



EBSA/PUBLIC DISCLOSURE

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## Roofers' & Waterproofers' Local No. 44 Pension Plan

ADMINISTRATIVE OFFICE  
1651 East 24th Street  
Cleveland, OH 44114  
216/771-8220 • Fax 216/771-1481



August 24, 2009

### **SENT VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

U.S. Department of Labor  
Employee Benefits Security Administration  
Public Disclosure Room, N-1513  
200 Constitution Ave., N.W  
Washington, D.C. 20210

RE: Notice Pursuant to Section 204(c)(2)(A)(ii) of the Worker, Retiree, and Employer Recovery Act of 2008 for the Roofers and Waterproofers Local No. 44 Pension Plan

Dear Sir/Madam:

The Board of Trustees of the Roofers and Waterproofers Local No. 44 Pension Plan has elected the one-year freeze under Section 204 of WRERA. In accordance with notice procedures set forth in Notice 2009-31 you are being furnished with a copy of the notice required under Section 204(c)(2)(A)(ii).

If you have any questions about this notice or the election made by the Board of Trustees please do not hesitate to call.

Regards,

Sandra Mazelis  
Administrator

**ROOFERS & WATERPROOFERS LOCAL 44  
PENSION PLAN  
1651 East 24<sup>th</sup> Street, Cleveland, Ohio 44114  
216-771-8220 Fax 216-771-1481**

**SPECIAL NOTICE OF FUNDED STATUS OF PENSION PLAN**

**August 17, 2009**

**TO: Participants and beneficiaries, bargaining parties, The Pension Benefit Guaranty Corporation, and the Secretary of Labor**

**FROM: Board of Trustees of the Roofers' and Waterproofers' Local No. 44 Pension Plan**

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**BACKGROUND**

This notice contains important information about the Roofers' and Waterproofers' Local No. 44 Pension Plan, E.I.N. 34-6611397, Plan Number 001. Based on funding criteria set forth in the Internal Revenue Code, multiemployer pension plans are required – beginning with the 2008 plan year – to be certified by their actuaries as being in one of three funded status zones:

- *Neither Endangered nor Critical* (unofficially called the "Green Zone")
- *Endangered* (unofficially called the "Yellow Zone")
- *Critical* (unofficially called the "Red Zone")

While trustees of Green Zone plans must continue to exercise diligence to protect the funded position of their plans, the law does not require them to take any specific actions or adopt particular programs to maintain or improve plan funding. On the other hand, trustees of plans that are not in the Green Zone must take specific actions spelled out in the law, including the adoption of a "Funding Improvement Plan" for plans in endangered status or a "Rehabilitation Plan" for plans in critical status that are designed to restore the plans to Green Zone status over a period of time. For example, a plan in endangered status may reduce or eliminate future benefits or recommend that the bargaining parties negotiate additional employer contributions.

Recognizing that the value of the assets, and therefore the funding, of almost all pension plans has declined due to the impact of the current economic crisis, Congress passed the *Worker, Retiree and Employer Recovery Act of 2008 (WRERA)*. The law allows multiemployer plan trustees take more time to devise a plan of action for dealing with these issues by giving them the option to keep their plan in its 2008 plan year's zone status for one more year – regardless of the plan's actual funded status for the 2009 plan year.

## **2008 PLAN YEAR CERTIFICATION**

The Plan's actuary certified the Plan's zone status for the May 1, 2008 through April 30, 2009 plan year to be neither endangered nor critical ("Green Zone").

## **2009 PLAN YEAR CERTIFICATION**

For the May 1, 2009 through April 30, 2010 plan year, the Plan's actuary has certified the Plan to be endangered ("Yellow Zone").

## **ELECTION TO CONTINUE IN THE 2008 PLAN YEAR ZONE STATUS**

In accordance with section 204(a) of WRERA, the Trustees have elected to "freeze" the Plan's 2008 Plan Year Green Zone status and have it apply to the May 1, 2009 through April 30, 2010 Plan Year. Therefore, while the Trustees may take certain actions to improve the funding position of the Plan, they will not adopt a Funding Improvement Plan at this time.

Please be advised that the freezing of the Plan's 2008 plan year Green Zone status does not extend beyond April 30, 2010. By July 30, 2010, the Plan's actuary will again certify its funded status and zone classification. If the Plan is certified to be in either endangered or critical status at that time, within 30 days after the date of certification, you will be sent a notice similar to this one explaining the Plan's zone status and actions that the Trustees may be required to take under the law to improve the funded status of the Plan. These actions may include increases in contributions and reductions in future benefit accruals.

## **WHAT'S NEXT?**

We understand that legally required notices like this one can create concern about the Trust's future. Be assured that the Board of Trustees takes its obligation to preserve the financial viability of the Trust very seriously. With the assistance of the Plan's actuary, legal counsel and other professionals, and working with the contributing employers and the Union, the Trustees will continue to work towards strengthening the funded position of the Plan.

Since the Plan is influenced by economic and financial variables beyond our control (e.g., market volatility and changes in employment and/or the number of contributing employers), unexpected developments can affect the Plans funded status. The Board of Trustees is continuously monitoring and reviewing the Plan's progress with its professional advisors.

## **QUESTIONS?**

For more information about this notice or the Plan, contact Ms. Sandra Mazelis, the Administrator, at (216)771-8220 or by mail at 1651 East 24th Street, Cleveland, Ohio 44114.

Sincerely,

Board of Trustees