



Operating Engineers Local 139

Health Benefit Fund

The Fund's Health
Reimbursement
Account (HRA)

Making the Plan
work better for you.



The Trustees of the Operating Engineers Local 139 Health Benefit Fund are pleased to provide our participants with health care 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 health care 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 health care expenses or save up and use the funds for future health care expenses

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 health care 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.
- Health care 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 continues to be available to your surviving spouse and/or eligible dependents in the event of your death.

Everyone who is eligible under 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 continues 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 crediting 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 36 months after your eligibility under this Fund ends and within 24 months of the date of service or an expense is incurred.

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 a claim for reimbursement of eligible expenses that were 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, unless you have permanently opted out of the Plan's HRA coverage.

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 (or 26 weeks, if applicable). If you do not return to work within 12 weeks (or 26 weeks, if applicable) 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:

- Continue your coverage by making self-payments or electing COBRA Continuation Coverage, at which time your HRA balance will be available for use
- 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

No new contributions will be credited to your HRA. Self-payments will 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 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. In addition, under no circumstances will the balance in your HRA be paid to your beneficiaries in cash.

Establishing the Account

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.

When you are initially eligible for Plan coverage and employer contributions are received on your behalf, your HRA is established

and a portion of the employer contributions made on your behalf is credited to that account. While contributions are only made to your HRA while you are an active employee, you can use your HRA in

retirement and submit claims for health care expenses incurred by you, your spouse, and any other eligible dependents. While you are an active employee, employer contributions made on your behalf continue to be credited to your HRA.

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.

Note: If you opt-out of retiree coverage and enroll in an individual or group Medicare Advantage Plan (Part C and Part D) or a Medicare Supplement Plan (medical and prescription drug) and elect to pay the premium for the optional ancillary benefits (dental, vision, death, and accidental death and dismemberment), you and your dependents will no longer have access to your HRA balance. In addition, no HRA funds will remain available to your spouse or dependents upon your death.

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, 2018 the hourly contribution rate is \$9.65 per hour, including pre-funding. For each hour of contributions made on your behalf (on and after June 1, 2018), \$1.00 of the hourly contribution rate is 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 \$3,377.50 ($\9.65×350 hours) of contributions made on his behalf, \$350 ($\1.00×350 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.

Any unused amount in your account at the end of a calendar year carries forward, even into retirement. After termination of eligibility, your HRA may be carried forward up to 36 consecutive months (12 calendar quarters) without forfeiture. After retirement, your HRA balance will be carried forward until no balance remains or until you are no longer eligible for coverage.

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.

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.

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 health care 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; 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
- Health care 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.

Health care 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. Note: You are not able to use the funds in your HRA to cover the expenses of individuals who are not covered under the Fund's medical benefits. This applies to individuals who are not eligible to enroll in our Plan because they are enrolled in a Health Savings Account (HSA) through their employer's health plan.

Eligible Health Care Expenses

Expenses must qualify as medical care under Internal Revenue Code Section 213(d) to be eligible for reimbursement from your HRA. All expenses must be properly substantiated. The reimbursement of any ineligible expense will not qualify for an exclusion from your gross income under Code Section 105(b). There is a list of ineligible expenses in "Expenses Not Eligible for Reimbursement" on page 11. You may also see IRS Publication 502 for further details.

Expenses eligible for reimbursement from your HRA—as long as they are not reimbursed or reimbursable from another source—include, but are not limited to the following:

- Acupuncture (excluding remedies and treatment prescribed by an acupuncturist).
- Alcoholism and chemical dependency treatment.
- Ambulance.
- Artificial limbs/teeth.
- Chiropractic treatment.
- Contact lenses and solution.
- Copayments.
- Crutches.
- Custom orthopedic devices.
- Dental fees.
- Diagnostic fees.
- Eye examination fees.
- Fertility enhancement.
- Hearing exams, devices and batteries.
- Home improvements or installation of equipment if the main purpose is medical care.
- Hospital bills.
- Insulin.
- Laboratory fees.
- Long-term care insurance premiums.
- Marriage and family counseling.

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.

- Medications and medical supplies (e.g., syringes, needles, etc.).
- Obstetrical expenses.
- Oral Surgery.
- Orthodontic fees.
- Over-the-counter medications obtained with a prescription from your physician.
- 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.
- Prescription medications from the United States.
- 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.
- Surgical fees.
- Transportation expenses that are primarily for, and essential to, medical care.
- Weight loss program if it is a treatment for a specific disease diagnosed by a physician (such as obesity, hypertension, or heart disease). This does not include the cost of food or beverages, vitamins, or supplements.
- Wheelchairs.
- Wig purchased upon the advice of a physician for the mental health of a patient who has lost all of his or her hair from disease.
- X-rays.

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

- After-tax premiums your spouse pays for other coverage.
- Deductibles.
- Expenses applied to the out-of-pocket maximum.
- Eye surgery, including laser eye surgery (e.g., cataracts, LASIK, radial keratotomy, etc.).
- Massage therapy provided by a state licensed massage therapist.
- Premiums paid for group health, disability, or long-term care insurance, unless the premium is paid or could have been paid pre-tax from another source.
- Prescription smoking-cessation programs.

Expenses Not Eligible for Reimbursement

Expenses that are not eligible for reimbursement from the HRA include items that do not constitute “medical care,” as defined in Internal Revenue Code § 213(d).

Examples of such ineligible medical expenses include:

- 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.
- Health club or fitness program 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, except that such items obtained with a prescription from your physician are covered.
- Prescription medications received outside the United States (such as from Canada or Mexico).
- Social activities (such as dance lessons).
- Uniforms or special clothing (such as maternity clothing).
- Weight loss programs for general health or appearance.
- Premiums for individual market coverage or insurance plans purchased from a state or federal marketplace.
- Expenses submitted for someone who is not enrolled in the Plan, including a dependent who, as a result of enrollment in an HSA, is not eligible for enrollment in the Plan.

Note: This list is subject to change based on the Internal Revenue Services’ definition of what is or is not an eligible expense for reimbursement.

CLAIMS AND REIMBURSEMENT PROCEDURES

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

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

If you need a claim form, please contact the Fund 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.

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.

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.

A FINAL NOTE

The HRA was created to help you to use the Health Benefit Fund in the way that best meets your needs. This brochure is a summary of the Fund's HRA as of January 1, 2020 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 Fund 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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