



1 Wall Street · Burlington, Massachusetts 01803-4768
Telephone 781-345-4400 · Fax 781-345-4402
Toll Free Telephone Number 800-447-7709

Union Trustees

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January 2012

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NOTICE OF CRITICAL STATUS

Under federal pension law a plan generally will be considered to be in “endangered” status if, at the beginning of the plan year, the funded percentage of the plan is less than 80 percent or in “critical” status if the percentage is less than 65 percent (other factors may also apply). If a pension plan enters endangered status, the Trustees of the plan are required to adopt a funding improvement plan. Similarly, if a pension plan enters critical status, the Trustees of the plan are required to adopt a rehabilitation plan. Rehabilitation and funding improvement plans establish steps and benchmarks for pension plans to improve their funding status over a specified period of time.

On December 29, 2011, the Fund's Actuary certified to the U.S. Department of the Treasury and to the Board of Trustees that the Fund will be classified in the critical status category for the 2011 - 2012 Plan Year due to an expected funding deficiency for the current year. Further the Fund was in Critical Status last year and, over the next 9 years, the Fund is expected to have an accumulated funding deficiency for all years.

The law permits pension plans in critical status to reduce, or even eliminate, benefits called “adjustable benefits” as part of a rehabilitation plan. The Fund offers early retirement subsidies, disability benefits (not yet in payment) and death benefits other than the Qualified Survivor benefits which are considered “adjustable benefits”. The Trustees did eliminate some “adjustable benefits” as part of the current rehabilitation plan. If the Trustees 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 will not reduce the level of a participant’s basic benefit payable at normal retirement. For participants and beneficiaries who were already drawing a monthly pension on January 15, 2009, that pension benefit continues to be a protected benefit, which may not be altered or modified in any way.

In an effort to improve the Pension Fund’s funding situation, the Trustees adopted a Rehabilitation Plan on January 15, 2009. The Trustees extended the effective date of the Rehabilitation Plan through December 31, 2011. An updated Rehabilitation Plan is expected to be adopted by the Trustees during 2012.

You may obtain a copy of the Pension Fund’s Rehabilitation Plan and the actuarial and financial data that demonstrate any action taken by the plan toward fiscal improvement by contacting the plan administrator. Or you may obtain this information directly from the Pension Fund’s website on the internet at <http://www.nettipf.com>.