

News Release



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\$110,000 Payment to Plan Participant Will Settle U.S. Labor Department Lawsuit

BOSTON -- Joseph S. Buscone Management Inc., Milford, Mass., and Joseph S. Buscone, president and treasurer of the company, have agreed to pay \$110,000 to a former employee to settle a U.S. Department of Labor lawsuit alleging violations of the federal Employee Retirement Income Security Act (ERISA).

The suit, filed last November in the U.S. District Court for the District of Massachusetts, resulted from an investigation conducted by the Boston regional office of the department's Employee Benefits Security Administration (EBSA). The lawsuit alleged that the company, as sponsor of the pension plan, and Buscone, as trustee, violated ERISA by failing to count all years of service toward the calculation of the employee's accrued pension benefits, as required by the plan document. The suit further alleged that the company fired the employee after she complained about the improper pension benefit calculations.

"This case demonstrates the Labor Department's commitment to protecting the benefits of America's workers and retirees," said Ann L. Combs, assistant secretary of labor for employee benefits security.

A consent judgment and order, entered Sept. 26, prohibits the defendants from future violations of ERISA and orders Buscone to pay the former employee a total of \$110,000 in pension benefits, back wages and lost benefits, plus post-judgment interest, to compensate her for the illegal firing. The Labor Department will also assess a penalty of over \$16,000 against the defendants, which Buscone has been ordered to pay.

In fiscal year 2004, EBSA achieved record monetary results of \$3.1 billion related to the pension, 401(k), health and other benefits of millions of American workers and their families. Employers and workers can contact the Boston regional office at 617-565-9600 or EBSA's toll-free number, 1-866-444-EBSA (3272), for more information on the requirements of ERISA or for help with problems relating to private-sector pension and health plans. Additional information can be found at www.dol.gov/ebsa.

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(Chao v. Joseph S. Buscone Management, Inc., et al; Civil Action No. 04-40226-FDS)