

**PENSION FUND OF MOVING PICTURE MACHINE**  
**OPERATORS UNION OF GREATER NEW YORK**  
**LOCAL 306**

c/o Administrative Services Only, Inc.  
303 Merrick Road – Suite 300  
Lynbrook, New York 11563-9010  
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E-FILED PUBLIC DISCLOSURE

**MANAGEMENT TRUSTEES**

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John Livanos  
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April 26, 2013

**Notice of Critical Status**

**For**

**Pension Fund of the Moving Picture Machine Operators Union Local 306**

This is to inform you that on March 29, 2013, the Plan actuary certified to the U.S. Department of the Treasury, and also to the Trustees, that the Plan is in critical status (the "red zone") 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 and liquidity problems. More specifically, the Plan's actuary determined that the Plan was in critical status last year and over the next 9 years, the Plan is projected to have an accumulated funding deficiency beginning in 2016.

**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 fourth year the Plan has been in critical status. The Fund adopted a Rehabilitation Plan on November 17, 2010 (the "Initial Rehabilitation Plan"), an Updated Rehabilitation Plan dated March 24, 2011 (the "2011 Updated Rehabilitation Plan"), and a 2012 Updated Rehabilitation Plan dated July 16, 2012 (the "2012 Updated Rehabilitation Plan"). Those rehabilitation plans included certain reductions in benefits, of which you have previously been advised. The Rehabilitation Plan may be further updated from year to year, and such updated plans may include changes to the benefits you earn in the future, including reductions in future benefit accruals. In addition, the law permits pension plans in the red zone to reduce, or even eliminate, certain features of benefits you have already earned—these features are called "adjustable benefits"—as part of a Rehabilitation Plan (more details below). You have previously received a separate notification identifying and explaining the effect of the reductions that were imposed when the Trustees adopted the Initial and 2011 Updated Rehabilitation Plans. Any reduction of adjustable benefits will not reduce the level of a participant's basic benefit payable at normal retirement age. In addition, the reductions may only apply to participants and beneficiaries whose benefit commencement date is on or after April 30, 2010, the date of the Notice of Critical Status was provided with respect to the initial critical year.

### **Adjustable Benefits**

The Plan has offered the following adjustable benefits which may be reduced or eliminated as part of any rehabilitation plan the Pension Plan may adopt:

Post-retirement death benefits;

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).

Elimination of these benefits has already taken effect for many participants and beneficiaries, as described in prior notices.

### **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. 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 the employer agrees to a collective bargaining agreement that implements the Rehabilitation Plan. The 5% surcharge was payable on contributions due on and after May 30, 2010, until December 31, 2010, and the 10% surcharge is payable with respect to periods after that, until a negotiated contribution rate that satisfies the Rehabilitation Plan goes into effect.

### **Where to Get More Information**

For more information about this Notice, you may contact Camille McMahon, at Administrative Services Only, Inc., P.O. Box 9010, 303 Merrick Road, Lynbrook, NY 11563-9010, Tel: 1-877-999-3555, Fax: 1-516-396-5593. You have a right to receive a copy of the Rehabilitation Plan from the Pension Fund.