



## ***AMERICA'S FAMILY BENEFIT PLANS***

William W. Ochocinski - Administrator  
Michelle L. Dixon - Assistant Administrator



April 29, 2008

US Department of Labor  
Employee Benefits Security Administration  
Employee Disclosure Room, N-1513  
200 Constitution Avenue, NW  
Washington, DC 20210

Gentlemen:

Please find enclosed copy of the Notice of Critical Status which will be forwarded to all plan participants and participating employers.

Yours truly,

A handwritten signature in cursive script that reads "will-w. Ochocinski".

William W. Ochocinski  
Administrator

WWO:md  
Enc.

**Notice of Critical Status  
For America's Family Defined Benefit Plan**

This is to inform you that on March 28, 2008 the plan actuary certified to the U.S. Department of the Treasury, and also to the plan sponsor, that the plan is *in* critical status for the plan year beginning January 1, 2008. Federal law requires that you receive this notice.

**Critical Status**

The plan is considered **to be** in critical status because it has funding or liquidity problems, or both. More specifically, the plan's actuary determined that the plan has an accumulated funding deficiency for the current plan year.

**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. The law permits pension plans to reduce, or even eliminate, benefits called "adjustable benefits" as part of a rehabilitation plan. If the trustees of the plan determine that benefit reductions are necessary, you will receive a separate notice in the future identifying and explaining the effect of those reductions. Any reduction of adjustable benefits (other than a repeal of a recent benefit increase, as described below) will not reduce the level of a participant's basic benefit payable at normal retirement. In addition, the reductions may only apply to participants and beneficiaries whose benefit commencement date is on or after *April 25, 2008*. But you should know that whether or not the plan reduces adjustable benefits in the future, effective as of *April 25, 2008* the plan is not permitted to pay lump sum benefits (or any other payment in excess of the monthly amount paid under a single life annuity) while it is in critical status.

**Rehabilitation Plan**

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 first year the plan has been in critical status. The law permits pension plans to reduce, or even eliminate, benefits called "adjustable benefits" as part of a rehabilitation plan.

**Adjustable Benefits**

The plan offers the following adjustable benefits, which may be reduced or eliminated as part of any rehabilitation plan the pension plan may adopt;

Disability benefits (if not yet in pay status);  
Other similar benefits, rights, or features under the plan such as the termination benefit which may be paid in a lump sum.

### **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. With some exceptions, 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.

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

For more information about this Notice, you may contact the Fund Office at 35 George Karl Blvd. Suite 300, Buffalo, NY 14221 or call (716) 631-2210. You have a right to receive a copy of the rehabilitation plan from the plan.