



**CENTRAL STATES  
SOUTHEAST AND  
SOUTHWEST AREAS  
PENSION FUND**

**EMPLOYEE TRUSTEES**  
FRED GEGARE  
JERRY YOUNGER  
GEORGE J. WESTLEY  
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**EMPLOYER TRUSTEES**  
HOWARD McDOUGALL  
ARTHUR H. BUNTE, JR.  
TOM J. VENTURA  
GARY F. CALDWELL

**EXECUTIVE DIRECTOR**  
THOMAS C. NYHAN

April 28, 2009

U.S. Department of Labor  
Employee Benefits Security Administration  
Public Disclosure Room, N-1513  
200 Constitution Ave. NW  
Washington, DC 20210

Dear Sir or Madam:

Enclosed is a copy of the Notice of Critical Status for Central States, Southeast and Southwest Areas Pension Fund for the plan year beginning January 1, 2009.

If you have any questions, please contact me at (847) 518-9800, extension 3638.

Sincerely,

*Janice M. Jankowicz*  
JANICE M. JANKOWICZ  
FINANCIAL GROUP MANAGER

cc: Thomas C. Nyhan, Executive Director  
Mark F. Angerame, Chief Financial Officer  
James Condon, Deputy General Counsel  
Susan M. Rogowski, Manager, Financial Accounting & Reporting Division

Enclosure  
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9377 West Higgins Road  
Rosemont, Illinois 60018-4938  
Phone: (847) 518-9800

[www.centralstates.org](http://www.centralstates.org)

**Notice of Critical Status  
For  
Central States, Southeast and Southwest Areas Pension Fund**

This is to inform you that on March 31, 2009 the plan actuary certified to the U.S. Department of the Treasury, and also to the plan sponsor, that the plan is in critical status for the plan year beginning January 1, 2009. Federal law requires that you receive this notice.

**Critical Status**

The plan is considered to be in critical status because it has funding or liquidity problems, or both. More specifically, the plan's actuary determined that: (1) over the next three years the plan is projected to have an accumulated funding deficiency for the 2010, 2011, and 2012 plan years; (2) the funded percentage of the plan is 65% or less, and over the next four plan years, the plan is projected to have an accumulated funding deficiency for the 2010, 2011, 2012, and 2013 plan years; (3) the sum of the plan's normal cost and interest on the unfunded benefits for the current plan year exceeds the present value of all expected contributions for the year; the present value of vested benefits of inactive participants is greater than the present value of vested benefits of active participants; and over the next four plan years, the plan is projected to have an accumulated funding deficiency for the 2010, 2011, 2012, and 2013 plan years; and (4) the plan was in critical status last year and over the next 9 years, the plan is projected to have an accumulated funding deficiency for the 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, and 2018 plan years.

**Rehabilitation Plan**

Federal law requires pension plans in critical status to adopt a rehabilitation plan aimed at restoring the financial health of the plan. This is the second year the plan has been in critical status. The law permits pension plans to reduce, or even eliminate, benefits called "adjustable benefits" as part of a rehabilitation plan. If your adjustable benefits were reduced or eliminated, you would have received a separate notice. On April 8, 2008, you were notified that as of April 8, 2008 the plan is not permitted to pay lump sum benefits (or any other payment in excess of the monthly amount paid under a single life annuity) while it is in critical status. If the trustees of the plan determine that further benefit reductions are necessary, you will receive a separate notice in the future identifying and explaining the effect of those reductions. Any reduction of adjustable benefits (other than a repeal of a recent benefit increase, as described below) will not reduce the level of a participant's basic benefit payable at normal retirement. In addition, the reductions may only apply to participants and beneficiaries whose benefit commencement date is on or after April 8, 2008.

**Adjustable Benefits**

The plan offers the following adjustable benefits which may be reduced or eliminated as part of any rehabilitation plan the pension plan may adopt:

- Post-retirement death benefits;
- Sixty-month payment guarantees;
- Disability benefits (if not yet in pay status);
- Early retirement benefit or retirement-type subsidy;
- Benefit payment options other than a qualified joint-and survivor annuity (QJSA);

- Recent benefit increases (i.e., occurring in past 5 years);
- Other similar benefits, rights, or features under the plan.

#### **Employer Surcharge**

The law requires that all contributing employers pay to the plan a surcharge to help correct the plan's financial situation. The amount of the surcharge is equal to a percentage of the amount an employer is otherwise required to contribute to the plan under the applicable collective bargaining agreement. With some exceptions, a 5% surcharge is applicable in the initial critical year and a 10% surcharge is applicable for each succeeding plan year thereafter in which the plan is in critical status.

#### **Where to Get More Information**

For more information about this Notice, you may contact Thomas C. Nyhan, Executive Director, Central States, Southeast and Southwest Areas Pension Fund, 9377 West Higgins Road, Rosemont, IL 60018, phone number 1-800-323-5000. You have a right to receive a copy of the rehabilitation plan from the plan.