

EBSA/PUBLIC DISCLOSURE  
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## Notice of Critical Status For Sheet Metal Workers Local No. 20 South Bend Area Pension Plan

This is to inform you that on September 28, 2009 the plan actuary certified to the Board of Trustees, that the Plan remains in critical status for the plan year beginning July 1, 2009.

### 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 will have an accumulated funding deficiency (when extensions under Internal Revenue Code Section 412 (e) and 431(d) are not taken into account) for the plan year ending June 30, 2010.

### 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. The Plan trustees have determined that benefit reductions are necessary and a separate notice identifying and explaining the effect of these reductions is attached. In addition, these reductions may only apply to participants and beneficiaries whose benefit commencement date is on or after October 26, 2008. Also, effective as of October 26, 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 following adjustable benefits have been reduced or eliminated as part of the rehabilitation plan:

- Thirty-six-month payment guarantees;
- Early retirement subsidy for employees who leave the unionized sheet metal industry prior to reaching retirement age; and
- Lump sum death benefit.

### Rehabilitation Plan Progress

As of the date of this notice the bargaining parties have agreed to a Collective Bargaining Agreement containing the elements of a Rehabilitation Plan. Because the Rehabilitation Plan was adopted in September, 2009, it is not yet possible to certify whether or not progress has been made in meeting the rehabilitation plan.

### Where to Get More Information

For more information about this Notice, you may contact the Trustees at Stewart C. Miller Co., 2111 West Lincoln Highway, Merrillville, IN 46410 5334, 800.759.6944. You have a right to receive a copy of the rehabilitation plan from the Plan once it is adopted.