

The Pension Action Center at the Gerontology Institute, University of Massachusetts Boston was a partner with the Pension Benefit Guaranty Corporation in the development of this booklet.

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Arthur Kelly, who is now 68, worked for 20 years for the Grand Valley Tool & Die Corporation in Millville, Ohio in the 1960s and 1970s. He remembers that he was part of a pension plan which, as a young worker, he had paid little attention to. Now, he has just retired from his most recent job. He has a small pension from that employer, along with Social Security benefits, but he could use additional income. He wants to track down his old employer and start collecting whatever pension money he is owed. But when he calls the company's old number, he finds it is "not in service." A call to the phone company's directory assistance for Millville draws a blank - Grand Valley Tool & Die is not listed. He is at a loss. How can he find out if he still has a pension?

Arthur Kelly is a fictitious person, but his problem is all too real. Thousands of retired workers in the United States are entitled to pension payments that they have not claimed because they do not know where to look. After all, a private company may:

- move from one city or town to another;
- close down a particular plant or office to consolidate its operations elsewhere;
- be bought by another company and given a new name;
- merge with another company;
- divide into separate parts, none of which retains the old company name;
- go bankrupt;
- any combination of the above; or
- simply close its doors and disappear.

Workers may be tempted to shrug their shoulders and write off the pensions as "lost." Indeed, some pensions may in fact be gone forever. In many cases, though, the pension money is sitting safely in a fund, waiting only for the worker (or a surviving spouse) to come forward to collect it. If you think you may have money in a pension fund, it makes sense to try to track down the fund. This booklet, which is based on the experience of pension counselors, gives advice on how to plan and conduct your search. A glossary (Appendix A) explains some of the terms that may be unfamiliar.

DEFINING YOUR SEARCH

First, Is It Worth Looking?

Vesting. The most important question to ask yourself at the outset is whether you know that your work for this past employer entitled you to a pension. Another way to put this question is this: Were you vested in the pension plan at the time that you left the job? Being vested means that, no matter when you leave the job, you are eligible for a pension at retirement age. You may have left the job 20 years ago, but if you were vested then – assuming the pension fund still exists – you are entitled to pension benefits.



Today, most pension plans require 5 years of service, or employment, before vesting. But prior to the mid-1980s, plans typically required 10 years and, prior to the mid-1970s, 20 years. Before 1976 plans could require that you keep working for the same employer until you actually retired. If you don't know for a fact that you were vested in the pension plan, and you only spent a few years on the job, the chances are slim that you are entitled to a benefit.

Rules of Eligibility. Every private pension plan's rules of eligibility are contained in a document called a summary plan description (SPD) that is

supposed to be given to every worker at the time he or she joins the plan. As the rules change, the worker should periodically receive an updated document. The rules that are in effect at the time you leave the company are the rules that determine whether you have a pension or not. Changes in the rules after you left the company usually do not apply to you.



Summary plan descriptions were required only after Congress passed the federal Employee Retirement Income Security Act (ERISA) in 1974. In some cases, however, comparable company documents are available for earlier plans especially in the case of pension plans that were developed in negotiations between management and a union.

When You Left. It matters whether you left the job prior to 1976 (see the box on page 8 on "Legal Protections"). If you left after 1975, you have more rights under federal law. However, even workers who left before ERISA became effective for their pension plans are sometimes able to collect their pensions if they can locate the pension fund and meet the requirements of the plan.

Spouses' Rights. In most traditional, or defined benefit, pension plans there is a "joint and survivor" option, meaning that the worker's spouse can be entitled to a benefit. If this option is selected, and the spouse survives the worker, pension payments will continue, usually at a reduced amount, for the rest of the spouse's life. In addition, many plans provide pre-retirement survivor coverage. Therefore, as a surviving spouse it may be worth looking for a pension your husband or wife earned.



Under the Retirement Equity Act of 1984, a worker in a traditional plan cannot elect an option other than the "joint and survivor" option without the written agreement of the spouse. This protection does not apply to profit sharing or 401(k) plans, or to individual retirement accounts.

What You Are Looking For

The object of your search is the pension plan that you were part of – or its successor. Broadly speaking, here is what may have happened to your benefits:

 The plan may still be intact, in one form or another. That is, the original company may have reorganized, or been bought out, but the

- current owners have inherited the legal obligation to pay the benefits due under your old pension plan.
- The plan may have bought an annuity from an insurance company, which undertook the obligation to pay annuities to everyone entitled to benefits under the plan.
- The plan may have been transferred to a bank or a mutual fund for continuing administration of the pension fund.
- The plan may have been taken over by the Pension Benefit Guaranty Corporation (PBGC), which will pay the benefits up to certain limits (see box on page 14).
- The plan may have been terminated by the employer, with benefits paid to plan participants who could be found. If the plan was a defined benefit plan, benefits for "missing" participants like you may have been turned over to PBGC for its Pension Search Program.
- A final possibility is that the plan is simply gone, along with the money it owed. This possibility, although it is usually illegal, cannot be ruled out. But there is no reason to assume that it happened.



Your job will be to trace the history of the pension plan from the time you left the job to the present. This may be as simple as finding out where your old company has moved, or it may be as difficult as piecing together a complicated story of corporate mergers and bankruptcies. The sources of help that are described on pages 15-24 of this booklet may well be necessary in your search.

Legal Protections

Once, private pensions were almost entirely unregulated. It was not at all uncommon for a worker to reach the end of a long working life and find that his or her nest egg, in the form of an ample pension, had completely disappeared. In 1974 Congress passed the Employee Retirement Income Security Act (ERISA). This law, and other reforms enacted since 1974, established broad protections for many workers. The Department of Labor monitors pension plans to make sure they are solvent and are being responsibly managed. The Internal Revenue Service (IRS) also qualifies and regulates pension plans.

ERISA established PBGC, a federal agency that oversees the termination of defined benefit pension plans so that workers are not deprived of their accumulated benefits.

However, not all pension plans are protected by these federal laws. Here are the major exceptions to ERISA's safeguards:

- Only private-sector workers are protected, not employees of the federal government or state or local governments.
- The ERISA protections are not retroactive: that is, they do not apply to workers who left their companies prior to the effective date of ERISA. For most plans this is 1976, but for union plans (multiemployer plans) it may be later. Nonetheless, it is important to know that in some cases, if a person terminated employment before the effective date, but satisfied the provisions of the plan and is vested, he or she may be due a benefit.
- PBGC only insures private sector defined benefit pension plans.

LOOKING FOR DOCUMENTS

You should gather and keep in one place any documents you can find that may have a bearing on your eligibility. Any or all of the following types of documents can be highly valuable:

- a notification that you are vested in the plan;
- an individual benefit statement (which many larger plans provide automatically each year);
- an exit letter, received when you left, noting your participation in a pension plan;
- a summary plan description showing the plan's rules, including the rules for vesting.

Documents showing the full official name of the company and its Internal Revenue Service ID number can also be helpful, in case you need to trace what happened to the company. Any documents that show your period of employment and your earnings while working for the company will also be useful to prove your eligibility after you have located the plan. Such documents include pay slips and W-2 forms.



If you contact the Social Security
Administration, you can get a copy of your
"earnings record," which will show how much
you were paid each calendar year by each
employer. From that record, you may get
your employer's federal ID number, which may
be helpful in tracking down the plan. Call
1-800-772-1213 and ask for Form SSA-7050-F3,
entitled "Request for Social Security Earnings
Information." This form will show whatever fees
you may need to pay for the information. You
should expect that the response from Social
Security may take six weeks or more.

YOUR POTENTIAL ALLIES IN THE SEARCH

Looking for a pension fund can be highly confusing. For that reason, once you have gathered as much of the information mentioned above as possible, it is important to look for guidance where you can find it. Here are some potentially helpful allies.

The U.S. Department of Labor

ERISA brought the Department of Labor into the business of protecting the pension rights of workers in the private sector. Within the Department, the Pension and Welfare Benefit Administration's (PWBA) Division of Technical Assistance & Inquiries and the PWBA's 15 field offices provide assistance to individuals who are having difficulty with their pensions. (Addresses and phone numbers for the PWBA offices are listed in Appendix B.)



The benefit advisors are experienced in all aspects of ERISA. They can provide you general information about your rights and will intervene with administrators of the fund on your behalf if necessary. They can also assist you in your search for a "missing plan."

The Pension Benefit Guaranty Corporation

PBGC maintains a computerized list of individuals who are entitled to benefits from pension plans that PBGC has taken over, but who cannot be located. (See the box on page 14.) Since 1994, PBGC also has maintained a Pension Search Program that accepts benefits from terminating defined benefit plans if the plan administrator has been unable to locate all participants entitled to retirement benefits. The PBGC list constitutes a potential short cut for some retired workers or spouses looking for their pensions.

Pension Counseling Projects

A number of free pension counseling services were initiated, through grants from the U.S. Administration on Aging, in the mid- and late 1990s.

They provide free pension counseling to individuals in their service area. Many specialize in "hard cases," including those in which individuals are unable to locate their pension plans. A number of states, including

some of the largest ones, have such counseling services. (Names, addresses, and phone numbers of these projects are listed in Appendix C.)

The Reference Desk of a Nearby Library

Most libraries will have resources – printed directories and computerized data bases – that can help in your search. The directories may be helpful in tracing a company: for example, the library may have directories listing acquisitions and mergers going back a number of years. Workers at the Reference Desk can help you use these sources. In most cases, they can also help you use one of the library's computers in your search.

The Pension Benefit Guaranty Corporation

In a limited range of cases, PBGC provides a possible short cut to finding your lost pension. These are cases in which:

- you had a defined benefit pension plan that closed down after July 1, 1974 (a defined benefit pension plan provides a specific periodic benefit, usually monthly, at retirement and generally is based on salary or stated dollar amount and years of service); and
- the sponsor of your plan was a private company that was not a religious organization and was not a professional office (lawyers, doctors, architects, etc.) that employed fewer than 25 persons. The PBGC will not be able to help if your plan was paid for only by union dues or was administered by a government agency.

You can access (or have someone else access for you) a World Wide Web computer site maintained by PBGC (http://search.pbgc.gov). As of early 1999, PBGC's computerized directory listed about 8,400 individuals who had pensions waiting for them. Those without computer access may write to the PBGC Pension Search Program, 1200 K Street NW, Suite 930, Washington, DC 20005-4026.

You needn't be intimidated by the high technology involved. A librarian at your local public library should be able to find the site and look for the information within a matter of minutes. You (or someone else) can simply type in your last name to find out whether you are on a list of "lost" beneficiaries of pensions that have been taken over by PBGC. You can also type in the company's name to see if its pension plan has been taken over by PBGC.

PLACES TO LOOK

In this section, we discuss thirteen possible sources of information on the whereabouts of your pension. Some of them are easier to gain access to than others. Keep in mind the "Allies" discussed in the previous section. Start with the federal Department of Labor and pension counseling projects for guidance in your search. After working with these organizations, you also might try PBGC.



None of the sources of information described in this section is likely to lead you directly, in one easy step, to the pension fund. Small steps can be enormously helpful. If you find out the name of a company that bought your old employer, then you can use the other sources to look for that second company. (To find a pension plan, you will normally need to find the company that sponsored it, even though the plan and the company are not the same thing.)

1. If you can easily get in touch with any former co-workers who stayed at the company longer than you did, they may be able to tell you what happened to the company. If the former co-worker is getting pension checks, ask where the checks are coming from.

2. A union that represented workers at the company (even if you yourself were not part of the bargaining unit) may have information. Other workers may have asked the union the same question.



If you don't know which union it was, or how to locate it, the state's labor federation (the state AFL-CIO) may be able to help you identify and find it. The labor federation is likely to have its office in the state's largest city and/or its capital city.

- 3. The Chamber of Commerce of the city or town where the company was located may well know where the company moved, or who bought it out. If the person you talk with initially doesn't know, ask if they can refer you to someone who has been active in the Chamber over a long period of time.
- 4. In some cases, the name and address of the pension plan administrator, as listed in the most recent document you can find, may lead you directly to your answers. If the address is different from the company's old address, there is a chance that this person will still be reachable there and can either end your search or can help you with it.



Every pension plan has someone – or some department – officially designated as the plan administrator. In a very small company, it is likely to be the owner. In a bigger company, it is usually another executive or a pension benefits department. It could also be someone from an independent firm that specializes in handling pension plans. In any case, the plan administrator keeps the employment and pension records for each participant in the pension plan. If the pension plan is still intact, then the plan administrator is the object of your search.

5. The plan's annual financial reports may identify the plan's accountant, actuary, trustee, and/or attorney. One of these parties should be able to tell you who can provide up-to-date information on the plan. These reports are contained in federal Form 5500; they are filed with the Pension and Welfare Benefits Administration (PWBA) about two years after the year that they cover, and they are kept by the PWBA for six years. For information, call the PWBA's Division of Technical Assistance & Inquiries, (202) 219-8776.

- 6. A specialized business library may be able to help. One in particular, the Kirstein Library (a branch of the Boston Public Library) has been very helpful, and is not limited to Massachusetts companies or callers from Massachusetts. Its address is 20 City Hall Avenue, Boston, MA 02108 and its phone number (9 am 5 pm, Monday-Friday) is 617-523-0860. A business library may sometimes be able to provide information as to a corporate merger or buyout that affected your company.
- 7. A computerized search for information may be helpful. There are several "search engines" that enable someone to type in the name of a company, perhaps with other key words, and gain almost instantaneous access to relevant information. A librarian at your public library is likely to know how to use one of these searching techniques.



Keep in mind that the computerized searches suggested here are an easy matter for someone – a librarian, a relative, a friend, whoever – who is familiar with the "World Wide Web" of computerized information. In many cases, searching for documents that contain both the

name of a company and the word "pension" will bring relevant information onto the computer screen. In many other cases, of course, it will not yield anything helpful. But it is worth a try. It may be especially helpful if you have been able to trace your company's trail through one or more name changes or corporate mergers.

- 8. Your state government requires annual reports from corporations reports that, among other items, list the names and addresses of the corporate officers. This agency may be the Secretary of State's office or it may have another name. A call to the main switchboard of your state capitol building should give you the name and phone number of the agency that collects these reports. In some cases, contacting one of the individuals listed on the form may be important in finding out what happened to the company.
- 9. The company's competitors may be a resource, in that they may know what happened to your company. The trick here may be to get to speak with someone who has been with the other company for a long time.

- 10. A local historical commission or historical society may have information as to what happened to a company. Sometimes these phone numbers are listed in the local government pages of the phone book, or a town hall can help.
- 11. The office of a county or municipal recorder of deeds may sometimes be able to provide information as to what happened when a company closed its local operations.
- 12. If it was a publicly traded company, a stock broker may know what happened to it.
- 13. If you find out that the company went bankrupt, see if you can get the name and address of the trustee in bankruptcy.



It is hard to tell which of these sources will provide the necessary information, and sometimes none of them will work. Even experienced pension counselors will sometimes have to abandon hope of finding a lost pension fund. In a great many other cases, however, the fund can be located – and locating it can mean tangible benefits for the retiree or spouse who is owed money under the pension plan.

YOU FIND THE PENSION FUND

If you find the company (or its successor), you will then have to find out what happened to the plan. You are likely to end up in contact with one of three sources of your money:

- The plan administrator of your pension plan (or of another plan into which yours has been incorporated).
- An insurance company to which the funds in the plan have been transferred for the purpose of paying annuities to eligible participants.
- PBGC, in case it took over your pension plan's obligations, or in case your defined benefit plan was terminated and its plan administrator used PBGC's missing participants program when it couldn't find you.

Regardless of which of these has the pension money, your approach to them – your next step – should be similar.

Initial Contact

Write to the plan administrator, or to the insurance company, giving your dates of employment and enclosing a copy of the most recent individual benefit statement that you have. Ask if you were covered and what benefits you are entitled to. Ask for a copy of the summary plan description. If they deny that you are entitled to a pension, you can read the document to see whether you agree with that decision or not.



Send the letter by Certified Mail, requesting a return receipt.

If Not Satisfied

If it is an insurance company that controls the pension fund, then the initial response that they give you is fairly certain to be final. An insurance company, at the point when it undertakes responsibility for a plan, accepts the employer's records regarding (a) who the participants in the plan are and (b) what benefits each participant is entitled to. PBGC also accepts the employer's records, but PBGC's initial findings regarding an individual's benefits are subject to an appeal process. If you have documents proving that the records are incorrect, you may correct the information.

If the pension plan is still intact (or has been incorporated into another employer–sponsored pension plan) you also have the possibility of recourse. If the plan administrator says you are not eligible for a pension but you aren't convinced, or if the pension benefits do not seem to add up to what you are entitled to, then you should get advice. The best initial sources are:

- The Pension and Welfare Benefits
 Administration (PWBA) of the U.S. Department of Labor (see Appendix B).
- A pension counseling project if there is one in your area (see Appendix C).

A PWBA benefit advisor or a pension counselor can look over your records and advise you as to whether you have been given fair treatment. If you haven't, they can give you free assistance in getting the benefits to which you are

entitled. They may intervene on your behalf with the plan administrator and will advise you about, or assist you in utilizing, the plan's appeals procedure if necessary.

Other Sources of Help

If you should decide you need a lawyer to represent you, the National Pension Lawyers Network maintains a list of attorneys, in all 50 states, that handle pension claims. The Network can be reached at (617) 287-7332. Before deciding to undergo the expense of retaining a lawyer, however, you should satisfy yourself that the amount of money that is potentially involved is worth the cost.

The American Academy of Actuaries maintains a pension help registry consisting of actuaries willing to volunteer to help people check the accuracy of pension calculations. The Academy is at 1720 Eye St., NW, 7th floor, Washington, DC 20006, (202) 223-8196.

The national Pension Rights Center (1140 19th St., NW, Suite 602, Washington, DC 20036, phone (202) 296-3776) may be able to steer you in the right direction for getting help.

A FINAL WORD

This booklet provides help in defining, planning, and conducting a search for a "lost" pension. There are no guarantees of success. Perhaps the only certainty is that without an effort to locate the pension fund, whatever money may be owed to you will never be yours.

APPENDIX A:

GLOSSARY

Defined benefit plan: A pension plan that contains a formula for determining each worker's pension benefits (based on such factors as annual earnings, length of service, and age of retirement). The employer is responsible for maintaining enough money in the pension fund to meet the plan's obligations, usually the payment of a monthly annuity to the plan participant and survivor benefits to that participant's spouse.

Defined contribution plαn: A plan in which the employer and/or the employee put money into the fund but the benefits are not specified. The employee is entitled to the amount of money put into the fund in his or her name, plus whatever interest has accumulated. These plans have become increasingly common in recent years; examples include profit sharing and 401(k) plans.

ERISA (Employee Retirement Income

Security Act): Federal law passed in 1974 in response to notorious instances in which pension funds had been mishandled or had disappeared entirely. ERISA tightened the standards for the management of pension plans and gave regulatory powers to the

Department of Labor and the Internal Revenue Service. A number of subsequent amendments and laws since 1974 have strengthened ERISA's protections.

PBGC (Pension Benefit Guaranty

Corporation): A federal corporation established under ERISA to take over the payment of pension benefits in cases where corporate sponsors of defined benefit pension plans have gone bankrupt or have otherwise ceased operations.

Plan administrator: The individual (or sometimes the corporate department) responsible for maintaining a pension plan, keeping records on individual participants, and overseeing the payment of benefits under the plan.

PWBA (Pension and Welfare Benefits Administration): Agency within the U.S. Department of Labor whose responsibilities include the regulation of pension plans.

Vesting: The point at which a participant becomes entitled to a nonforfeitable benefit under the terms of the plan. A pension plan will specify the length of service required for vesting.

APPENDIX B: PENSION AND WELFARE BENEFITS ADMINISTRATION (PWBA)

U.S. Department of Labor PWBA Division of Technical Assistance & Inquiries Room N5625, FPB 200 Constitution Ave., NW Washington, DC 20210 (202) 219-8776

Field Offices

PWBA Atlanta Regional Office 61 Forsyth St., Suite 7B54 Atlanta, GA 30303 (404) 562-2156

PWBA Miami District Office 8040 Peters Rd., Bldg. H, Suite 104 Plantation, FL 33324 (954) 424-4022

PWBA Washington District Office 1730 K St., NW, Suite 556 Washington, DC 20006 (202) 254-7013 PWBA Philadelphia Regional Office Room 12400 Gateway Bldg. 3535 Market St. Philadelphia, PA 19104 (215) 596-1134

PWBA New York Regional Office U.S. Customhouse 6 World Trade Center, Room 625 New York, NY 10048 (212) 637-0600

PWBA Boston Regional Office JFK Building, Room 575 Boston, MA 02203 (617) 565-9600

PWBA Chicago Regional Office 200 W. Adams St., Suite 1600 Chicago, IL 60606 (312) 353-0900

PWBA Cincinnati Regional Office 1885 Dixie Highway, Suite 210 Ft. Wright, KY 41011-2664 (606) 578-4680

PWBA Detroit District Office 211 W. Fort St., Suite 1310 Detroit, MI 48226 (313) 226-7450 PWBA Dallas Regional Office 525 Griffin St., Room 707 Dallas, TX 75202-5025 (214) 767-6831

PWBA Kansas City Regional Office City Center Square 1100 Main Suite 1200 Kansas City, MO 64105-2112 (816) 426-5131

PWBA St. Louis District Office 815 Olive St., Room 338 St. Louis, MO 63101-1559 (314) 539-2693

PWBA Los Angeles Regional Office 790 East Coronado Blvd. Pasadena, CA 91101 (626) 583-7862

PWBA San Francisco Regional Office 71 Stevenson St., Suite 915 San Francisco, CA 94119-0250 (415) 975-4600

PWBA Seattle District Office 1111 Third Ave., Room 860 Seattle, WA 98101-3212 (206) 553-4244

PENSION COUNSELING PROJECTS

Alabama

Pension Clinic University of Alabama School of Law PO Box 870382 Tuscaloosa, AL 35487

Phone: (205) 348-1136 Fax: (205) 348-5829

Arizona

Pima Council on Aging Pension Project 5055 E. Broadway, Suite 104

Tucson, AZ 85711

Phone: (520) 790-7262 Fax: (520) 790-7577

California

Pension Rights Project

CANHR

1610 Bush St.

San Francisco, CA 94109

Phone (Bay Area): (415) 474-5171 Phone (California outside Bay Area):

(800) 474-1116

Fax: (415) 474-2904

Connecticut

See New England

Illinois (Chicago only)

Pension Information Effort Chicago Department on Aging 510 N. Peshtigo Court, Room 3A Chicago, IL 60611

Phone: (312) 744-2676 Fax: (312) 744-0680

Illinois (Southern)

See Missouri and Southern Illinois

Maine

See New England

Massachusetts

See New England

Michigan

Michigan Pension Rights Project Legal Hotline for Older Michiganians 115 W. Allegan, Suite 720 Lansing, MI 48933 Phone: (800) 347-5297

Fax: (517) 372-5959

Minnesota

Pension Rights Project Minnesota Senior Federation 1885 University Ave. W, Suite 190

St. Paul, MN 55104

Phone: (612) 645-0261 or (800) 365-8765

Fax: (612) 641-8969

Missouri & Southern Illinois

Pension Information & Counseling Center OWL Gateway Chapter World Community Center 438 N. Skinker Blvd. St. Louis, MO 63130

Phone: (314) 725-1516

Fax: (314) 862-8155

New England

Pension Assistance Project Gerontology Institute University of Massachusetts Boston 100 Morrissey Blvd. Boston MA 02125-3393

Phone (Massachusetts): (617) 287-7311

Phone (New England outside Massachusetts):

617-287-7332

New Hampshire

See New England

New York

New York Pension Hotline Legal Services for the Elderly 130 W. 42nd St., 17th floor New York, NY 10036 Phone (New York City): (212) 997-7714 Phone (New York State): (800) 355-7714

Rhode Island

See New England

Vermont

See New England

Virginia

Mt. Empire Older Citizens, Inc.

PO Box 888

Big Stone Gap, VA 24244

Phone: (540) 523-4202

Fax: (540) 523-4208

Crater District Area Agency on Aging

23 Seyler Drive

Petersburg, VA 23805

Phone: (804) 732-7020

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1200 K Street, NW Washington, DC 20005-4026 http://www.pbgc.gov

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