



# ASBESTOS WORKERS LOCAL NO. 8 RETIREMENT TRUST PLAN

333 W. Vine Street • Suite 500  
Lexington, Kentucky 40507  
Toll Free 888-999-7741 • Fax 859-226-1191



## ASBESTOS WORKERS LOCAL NO. 8 RETIREMENT TRUST PLAN

### 2018 NOTICE OF CRITICAL AND DECLINING STATUS

*September 2018*

On August 29, 2018 the actuary for the Asbestos Workers Local No. 8 Retirement Trust Plan (“Plan”) certified to the U.S. Department of the Treasury and the Plan Sponsor (“Board of Trustees”) that the Plan is in “critical and declining status” for the 2018 Plan Year as defined by the *Multiemployer Pension Reform Act of 2014* (MPRA). The 2018 Plan Year began on June 1, 2018 and will end on May 31, 2019. Federal law requires that you receive this Notice.

#### Critical and Declining Status

The Plan was certified as being in critical and declining status for the 2018 Plan Year because the Plan’s actuary has determined that the Plan is projected to be insolvent within the next 20 years. Specifically, the Plan is projected to be insolvent in the 2029 Plan Year. Insolvent means that the Plan’s available resources will not be sufficient to pay benefits under the Plan during the Plan Year for which they are due. Such insolvency may result in benefit reductions.

#### Benefit Adjustments Under the Existing Rehabilitation Plan

In an effort to improve the Plan’s funding situation, the Board of Trustees adopted a rehabilitation plan. Since the Plan is not expected to emerge from critical status, the rehabilitation plan was updated to include the use of the “exhaustion of all reasonable measures” as allowed under the *Pension Protection Act of 2006* (PPA). This means that on an annual basis, the Board of Trustees will review updated projections based on reasonable actuarial assumptions to confirm that the rehabilitation plan is continuing to forestall insolvency and to determine if the Plan can expect to emerge from critical status at a later date. Scheduled progress will be determined based on the Plan continuing to forestall its insolvency.

The Plan Sponsor has taken a number of legally permitted actions to prevent insolvency. In 2016, the Board of Trustees adopted an updated rehabilitation plan that was ratified by the bargaining parties. The updated rehabilitation plan includes changes to the Plan’s Total and Permanent Disability benefits and death benefits, and the elimination of Trade Disability benefits and the fully subsidized Joint & 100% Survivor Annuity. In addition, the Plan is not permitted to pay any lump sum benefits or any other payment in excess of the monthly amount paid under a single life annuity. The Plan’s updated rehabilitation plan also calls for scheduled increases in the Plan’s hourly contribution rate.

If the Board of Trustees determines that further benefit reductions are necessary, you will receive a separate notice in the future explaining the effect of those reductions. Any reduction of adjustable benefits, **other than the possible benefit suspensions discussed below**, will not reduce the level of a participant’s basic benefit payable at normal retirement.

You can request a copy of the Plan's rehabilitation plan, any updates to such plan, and the actuarial and financial data that demonstrate any action taken by the Plan to forestall insolvency by contacting the Plan Administrator.

### **Possibility of Additional Benefit Adjustments ("Benefit Suspensions")**

Federal law allows the board of trustees of a multiemployer pension plan in critical and declining status to suspend benefits in order to avoid becoming insolvent. A suspension of benefits means a temporary or permanent reduction of current or future payment obligations of the plan to its participants, including those retirees and beneficiaries receiving monthly benefits from the plan at the time benefits are suspended, subject to the restrictions described below. Reductions in a participant's basic benefit payable at normal retirement may occur if benefits are suspended under MPRA.

As discussed below, even though the Plan is in critical and declining status, it has not yet met all of the conditions that would permit the Trustees to make benefit suspensions under MPRA. **Accordingly, the Plan has not implemented any benefit suspensions at this time. If the Board of Trustees determines that benefit suspensions are necessary, you will receive a separate notice in the future identifying and explaining any such benefit suspensions.**

There are several rules and conditions that must be satisfied before a plan is permitted to suspend benefits. For example, no benefit suspension may be implemented unless each of the plan's participants and beneficiaries are first notified of any potential suspensions and receive an individualized estimate describing the effect the suspension, if implemented, would have on their benefits. In addition, a plan must make an application to the Secretary of Treasury before any benefit suspensions can be made. An application cannot be submitted to the Secretary of Treasury unless the plan's actuary certifies that the plan is projected to avoid insolvency if benefits are suspended.

The Secretary of Treasury, in consultation with the Pension Benefit Guaranty Corporation (PBGC) and the Secretary of Labor, can approve, reject, or not provide comment on any benefit suspension applications that they receive. Plan participants are permitted to submit comments to the Federal government regarding any possible benefit suspensions, and a participant vote would be required before any suspension of benefits may take effect.

There are limitations and restrictions on benefits that may be suspended. For example, any suspension of accrued benefits may not reduce the level of a participant's benefit to less than 110% of the PBGC benefit guarantee level. There are also limits to the amount that benefits can be suspended for participants or beneficiaries who have attained age 75 as of the effective date of any benefit suspension. Participants or beneficiaries who have attained age 80 as of the effective date of any benefit suspension or who are receiving benefits based on disability (as defined under the Plan) may not have their benefits suspended.

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

For more information about this Notice, you can contact the Board of Trustees of the Asbestos Workers Local No. 8 Retirement Trust Plan, at UMR - Lexington Kentucky, 333 West Vine Street, Suite 500, Lexington, KY 40507, or by calling 859-226-1783. For identification purposes, the official Plan Number is 001 and the Plan Sponsor's Employer Identification Number, or "EIN", is 31-6131266. For more information about the PBGC, you can go to the PBGC's website at [www.pbgc.gov](http://www.pbgc.gov).