

PLAN MANAGER  
Gary Muckenthaler, CPA

**KANSAS CONSTRUCTION TRADES  
FRINGE BENEFIT FUNDS**

P.O. BOX 5168  
TOPEKA, KANSAS 66605-0168

4101 SW SOUTHGATE DR.  
TOPEKA, KANSAS 66609-1227

09/11/09 8:51

PHONE: (785) 267-0140  
TOLL FREE: 1-800-432-3595  
FAX: (785) 267-9514



Pension Benefit Guaranty Corporation  
Multiemployer Program Division  
1200 K Street, N.W., Suite 930  
Washington, D.C. 20005

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

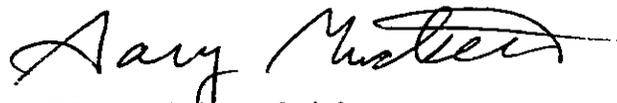
**Re: Special Election under Section 204 of the  
Worker, Retiree, and Employer Recovery Act of 2008 (WRERA)  
Kansas Construction Trades Open End Pension Trust**

Dear Sir or Madam:

Enclosed please find the below-referenced Plan's Section 204(c)(2)(A)(ii) Notice.

Plan Name: Kansas Construction Trades Open End Pension Trust  
EIN: 48-6171387  
Plan No.: 001  
Plan year of Certification: Year beginning January 1, 2009  
Plan Sponsor: Board of Trustees of Kansas Construction Trades Open End Pension Trust  
Sponsor Address: 4101 Southgate Drive, Topeka, KS 66609  
Sponsor Telephone: (785) 267-0140

Sincerely,

  
Gary Muckenthaler, Administrator

HEALTH AND WELFARE FUND • TRUSTEES • PENSION

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Matt Flerlage  
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Mitchell Rowley - Co-Chairman

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Clay Rodgers

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Mike McGivern  
Steve Mohan  
Lonnie L. Paquette  
Corey Peterson - Ex Officio

**NOTICE OF PLAN ELECTION  
TO MAINTAIN 2008 FUNDING STATUS DURING 2009**

The Kansas Construction Trades Open End Pension Trust, EIN 48-6171387, Plan No. 001, is required by law to send you this notice concerning its election to maintain its 2008 funding status during 2009.

In 2008, the Plan was in neither endangered nor critical funding status; instead, the Plan was in what is commonly called "the green zone." The Board of Trustees made an election under Section 204 of the Worker, Retiree and Employer Recovery Act of 2008 to maintain that green zone status during 2009. As a result, the Plan will be treated as being in neither endangered nor critical status for the fiscal plan year beginning on January 1, 2009.

The Plan's actuaries have certified the Plan's actual 2009 funding status to be critical (what is commonly called "the red zone"). This means that the Plan's status would be critical (or in the "red zone") during 2009 if the Trustees had not elected to stay in the green zone during 2009.

The election to remain in the green zone applies only to the 2009 plan year. If the Plan is certified to be in endangered or critical status during the 2010 plan year, you will receive a notice from the Plan informing you of the Plan's status for 2010 and of the steps that will have to be taken to improve the Plan's funding situation. Those steps may include increases in contributions and reductions in future benefit accruals.

If the Plan is certified to be in critical status (in the "red zone") in 2010, the steps that will have to be taken to improve the Plan's funded situation will include a surcharge on employer contributions and a suspension of the payment of lump sums and similar accelerated distributions for individuals who commence receiving benefits after notice is provided of the plan's critical status, and may include amendments to reduce early retirement benefits or other adjustable benefits for such individuals.

You may obtain further information about the Trustees' funding status election by calling the Plan Administrator of the Kansas Construction Trades Open End Pension Trust at (785) 267-0140 or by mailing a letter to:

Gary Muckenthaler, Administrator  
Kansas Construction Trades Open End Pension Trust  
4101 Southgate Drive  
Topeka, KS 66609  
[gary@kct.kscoxmail.com](mailto:gary@kct.kscoxmail.com)