information is received or expiration of the 45-day period for providing requested information.

A request for reimbursement of an eligible expense is considered a claim. If your request for reimbursement is denied, you may appeal the decision. Review your Summary Plan Description for more information on how to appeal a denied claim.

## **Coordination of Benefits**

Reimbursements available under the HRA are intended to be solely for eligible expenses not previously reimbursed or reimbursable elsewhere. To the extent an eligible expense is payable or reimbursable from another source, that other source must pay or reimburse before reimbursement from the HRA.

If you, your spouse, and/or your eligible dependents have other coverage, you must first submit any claim for reimbursement of eligible health care expenses to the other plan before submitting it for reimbursement from your HRA. Any portion of your eligible expenses that is not reimbursed after submission to the other plan can be submitted for reimbursement from the HRA.

## **Tax Consequences**

The Plan makes no guarantee that any amounts paid for you, your spouse, or your eligible dependents under the HRA will be excludable from your gross income for federal, state, or local income tax purposes. It is your responsibility to determine whether payments under the HRA are excludable, and to notify the Plan if you have any reason to believe that such payment is not excludable.

If you receive reimbursement under the HRA on a tax-free basis, and the payment does not qualify for tax-free treatment under the Internal Revenue Code, you will be required to indemnify and reimburse the Plan for any liability incurred for failure to withhold federal income taxes, Social Security taxes, or other taxes.

## A FINAL NOTE

The HRA was created to help you to use the Health Benefit Plan in the way that best meets your needs. This brochure is a summary of the Fund's HRA as of January 1, 2015 and is intended to serve as an addition to your Summary Plan Description (SPD); however, it is not meant to interpret or change provisions of the SPD. Your SPD describes the Plan's eligibility requirements, benefits, and related terms and conditions of the Plan in more detail. Please keep this brochure with your SPD. If you have any questions, please contact the Fund Office.

*The HRA is a part of the Health Benefit Plan and as such is subject to the Plan's provisions relating to all applicable provisions as listed in the Plan's SPD. Benefits will be provided in compliance with ERISA, COBRA, HIPAA, FMLA, USERRA, and other group health plan laws to the extent required by such laws.*

*The HRA is intended to qualify as a medical reimbursement plan under §105 and §106 of the Internal Revenue Code of 1986, as amended, and related regulations, and as a health reimbursement arrangement, as defined under IRS Notice 2002-45. Eligible HRA Expenses reimbursed under the HRA are intended to be eligible for exclusion from your gross income under §105(b) of the Internal Revenue Code of 1986, as amended.*

*The Plan will establish and maintain a Health Reimbursement Account with respect to each eligible participant but will not create a separate fund or otherwise segregate assets for this purpose. These Health Reimbursement Accounts are recordkeeping accounts with the purpose of keeping track of contributions and available reimbursement amounts.*

*In the event of any inconsistencies between this brochure and actual HRA Plan Document provisions, the terms of the Plan Document will govern. The Board of Trustees reserves the right to amend, modify, or terminate the HRA at any time.*

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Health Benefit Fund**

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