

# NOTICE of CRITICAL STATUS

For

**Machinery Movers, Riggers, and Machinery Erectors Local 136  
Supplemental Plan**

EIN: 36-1416355

PN: 001

ES&A PUBLIC DISCLOSURE  
2009 NOV -3 PM 7:42

## **Machinery Movers, Riggers, and Machinery Erectors Local 136 Supplemental Plan**

This is to inform you that on September 28, 2009 the Plan actuary certified to the U.S. Department of the Treasury, and also to the Plan Trustees, that the Plan is in critical status for the Plan Year beginning July 1, 2009. Federal law requires that you, as a participant, receive this notice.

### CRITICAL STATUS

The Plan is considered to be in critical status because it has a funding problem. More specifically, the Plan's actuary determined that 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.

### 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. 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. As you know, our Trustees have been hard at work to improve our funding levels and have had a rehabilitation plan in place for some time. We are pleased to report our plan is working.

However, if the Trustees of the Plan determine that more 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 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 July 1, 2009.

### 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:

- 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)

### EMPLOYER SURCHARGE

The law requires that all contributing employers agree to a Rehabilitation Plan or pay surcharges 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.

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**WHERE TO GET MORE INFORMATION**

For more information about this Notice, you may contact:

Mr. Jim Gallery, Administrator  
Re: Machinery Movers, Riggers and Machinery Erectors Local 136 Pension Fund  
BMGI  
903 Commerce Drive, Suite 304  
Oak Brook, IL 60523  
Phone: (630) 472-0626 x203

E-mail: [jgallery@JamesVGallery.com](mailto:jgallery@JamesVGallery.com)

You have a right to receive a copy of the rehabilitation plan from the Plan once it is formally adopted.

Sincerely,  
Board of Trustees

Date Sent: \_\_\_\_\_

cc: Local Union No 136  
Contributing employers  
PBGC - [multiemployerprogram@pbgc.gov](mailto:multiemployerprogram@pbgc.gov)  
Secretary of Labor - [criticalstatusnotice@dol.gov](mailto:criticalstatusnotice@dol.gov)