

# LOCAL UNION NO. 90, I.B.E.W. PENSION FUND

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## Notice of Plan Funding Status

April 30, 2010

Participants, Beneficiaries, Contributing Employers and I.B.E.W. Local Union No. 90:

As you now know, the Pension Protection Act of 2006 (PPA) added requirements for measuring the financial health of multiemployer pension funds such as ours. Annually, the Pension Fund's actuary must determine the Fund's financial status under the new rules and certify that status to the IRS and the Trustees. If the Fund's status for a plan year is either "endangered" (known as the yellow zone) or "critical" (known as the red zone), the Trustees must notify all participants, employers, unions and other parties of this certification in writing, as well as take corrective action to address the financial health of the Pension Fund.

### Fund's Status – Red Zone

On March 31, 2010, our actuary certified the Pension Fund as being in critical status (the red zone) for the plan year beginning January 1, 2010. This was true for the prior two years, as well. This is based on the actuary's determination that the Pension Fund is projected to have a funding deficiency within four years. This means that contributions are not expected to be high enough to meet government standards for funding promised benefits plus those that participants are currently earning.

### Rehabilitation Plan

The Pension Protection Act requires a pension fund in the red zone to adopt a "rehabilitation plan" that is designed to restore the financial health of the fund. The Board of Trustees adopted a rehabilitation plan on April 24, 2008. As required by the law, a notice describing the Pension Fund's rehabilitation plan was provided to the bargaining parties and participants within 30 days of its adoption. In acknowledgement of the economic downturn, Congress passed the Worker, Retiree and Employer Recovery Act of 2008 (WRERA), which permitted plans that were in critical status in 2009 to extend the remedial period covered by the rehabilitation plan by three additional years. The Trustees elected to utilize this option. The Trustees will be reviewing the rehabilitation plan annually and updating it as appropriate. An updated rehabilitation plan may revise the Pension Fund's benefits and/or future contributions as the law permits.

### Pension Fund Plan Changes

The rehabilitation plan adopted April 24, 2008 made various changes to plan provisions in order to improve the financial health of the Fund. The Board of Trustees agreed to plan changes. In addition, Local No. 90 and contributing employers agreed to future contribution rate increases as set forth under the rehabilitation plan. The Pension Fund sent you a notice describing those changes on April 25, 2008. The changes apply to active, terminated vested participants who retire on and after June 1, 2008 and pensioners whose benefits started after January 1, 2008. The changes include the elimination of some of the Early Retirement subsidies.

## **Employer Surcharge**

The law requires that all contributing employers pay to the Fund a surcharge to help correct the Pension Plan's financial situation. The contribution surcharge ceases when bargaining parties agree to a collective bargaining agreement that implements the rehabilitation plan. The I.B.E.W. Local Union No. 90 Pension Fund bargaining parties have reached an agreement to implement the Alternative Schedule of the rehabilitation plan. Because this agreement was reached prior to May 25, 2008, surcharges were not imposed.

Under the Alternative Schedule, the current collective bargaining agreement that runs through May 2010 was amended to allocate an additional \$1 to the contribution rate to the Pension Fund effective June 1, 2008, and increasing again by \$1 to \$6.35 per hour effective June 1, 2009.

The Alternative Schedule also provides that the next bargaining agreement will allocate an additional \$1 per hour to the Pension Fund contribution rate effective June 1, 2010, and an additional \$1 per hour effective June 1, 2011. The Alternative Schedule provides for a total increase of \$4 per hour and brings the total hourly contribution rate to \$8.35 per hour as of June 1, 2011. We will be re-testing the Pension Fund's financial position every year. Depending on what happens with the Fund's investments, the pattern of retirements, the level of employment and other financial factors, the Board of Trustees may need to revisit the rehabilitation plan and the requirements before the 2010 bargaining agreement is in place.

## **What's Next**

We understand that legally required notices like this one can create anxiety and concern about the Pension Fund's future. The Board of Trustees will continue to take the appropriate actions necessary to improve the financial health of the Fund so that retirement benefits for participants and their families are secure into the future.

For more information about this notice or a copy of the rehabilitation plan, contact the Fund Office at the address or phone number listed at the top of this letter.

Sincerely,

Board of Trustees

*As required by law, this notice is being provided to the Pension Benefit Guaranty Corporation (PBGC) and the Department of Labor.*