

**New York State Nurses Association Pension Plan
NOTICE OF CRITICAL STATUS - Plan Year 2010**

Introduction

This is to inform you that on March 31, 2010, the Plan's actuary certified to the U.S. Department of the Treasury and to the Board of Trustees that the Plan is in critical (red) status for the Plan Year beginning January 1, 2010. *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 over the next three Plan Years, the Plan is projected to have an accumulated funding deficiency for Plan years 2011, 2012, and 2013. This means the Plan's current level of contributions is projected to be, in the next three Plan Years, less than the minimum contribution amount required by law for that 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 law permits pension plans to reduce, or even eliminate, benefits called "adjustable benefits" as part of a rehabilitation plan. If the trustees of the plan determine that 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 30, 2010. But you should know that whether or not the Plan reduces adjustable benefits in the future, effective as of April 30, 2010, 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.

Adjustable Benefits

The Plan offers the following adjustable benefits that 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.

Instead of, or in conjunction with the reduction or elimination of adjustable benefits, the manner in which benefits are structured may be subject to change. Those changes include (but aren't limited to):

- Future accrual rates, and
- How final average earnings are determined.

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 percent surcharge is applicable in the initial critical year and a 10 percent 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 the office of Michael E. Behan, Chief Executive Officer, New York State Nurses Association Pension Plan, P.O. Box 12430, Albany, NY 12212-2430, (518) 869-9501. For identification purposes, the official Plan number is 001 and both the Plan sponsor and Plan employer's identification number or "EIN" is 13-6604799. You have a right to receive a copy of the rehabilitation plan from the Plan when it is available.