

OCTOBER 28, 2010

Notice of Critical Status for the

**PENSION PLAN OF THE PENSION FUND OF AMALGAMATED, INDUSTRIAL AND  
TOY & NOVELTY WORKERS OF AMERICA, LOCAL 223 EIN 13-1798229 PN 001**

for Plan Year Beginning July 1, 2010

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**Pension Plan of the Pension Fund of Amalgamated, Industrial and  
Toy & Novelty Workers of America, Local 223  
EIN 13-1798229 PN 001**

for Plan Year Beginning July 1, 2010

**General**

In accordance with Federal law, this Notice is to inform you that on September 28, 2008 and on September 28, 2009 the actuary for the Pension Plan of the Pension Fund of Amalgamated, Industrial and Toy & Novelty Workers of America, Local 223 has 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 on July 1, 2010.

The Plan is considered to be in critical status by recently enacted Federal legislation because it is projected to have funding problems in upcoming years. More specifically, the Plan's actuary has determined that the Plan is projected to have an "accumulated funding deficiency" in one of the next six plan years. In addition, the sum of the plan's normal cost and interest on the unfunded benefits for the current plan year exceeds the present value of all expected contributions for the year, the present value of vested benefits for inactive participants is greater than the present value of vested benefits for active participants and 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, monitor and (if necessary) modify a rehabilitation plan aimed at restoring the financial health of the plan. The law permits pension plans to reduce or even eliminate certain 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 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 **October 28, 2008**. But you should know that whether or not the plan reduces adjustable benefits in the future, effective as of **October 28, 2008**, the Plan is not permitted to pay lump sum benefits (or any other payment in excess of the monthly amount paid or

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payable under a single life annuity) while it is in critical status.

The Plan offers the following adjustable benefits, which may be reduced or eliminated as part of a rehabilitation plan that the Pension Plan may adopt:

1. Early retirement benefits; and
2. Any benefit payment option other than a qualified joint and survivor annuity.

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. It should be noted, however that these surcharges are completely superseded by any negotiated contributions that conform to the Rehabilitation Plan.

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

For more information about this Notice, you may contact the pension fund office at 147 East 26 th Street, New York, NY 10011. The office phone number is: (212) 889-8180. You also have a right to receive a copy of the rehabilitation plan, once it is adopted.

Esta noticia contiene informacion en ingles de sus derechos bajo Local 223 Pension Fund. Si tiene dificultad entendiendo cualquier parte de este anuncio, llame a la oficina 212-889-8180.

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