



Contributions for teaching music

As you know, under the terms of the Plan document and applicable law, contributions may be made to the Fund on your behalf only by your employer and only for your work as an employee. The Fund has been asked about the circumstances in which contributions can be paid into the Fund for teaching music.

In 1995, the Fund's Board of Trustees addressed the question of pension contributions for private music lessons. Specifically, the Board discussed whether the Fund may accept pension contributions made on behalf of a musician by a person to whom a musician gives music lessons (or the person's parents) based on amounts paid to the musician for the music lesson. The Board concluded that, in this circumstance, the musician is an independent contractor and not an employee of the person to whom the musician is giving lessons, and therefore the Fund is not permitted to accept pension contributions on earnings for those services.

The Fund may, however, accept pension contributions from an entity that, unlike individual persons to whom you may provide music lessons, is an employer—that is, an entity with the right to control and direct you as to both the result of your work and the manner in which your work is to be performed. For instance, a music school may make contributions on your behalf with respect to wages that you earn from the school for services such as music lessons. A personal service corporation may also make contributions to the Fund on behalf of its employee. Accordingly, if payment for music lessons is made to your personal service corporation, and the corporation in turn pays you wages for those lessons as its employee, the Fund may accept contributions from the corporation that relate to those wages.

The Fund cannot always determine from a participation agreement whether contributions are appropriately made on behalf of someone acting as an employee. You should be aware that, if the Fund does discover that contributions were incorrectly made for work you did not perform as an employee, you will not be eligible for a pension based on those amounts. Accordingly, if you have already had contributions paid into the Fund for music lessons that you did not provide as an employee, we suggest that you contact the individual who paid the pension contributions and ask that he or she send the Fund a written request for a refund of those contributions.