

Oral Agreement Cannot Modify Pension Plan

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The Seventh Circuit held that an employer's obligation to contribute to a multiemployer pension fund cannot be alleviated by an oral agreement it reached with the union, even if that agreement is later put into writing and communicated to the fund. Because ERISA requires that every employee benefit plan be established *and maintained* pursuant to a written instrument, the court ruled that the oral agreements, even those that are later put into writing, cannot override written plan documents. *Central States Pension Fund v. Aufferberg Ford Inc.*, No. 09-2964 (7th Cir. Mar. 11, 2011).