

SPECIAL NOTICE

For LOCAL 422 PENSION TRUST FUND

This special notice provides the information as required under section 204 of the Worker, Retiree, and Employer Recovery Act of 2008 ("WRERA"), relating to the actuarial certification of the funded status for the Local 422 Pension Trust Fund ("Plan"). This special notice is for the plan year beginning January 1, 2009 and ending December 31, 2009.

This notice is being provided to participants and other interested parties of the Local 422 Pension Trust Fund, Employer Identification Number: 34-1907614, Plan Number 001.

The Board of Trustees has made an election under Section 204 of WRERA to freeze the Plan's status under Internal Revenue Code ("Code") Section 432 as being neither in endangered nor critical status for the plan year beginning January 1, 2009.

However, if this election was not made under Section 204 of WRERA, the plan actuary has certified that the Plan is in a Critical funding status as that term is defined in Section 432 of the Code. The Plan is in a Critical status because it falls short on one or more funding criteria intended to measure its long-term ability to pay benefits.

This election applies only to the current 2009 plan year. The Plan's actuary is required to make a determination of the Plan's Codes Section 432 status each plan year. The Trustees will provide you with a notice of the Plan's Codes Section 432 status for the plan year beginning January 1, 2010 after the actuarial certification is made. In the event that the actuary determines that the Plan is in either endangered or critical status for the plan year beginning January 1, 2010, the Plan Sponsor will be required to take certain steps to improve the Plan's funding situation, which may include increases in contributions and/or reductions in future benefit accruals.

As stated above, without the WRERA 204 election to freeze the status of the Plan, this Plan would be considered in critical status for the plan year beginning January 1, 2009. If the Plan is also certified to be in critical status for the plan year beginning January 1, 2010, the Trustees will need to take a series of steps in order to improve the Plan's funding situation. The first step will be an immediate suspension of lump sum death benefit payments after a notice of critical status is received. Additionally, the plan must impose a surcharge on employer contributions beginning thirty days following the notice of critical status. Ultimately, the Trustees may have to adopt amendments to reduce early retirement benefits or other adjustable benefits for individuals who commence receiving benefit payments after the notice of critical status is provided.

You can obtain additional information relating to this special notice and the WRERA election by contacting Ms. Kristen Kenaga at the Fund Office at 3701 Bosworth Road, Room 109, Cleveland, OH 44111. The phone number is (216) 688-1844.