

# LOCAL NO. 863 PENSION FUND

209 SUMMIT ROAD

MOUNTAINSIDE, N.J. 07092

Tel: (908) 654-3361



ALPHONSE RISPOLI, JR.  
Secretary



2013 JAN - 2 PM 4:13  
E93A/PUBLIC DISCLOS

22-1598194

## Notice of Critical Status

### Local Union No. 863 I.B. of T. Pension Plan

To: Participants, Beneficiaries, Contributing Employers and Local Union 863 I.B. of T.

This is to inform you that on November 29, 2012, as required by federal law, the actuary for the Local Union No. 863 I.B. of T. Pension Plan (the "Fund") certified to the U.S. Department of the Treasury and to the Board of Trustees that the Fund is in critical status for the Plan year beginning September 1, 2012. That same federal law requires that you receive this notice.

#### Introduction

The Pension Protection Act ("Act"), signed into law in 2006, is intended to improve the financial condition of pension funds. The Act introduced several formal safeguards and added notification requirements for Trustees to share more information about a fund's financial circumstances with participants, contributing employers, and others directly related to the pension plan. Many of the Act's safeguards relate to funding, which, in simplest terms, is how much a pension plan has coming in, going out, and what is in reserve (or "in the bank") for future obligations. The safeguards are intended to prevent future funding problems and correct those that have already developed.

The Act requires us to test the Fund annually to determine its official funding status. The federal law has adopted specific phrases to classify a fund's status at the time of the report and these have come to be identified with a "color code." Funds that are labeled as "endangered" status (commonly known as yellow zone) or "critical" status (or, red zone) must notify all fund participants, beneficiaries, unions, and contributing employers of the fund's status, as well as take corrective action to improve the fund's financial health. These categories took effect for the Local 863 Plan as of September 1, 2008. We previously informed you of the Fund's "critical" status for the 2008 - 2011 Plan years. It is now necessary that we update you on the Fund's status for the 2012 Plan year.

#### Fund's Status - Red Zone

The Fund is, once again, in critical status (red zone) as of September 1, 2012, based on the actuary's determination that the Fund is projected to have an accumulated funding deficiency for the 2012 plan year. What this means is that during the 2012 plan year, contributions are not expected to be high enough to meet government standards for funding promised benefits plus those that participants are currently earning.

### Rehabilitation Plan and Possibility of Reduction in Benefits

The Act requires that a fund that continues in the red zone to annually monitor and update its Rehabilitation Plan, which is designed to improve its funded position so that, over time, it will be able to meet the statutory funding requirements, if possible. Pursuant to this requirement, on May 19, 2011, the Trustees adopted an update to the Rehabilitation Plan that was adopted in 2010. This Rehabilitation Plan consists of two “schedules” of recommended contribution rate increases and possible reductions in benefits. Please note that all of the possible reductions in benefits, except for possible elimination of certain death benefits under certain conditions, were already adopted by the Trustees in August 2008 and were communicated to you by a Notice dated August 15, 2008. The bargaining parties have been provided with these schedules for consideration in negotiations in new or renewed collective bargaining agreements. The “preferred schedule” reflects the Plan changes and reductions in the benefits as described in the Notice sent August 15, 2008. No further plan changes are incorporated in the “preferred schedule.” The “default schedule” includes elimination of certain death benefits that will be applicable to groups who elect this schedule. These revised schedules were based on the Trustees’ conclusion that the Fund could not reasonably emerge from critical status and that, upon exhaustion of all reasonable measures, the schedules forestall possible insolvency.

In addition to revising the formula for future benefit accruals and making similar changes, under the Act, a Rehabilitation Plan may eliminate or reduce “adjustable benefits.” Adjustable benefits include:

- Plan benefits, rights, and features, including pre-retirement death benefits (other than qualified joint and survivor annuities), optional forms including the lump sum and 10-year certain guarantee, cash vested benefits, and similar benefits; and
- Early retirement benefits or retirement-type subsidies.

The level of benefits you have already earned that are payable at normal retirement age as a single life or qualified joint and survivor annuity cannot and will not be reduced under the Act’s rules.

### Benefit Restrictions

Due to the federal Pension Protection Act (PPA), effective on September 2, 2008, the Fund is not permitted to pay lump sum benefits or any other payment in excess of the monthly amount paid under a single life annuity (except for the payout of benefits with a value that is less than \$5000) while the Plan is in critical status. This includes the payment of the Lump Sum Benefit and Cash Vested Benefit.

### Employer Surcharge

Just as the PPA will not permit payment of a lump sum benefit while the Plan is in critical status, it likewise imposes obligations upon the contributing employers. Thus the law requires that all contributing employers pay to the Fund a surcharge to help correct the Fund’s financial situation, beginning 30 days after the employer is notified that the plan is in critical status.

The surcharge is a percentage of the employer’s negotiated contribution rate. A 5% surcharge was applicable the first Plan year in critical status. The surcharge went up to 10% for each succeeding Plan year in which the Fund is in critical status, until the employer agrees to a collective bargaining agreement that implements one of the schedules in the Rehabilitation Plan.

These surcharges are separate requirements and are in addition to the obligation of the contributing employers to pay their regular contributions and their share of accumulated funding deficiencies. The 10% surcharge applies to contributions actually paid on or after September 1, 2009.

The surcharge amount is paid in a separate check made payable to the Teamsters Local 863 Pension Fund, with the notation "surcharge." These surcharges will be disregarded in determining the rate of benefit accruals and potential employer withdrawal liability allocations, as required by the law. However, they will be reflected in the determination of the annual payment for any withdrawal liability allocation.

What's Next

We understand that legally required notices like this one can create concern about the Fund's future. Be assured that the Board of Trustees takes very seriously its obligation to preserve the financial viability of the Fund to the greatest extent possible. As a final note, since the Fund is influenced by economic and financial variables beyond our control (such as market volatility and changes in employment and/or the number of contributing employers), unexpected developments can affect the Fund's status and any future corrective actions needed.

For more information about this notice or the Fund, you may contact the Fund Office at the address or phone number listed at the top of this letter.

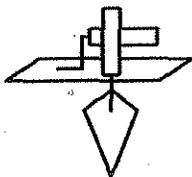
Sincerely,

The Board of Trustees

Date: December 2012

*As required by law, this notice is being provided to the Pension Benefit Guaranty Corporation (PBGC) and the Department of Labor.*

7724723v1/06664.515



**Northern California Cement Masons Funds Administration, Inc.**  
220 Campus Lane, Fairfield, CA 94534-1499 • Telephone: (707) 864-3300

December 20, 2012

Certified Mail – Return Receipt  
7010 0290 0001 7190 4166

PBGC  
Attn: Multiemployer Data Coordinator  
1200 K Street NW., Suite 930  
Washington, DC 2005-4026

RE: Cement Masons Pension Trust Fund for Northern California  
EIN 94-6277669

To Whom It May Concern:

Enclosed are the following:

- Annual Funding Notice (2011)
- Notice of Funded Status of the Pension Plan (2012)

Sincerely,

  
Debbie Bounds

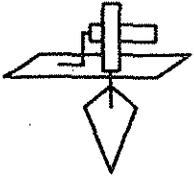
Encl

cc: Department of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210  
(W/Enclosures)

Certified Mail – Return Receipt 7010 0290 0001 7190 4159

ES&A/PUBLIC/NSC/105/1  
2013 JAN -2 PM 4:13





**Northern California Cement Masons Funds Administration, Inc.**  
220 Campus Lane, Fairfield, CA 94534-1499 • Telephone: (707) 864-3300

**NOTICE OF ENDANGERED STATUS  
FOR THE PENSION PLAN  
OF THE  
CEMENT MASONS PENSION TRUST FUND FOR NORTHERN CALIFORNIA  
2012 Plan Year  
September 1, 2012-August 31, 2013**

**To All Participants, Beneficiaries, Participating Unions and Contributing Employers:**

This is to inform you that on November 29, 2012, the Plan actuary certified to the U.S. Department of the Treasury, and to the Board of Trustees, that the Plan is in endangered status for the Plan Year beginning September 1, 2012. Federal law requires that you receive this notice.

**ENDANGERED STATUS**

The Plan is considered to be in endangered status because it has funding problems. More specifically, the Plan actuary determined that the Plan's funded percentage for the 2012 Plan Year is less than 80 percent.

**FUNDING IMPROVEMENT PLAN**

Federal law requires pension plans in endangered status to adopt a funding improvement plan aimed at restoring the financial health of the plan. As a result of the Plan having previously been certified as being seriously endangered for the Plan Year beginning September 1, 2010, the Board of Trustees adopted a funding improvement plan on June 27, 2011 containing two schedules – a default and an alternative schedule – the former containing benefit reductions and the latter containing both benefit reductions and employer contribution increases. Collective bargaining agreements entered into or renewed after September 1, 2010 are required to contain the provisions of one of the two schedules with the default schedule imposed on any employer and its employees if no agreement is reached within 180 days following the expiration of the collective bargaining agreement. The major collective bargaining agreements do not expire until June 2013. The funding improvement period for the Plan, as adopted under the funding improvement plan update on June 22, 2012, is the 10 Plan Year period beginning September 1, 2013.

Any modification of benefits called for in a funding improvement plan schedule shall only apply to future benefit accruals and participants and other interested parties will be notified of the specific changes.

You may obtain a copy of the Plan's funding improvement plan and the actuarial and financial data that demonstrate any action taken by the Plan toward fiscal improvement by contacting the Plan administrator.

## **FOR MORE INFORMATION**

We understand that legally required notices like this one can create anxiety and concern about the Pension Plan's future. The Board of Trustees is working with contributing employers and the union and taking appropriate actions to improve the financial health of the Plan so that retirement benefits for participants and their families are secure into the future. The Plan's status will be examined each year and you will be informed on how the Plan is progressing, as well as whether there are any changes.

In the event you have questions or would like additional information, you may contact the Board of Trustees or Edward Smith, the Fund Manager, at:

**Cement Masons Pension Trust Fund for Northern California**  
**220 Campus Lane**  
**Fairfield, California 94534-1499**  
**Telephone: 707 864 3300 • 888 245 5005**

cc: United States Department of Labor  
United States Pension Benefit Guaranty Corporation

December 20, 2012  
5221955v1/00585.015

**Notice of Endangered Status**  
For  
**I.B.E.W. Local 325 Pension Fund**  
**EIN: 16-6098105**

PPA/PUBLIC DISCLOSURE  
2013 JAN -2 PM 4:24

This is to inform you that on November 28, 2012 the Plan actuary certified to the U.S. Department of the Treasury, and also to the Plan sponsor, that the Plan is in endangered status for the Plan year beginning September 1, 2012. Federal law requires that you receive this notice.

**Endangered Status**

A Plan is considered to be in endangered status when its assets are less than 80% of its liabilities and/or the plan is projected to have a funding deficiency within the next seven years as described in Section 432 of the Internal Revenue Code. The funded percentage as of September 1, 2012 for certification purposes is 64.43%. Therefore, the Pension Fund is in Endangered Status (Yellow Zone).

**Funding Improvement Plan**

Federal law requires pension plans in endangered status to adopt a Funding Improvement Plan aimed at improving the financial health of the plan. In compliance with law, the plan Trustees developed a Funding Improvement Plan designed to raise the funding level of the Plan over the funding improvement period. The Funding Improvement Plan required an increase in the Plan's funded percentage, as defined by PPA, by the end of the Funding Improvement Period of at least 33% of the difference between the funded percentage as of the beginning of the period and 100%, and no accumulated funding deficiency during the Funding Improvement Period. With the following changes, the Plan is expected to emerge from endangered status by the end of the funding improvement period. Below is a description of the Funding Improvement Plan.

**Benefit Changes**

None

**Asset Valuation Method**

Adoption of Asset Smoothing Relief.

**Schedule of Contributions**

<u>Effective</u>	<u>Contribution</u>
<u>June 1</u>	<u>Increase</u>
2012	\$.75/hr.

**Where to Get More Information**

For more information about this Notice, you may contact Thomas E. Spicer, Administrative Manager at 24 Emma Street, Binghamton, New York 13905, (607) 797-1919. You have a right to receive a copy of the Funding Improvement Plan from the Plan.

You may also make inquiry with the United States Department of Labor at:

Division of Technical Assistance and Inquiries

Employee Benefits Security Administration

U.S. Department of Labor

Washington, D.C. 20210

# BURKE, WARREN, MACKAY & SERRITELLA, P.C.

330 NORTH WABASH AVENUE  
22ND FLOOR  
CHICAGO, ILLINOIS 60611-3607  
TELEPHONE (312) 840-7000  
FACSIMILE (312) 840-7900  
www.burkelaw.com

MICHAEL S. VIRGIL  
DIRECT DIAL NUMBER  
(312) 840-7015  
mvirgil@burkelaw.com

December 28, 2012

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

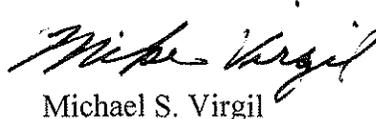
EBSA/PUBLIC DISCLOSURE  
2013 JAN -3 PM 3:28

**Re: Chicago Moving Picture Machine Operators' Union Local No. 110 of the  
I.A.T.S.E. and M.P.M.O. Severance Trust**

Dear Sir or Madam:

Pursuant to Section 305(b)(3)(D)(i) of ERISA, a notice is enclosed of the above-referenced Plan's endangered status for the Plan Year beginning September 1, 2012.

Sincerely,



Michael S. Virgil

MSV/amc  
Enclosure

cc: Trustees  
Mr. Ken Rapier  
Mr. Ted Windsor

# CHICAGO MOVING PICTURE MACHINE OPERATORS' UNION LOCAL NO. 110 of the I.A.T.S.E. and M.P.M.O SEVERANCE TRUST



216 SOUTH JEFFERSON STREET, SUITE 203, CHICAGO, ILLINOIS 60661  
TELEPHONE (312) 454-1110 FACSIMILE (312) 454-6110

## NOTICE OF ENDANGERED STATUS FOR CHICAGO MOVING PICTURE MACHINE OPERATORS' UNION LOCAL NO. 110 OF THE I.A.T.S.E. AND M.P.M.O. SEVERANCE TRUST

This is to inform you that on November 27, 2012, the plan actuary certified to the U.S. Department of the Treasury, and also to the plan sponsor, that the plan is in endangered status for the plan year beginning September 1, 2012. Federal law requires that you receive this notice.

### Endangered Status

The plan is considered to be in endangered status because it has funding or liquidity problems, or both. More specifically, the plan is in endangered status for the 2012 plan year because the plan's actuary determined that the plan's funded percentage for the 2012 Plan Year is less than 80%. The Board of Trustees has previously adopted a rehabilitation plan as required by the Pension Protection Act of 2006 (PPA) when in critical status and the plan is operating under that plan. The plan actuary has certified that the rehabilitation plan also qualifies as the funding improvement plan required when the plan is in endangered status. The plan's actuary has certified that the plan is making scheduled progress under the plan for the 2012 plan year.

### Rehabilitation Plan

Federal law requires pension plans in critical status to adopt a rehabilitation plan aimed at restoring the financial health of the plan. The plan was in critical status for the 2009 and 2010 plan years and adopted such a rehabilitation plan. The law permits pension plans to reduce, or even eliminate benefits called "adjustable benefits" as part of a rehabilitation plan. You were notified in July 2010 that the plan reduced or eliminated "adjustable benefits". The rehabilitation plan also serves as the plan's funding improvement plan when the plan is in endangered status.

### Where to Get More Information

For more information about this Notice, you may contact the Board of Trustees, or Mr. Ken Rapien in writing at Motion Picture Operators, 216 South Jefferson Street, Suite 203, Chicago, IL 60661, by phone at 312-454-1110.

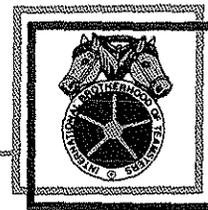
Date of Distribution: December 28, 2012

# WWEC LOCAL 863 PENSION PLAN

209 SUMMIT ROAD

MOUNTAINSIDE, NJ 07092

Tel: (908) 654-3361



ALPHONSE RISPOLI, JR., Trustee  
LOUIS SANCHEZ, Trustee  
BRUCE VIVADELLI, Trustee

DEWEY CANNELLA, Chairman  
ARON FOREM, Trustee  
FRANK MIRAGLIA, Trustee



## Notice of Endangered Status for 2012 Plan Year

26-3541447

### WWEC Local 863 Pension Plan

To: All Participants, Beneficiaries, Contributing Employers and Local Union 863 I.B. of T.

As you may know, the Pension Protection Act of 2006 ("PPA") has added requirements for measuring the financial health of multiemployer plans such as ours.

Starting with the 2008 plan year, the PPA requires that a pension plan's actuary determine the plan's status under these new rules and annually certify that status to the IRS and the trustees (who are the plan sponsor). If the actuary determines that the plan is in "endangered" status (yellow zone) or "critical" status (red zone) for the year, the trustees must notify all plan participants, employers, and other stakeholders and take corrective action to restore the financial health of the plan.

#### Yellow Zone Status for 2012

On November 29, 2012, the actuary certified that the Plan is, once again, in endangered status, or the yellow zone, for the 2012 plan year, which is the same as last year. This determination was made because, based on the PPA's new funding measures, the Plan is currently less than 80% funded. However, due to the Wakefern Food Corporation participation agreement with the Fund, the Plan is expected to meet its funding goals in the future.

#### Funding Improvement Plan for Yellow Zone Plans

The PPA requires every multiemployer plan in endangered status to adopt a "Funding Improvement Plan" (FIP). The FIP is an action plan designed to increase the Plan's funding percentage and to assure that contributions will be enough to meet the minimum required under the law. The actuary has informed us that based on anticipated experience and reasonable assumptions, future contribution levels, including those required in the participation agreements, will be sufficient to meet the requirements of the FIP which was adopted in 2010 and the Plan is expected to emerge from endangered status within the statutory timeframe.

#### What's Next

The PPA mandates that the Plan's funding status be reviewed and certified annually and notices like this one will be sent to you each year. In addition, the FIP will be reviewed and updated each year. Please note, however, since the Plan is influenced by economic and financial variables beyond our control (such as market volatility and changes in employment and/or the number of contributing employers), unexpected developments can affect the Plan's status and any future corrective actions needed.

We understand that legally required notices like this one can create concern about the Plan's future. Be assured that we take our obligation to preserve the financial viability of the Plan very seriously. The Trustees have developed a plan that addresses these issues to improve the Plan's financial condition and help to secure your pensions.

For more information about this notice or the Plan, you may contact the Plan's office at the address or phone number listed at the top of this letter.

Sincerely,

The Board of Trustees  
Date: December 2012

*As required by law, this notice is being provided to the Pension Benefit Guaranty Corporation (PBGC) and the Department of Labor.*

2013 JAN -2 PM 4: 13  
EBSA/PUBLIC DISCLOSURE

**Notice of Endangered Status For the  
Lumber Employees No. 786 Retirement Fund**

EBSA/PUBLIC DISCLOSURE  
2013 JAN -2 PM 4:30

December XX, 2012

The Pension Protection Act of 2006 (PPA) requires that a Pension Fund's actuary determine the Fund's status each plan year and certify that status to the IRS and the Trustees. On November 27, 2012, the Plan's actuary certified that, although *not* in critical or seriously endangered status, the Plan is in endangered status for the plan year beginning September 1, 2012 because the Plan is expected to be less than 80% funded during the 2012 year. Federal law requires that if the Fund's status for a plan year is in "endangered" zone, the Trustees must notify all plan participants and employers in writing, as well as take corrective action to restore the financial health of the plan.

**Endangered Status**

This letter will serve as the Notice that the Fund is in "endangered" status for the plan year beginning September 1, 2012.

**Funding Improvement Plan (FIP)**

Federal law requires pension plans in endangered status to adopt a Funding Improvement Plan (FIP). The FIP is an action plan designed to restore the Plan to financial health, improve the balance of assets and liabilities and to avoid any accumulated funding deficiency.

The Trustees adopted a FIP prior to July 28, 2011. The plan consists of actions which, based on reasonably anticipated experience and under reasonable actuarial assumptions, will result in the plan meeting certain funding improvement benchmarks within a 10 year period. The funding improvement period is currently set for September 1, 2013 through August 31, 2023.

**Where to Get More Information**

For more information about this Notice, you may contact Mr. Jeff Hoff at Lumber Employees No. 786 Retirement Fund, 300 South Ashland Avenue, Room 501, Chicago, IL 60607, (312) 666-1875.

You have a right to receive a copy of the funding improvement plan from the plan office.

Sincerely,  
The Board of Trustees