

Health, Welfare and Pension Fund



EXCAVATING BUILDING MATERIAL AND CONSTRUCTION DRIVERS UNION

UNION TRUSTEES

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April 22, 2013

Certified Mail,
Return Receipt Requested

Department of Labor
Employee Benefits Security Administration
Public Disclosure Room
N-1513
200 Constitution Ave NW
Washington, DC 20010

ESBA/PUBLIC DISCLOSURE
2013 APR 29 PM 4:22

Re: Excavating and Building Material Drivers Union Local 436 Pension Fund Notice of Critical Status

Dear Madam or Sir:

Enclosed is a copy of the Excavating and Building Material Drivers Union Local 436 Pension Fund's Notice of Critical Status which will be filed with the participants and beneficiaries, bargaining parties, contributing employers and PBGC by April 26.

Please feel free to contact me if you have any questions.

Sincerely,

Gary A. Boncella,

GAB/tms

Enclosure

EBSA/PUBLIC DISCLOSURE
2013 APR 29 PM 4:23

BUILDING MATERIAL DRIVERS UNION LOCAL 436 PENSION FUND

2013 NOTICE OF CRITICAL STATUS

On March 29, 2013, the plan actuary certified to the U.S. Department of the Treasury, and also to the plan sponsor, that the plan is in critical status for the plan year beginning January 1, 2013. 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:

The Plan has an accumulated funding deficiency for the current 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. This is the fifth 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. On April 30, 2010, you were notified that the plan reduced or eliminated adjustable benefits. On April 27, 2009, you were notified that as of April 27, 2009 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. If the trustees of the plan determine that further 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) 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 27, 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:

- Sixty-month payment guarantees,
- The \$5,000 Post Retirement Death Benefit, and
- Disability benefits (if not yet in pay status).

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% 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.

Where to Get More Information

For more information about this Notice, you may contact Gary Boncella by phone at (216) 328-0436 or by mail at 6051 Carey Drive Valley View, Ohio 44125. You have a right to receive a copy of the rehabilitation plan from the plan.