



## The National Asbestos Workers Pension Fund

EBSA/PUBLIC DISCLOSURE  
2013 OCT 29 AM 11:10

October 21, 2013

U.S. Department of Labor  
Employee Benefits Security Administration  
Public Disclosure Room, N-1513  
200 Constitution Avenue, NW  
Washington, DC 20210

RE: The National Asbestos Workers Pension Fund  
Notice of Critical Status  
EIN 52-6038497

To Whom it May Concern:

Enclosed is a copy of the Notice of Critical Status for the referenced Fund for the Plan Year beginning July 01, 2012.

I attempted to email this document on September 26, 2013 to [criticalstatusnotice@dol.gov](mailto:criticalstatusnotice@dol.gov), but I received a Delivery Status Notification (Failure) response. Therefore, I am mailing a hard copy of the document.

If you have any questions, or need additional information, please contact me at (410) 872-9512.

Sincerely,

Amanda Christie

Compliance Coordinator



## The National Asbestos Workers Pension Fund

October 25, 2013

### Notice of Critical Status for

### The National Asbestos Workers Pension Plan

This is to inform you that on September 27, 2013, the plan actuary certified that the National Asbestos Workers Pension Plan (the "Plan" or "Fund") remains in critical status for the plan year beginning July 1, 2013. The Plan was previously certified to be in critical status for the plan year beginning July 1, 2012. 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 was in critical status last year and is projected to have an accumulated funding deficiency within the next nine years. Thus, under the requirements of the Pension Protection Act, the Plan has not emerged from critical status. The terms Credit Balance and Funding Deficiency are legal and actuarial concepts provided for under the Employee Retirement Income Security Act and should not be confused with the assets held by the Fund. As of the relevant plan year pertaining to this notice, the Fund had over \$452 million in assets. The Fund's Plan of Rehabilitation is designed to assure that pension obligations will continue to be met for the foreseeable future.

#### 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 third year the Plan has been in critical status. The law provides for the reduction, or even elimination, of benefits called "adjustable benefits" as part of a rehabilitation plan. In December 2010 you were notified that the Plan reduced or eliminated adjustable benefits. At the same time you were also notified that the Plan is not permitted to pay lump sum benefits or initiate benefits under the Social Security income leveling form while the Plan 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. There have been no changes to plan benefits since the changes announced in December 2010. Any reduction of adjustable benefits will not reduce the level of a participant's basic benefit payable at normal retirement. In addition, any future reductions will not apply to participants and beneficiaries whose benefit commencement date precedes the effective date of the plan changes, except to the extent they are related to benefit increases made within the last 60 months prior to July 1, 2010.

## **Adjustable Benefits**

The following are examples of adjustable benefits that may be reduced or eliminated as part of a rehabilitation plan:

- Pre-retirement death benefits other than a qualified pre-retirement 50% survivor annuity (QPSA);
- Early retirement benefit or retirement-type subsidies, such as the “30 and out” benefit and the “rule of 90” benefit;
- Subsidized benefit payment options other than a qualified joint-and-survivor annuity (QJSA);
- Recent benefit increases (*i.e.*, occurring in the past 5 years);
- Disability benefits;
- 60-month payment guarantees; or
- Benefit formula multiplier for future benefit accruals.

Some of these benefits were reduced or eliminated in the Plan of Rehabilitation announced in December 2010.

## **Employer Surcharge**

The law requires that all contributing employers pay to the Plan a surcharge to help correct the Plan's financial situation until such time as a bargaining agreement consistent with the Plan of Rehabilitation is implemented. The surcharge first became applicable for hours worked after November 30, 2010. 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, until a bargaining agreement consistent with the Plan of Rehabilitation is adopted. The surcharge is not applicable if a bargaining agreement consistent with the Plan of Rehabilitation was adopted and effective on or before December 1, 2010.

## **Where to Get More Information**

For more information about this notice, you may contact Carday Associates, Inc., 7130 Columbia Gateway Drive, Suite A, Columbia, MD 21046 or at (800) 386-3632. You have a right to receive a copy of the Plan of Rehabilitation from the Fund.