



**SOUTHWESTERN PENNSYLVANIA AND WESTERN MARYLAND AREA  
TEAMSTERS & EMPLOYERS PENSION FUND**

TEAMSTER BUILDING • 112 MORGANTOWN STREET • UNIONTOWN, PENNSYLVANIA 15401  
PHONE: 724-438-0512 • FAX: 724-438-4870

September 23, 2008

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

Dear Sirs:

Please find enclosed the Notice of Critical Status for Southwestern Pennsylvania and Western Maryland Area Teamsters and Employers Pension Fund in accordance with the Pension Protection Act of 2006.

If you should have any questions, please feel free to contact this office.

Sincerely,

Vito Dragone, Jr.  
Secretary/Board of Trustees

VDJ:dmc  
Enclosure

cc: Board of Trustees  
Joseph Vater, Jr., Esquire  
Peter M. Karapelou, Beyer-Barber Company  
Frank DiClaudio, McElhaney & DiClaudio

## Notice of Critical Status For

### Southwestern Pennsylvania and Western Maryland Area Teamsters and Employers Pension Fund

This is to inform you that on August 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 July 1, 2008. Federal law, the Pension Protection Act of 2006, 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 a projected 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 September 24, 2008. But you should know that whether or not the plan reduces adjustable benefits in the future, effective as of September 24, 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.

#### **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:

- Post-retirement death benefits;
- Sixty-month payment guarantees;
- Disability benefits (if not yet in pay status);
- Early retirement benefit or retirement-type subsidy;
- Benefit payment options other than a qualified joint-and survivor annuity (QJSA);
- Recent benefit increases (i.e., occurring in past 5 years);
- Other similar benefits, rights, or features under the plan {provide identification}

---



---



---

#### **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 Denise Celaschi at 724-438-0512 or 112 Morgantown Street, Uniontown, PA 15401. You have a right to receive a copy of the rehabilitation plan from the plan.