

# **WESTERN PENNSYLVANIA TEAMSTERS AND EMPLOYERS PENSION FUND**

49 AUTO WAY • PITTSBURGH, PA 15206-3663  
(412) 362-4200 • TOLL FREE (800) 362-4201 • FAX (412) 362-3133  
EMAIL: [contactus@wpapensionfund.com](mailto:contactus@wpapensionfund.com) • WEBSITE: <http://www.wpapensionfund.com>

## **NOTICE OF CRITICAL STATUS FOR THE 2011 PLAN YEAR** April 30, 2011

This Notice is being sent to you in compliance with the notification provisions of the Pension Protection Act of 2006 (the "PPA"). It is not necessary for you to take any action with regard to this Notice. If you are currently a Pensioner or Beneficiary, you will continue to receive your full pension benefit in the same amount and in the same manner as received since your pension commencement date. The purpose of this Notice is to inform you that on March 31, 2011, the Pension Fund's actuary certified to the U.S. Department of the Treasury, and also to the plan sponsor, that the Pension Fund is in critical status for the plan year beginning January 1, 2011. Federal law requires that you receive this Notice.

### **Critical Status**

The Pension Fund is considered to be in critical status because it has funding or liquidity problems, or both. More specifically, the Pension Fund's actuary determined that over the next two plan years, the Pension Fund is projected to have an accumulated funding deficiency for the 2013 plan year.

### **Rehabilitation Plan and Possibility of Reduction in Benefits**

Federal law requires pension plans in critical status to adopt a rehabilitation plan aimed at restoring the financial health of the plan. The Fund was initially certified to be in critical status for the 2010 plan year. The law permits pension plans to reduce, or even eliminate, benefits called "adjustable benefits" as part of a rehabilitation plan. On April 30, 2010 you were notified that the plan may reduce or eliminate adjustable benefits and that the Fund is not permitted to pay lump sum benefits (or any other payments in excess of the monthly amount paid under a single life annuity) while the Fund is in critical status. On November 23, 2010 the Trustees adopted a rehabilitation plan and on January 15, 2011, you were notified of certain benefit reductions adopted in that plan. If the Trustees determine that any additional benefit reductions are necessary, you will receive a separate notice in the future identifying and explaining the effect of any such reductions, and the available options. Any reduction of adjustable benefits will not reduce the level of a Participant's basic benefit payable at normal retirement as a straight life annuity. In addition, the reductions may only apply to Participants and Beneficiaries whose benefit commencement date is on or after the date of the original Notice of Critical Status, April 30, 2010.

The bargaining parties (i.e., contributing employers and unions) have been notified of the terms of the rehabilitation plan and, when their next collective bargaining agreement is renewed or extended for an additional year (if not amended sooner), will be required to choose one of the options provided in the rehabilitation plan.

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## **Adjustable Benefits**

The Pension Fund offers the following adjustable benefits which have already or may be reduced or eliminated as part of the 2010 Rehabilitation Plan, or any of the required annual updates the Pension Fund may adopt:

- **Post-retirement death (burial) benefit;**
- **One Hundred Twenty-month payment guarantees;**
- **Disability benefits (if not yet in pay status);**
- **Early retirement benefit or retirement-type subsidy (e.g. 25 & 30 & Out Retirement);**
- **Benefit payment options other than a qualified joint-and survivor annuity (QJSA);**
- **Subsidized Joint & Survivor and other forms of annuity; and**
- **Pre-retirement survivor benefit for non-married participants.**

## **Employer Surcharge**

The law requires that all contributing employers must either have agreed to comply with one of the PPA contribution increase schedules provided by the Pension Fund or pay to the Pension Fund a surcharge to help correct the Pension Fund's financial situation. Since the Pension Fund's initial critical status year was 2010, for any Notice of Surcharge issued by the Pension Fund at this time, the amount of the surcharge is equal to 10% of the amount an employer is otherwise required to contribute under the applicable collective bargaining agreement.

## **Where to Get More Information**

You have a right to receive a copy of the 2010 Rehabilitation Plan upon written request directed to the Pension Fund Office. For more information about this Notice, you may contact the Pension Fund Office at the following address: Western Pennsylvania Teamsters and Employers Pension Fund, 49 Auto Way, Pittsburgh, PA 15206-3663, telephone 412-362-4200, Toll Free 800-362-4201, email: [contactus@wpapensionfund.com](mailto:contactus@wpapensionfund.com).

### **Board of Trustees**

### **Western Pennsylvania Teamsters and Employers Pension Fund**

cc: Department of Labor  
Pension Benefit Guarantee Corporation