

## NOTICE OF CRITICAL STATUS

### CENTRAL NEW YORK LABORERS PENSION FUND

(E.I.N. No.: 15-6016579; Plan No.: 001)

October 28, 2011

To: Central New York Laborers Pension Fund Participants and Beneficiaries  
Laborers International Union of North America, Local No. 633,  
Independent Contributing Employers, and Multiemployer Bargaining Associations

This is to inform you that on September 28, 2011 the plan actuary certified to the U.S. Department of the Treasury, and also to the plan sponsor, that the Central New York Laborers Pension Fund ("Fund" of "Plan") is in critical status for the plan year beginning July 1, 2011. Federal law requires that you receive this Notice.

#### Critical Status

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

#### Rehabilitation Plan

Federal law requires that pension plans in critical status adopt a rehabilitation plan aimed at restoring the financial health of the plan. This is the second year the Fund 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. On December 1, 2010, you were notified that the Plan reduced or eliminated adjustable benefits. On October 27, 2010, you were notified that as of October 27, 2010 the Fund 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. If the trustees of the Plan determine that further 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 (non-adjustable) 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 27, 2010.~~

#### Adjustable Benefits

The Fund offers the following adjustable benefits which may be reduced or eliminated as part of any rehabilitation plan the pension plan may adopt: (i) Post-retirement death benefits; (ii) Disability benefits (if not yet in pay status); (iii) Early retirement benefits; (iv) Benefit payment options other than a qualified joint-and survivor annuity ("QJSA"); and (v) sixty-month payment guarantee.

## **Employer Surcharge**

The law requires that all contributing employers pay to the Fund 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 Fund 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 Fund is in critical status.

The Trustees have been advised that certain of the bargaining parties have consummated contracts that include contributions required by the 2010 Rehabilitation Plan. When such agreements are timely implemented, any applicable surcharge will not be levied concerning the applicable employers.

### **WHERE TO GET MORE INFORMATION**

For more information about this Notice, you may contact:

Central New York Laborers Pension Fund  
Janet Moro, Fund Administrator  
7051 Fly Road  
East Syracuse, New York 13057-9659  
Telephone: (315) 434-9305

You have a right to receive a copy of the rehabilitation plan from the Fund.

**CENTRAL NEW YORK LABORERS  
PENSION FUND BOARD OF  
TRUSTEES**

cc: United States Department of Labor  
Employee Benefits Security Administration  
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