

LOCAL 807 LABOR-MANAGEMENT HEALTH & PENSION FUNDS

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Notice of Critical Status Local 807 Labor Management Pension Fund

December 17, 2012

Participants, Beneficiaries, Contributing Employers and Teamsters Local 807:

This is to inform you that on November 29, 2012, the actuaries for the Local 807 Labor Management Pension Fund, (the "Fund") certified to the U.S. Department of the Treasury and to the Board of Trustees that the Fund is in critical status for the plan year beginning September 1, 2012. Federal law requires that you receive this notice.

Introduction

The Pension Protection Act ("PPA"), signed into law in 2006, is intended to improve the financial condition of pension funds. The Act introduced several formal safeguards and controls and added notification requirements for Trustees to share more information about a fund's financial circumstances with participants, contributing employers and others directly related to the pension plan.

Many of the Act's provisions relate to funding, which, in simplest terms, is how much a pension plan has coming in, going out, and what is in reserve (or "in the bank") for the future. The safeguards are intended to create more discipline to prevent future funding problems and correct those that have already developed.

The Act requires us to test the Fund annually to classify its funding status. Standardized measurements are established for classifying pension plans based on their funding issues. Funds that are in "seriously endangered" or "endangered" status (also referred to as yellow zone) or "critical" status (or, red zone) must notify all fund participants, beneficiaries, unions, and contributing employers of the fund's status, as well as take corrective action to restore the fund's financial health.

Fund's Status – Red Zone

The Fund is in critical status (red zone) as of September 1, 2012 as a result of the actuary's determination that:

- The Fund is projected to have an accumulated funding deficiency in four years. This means that contributions to the fund are not expected to be sufficient to meet government standards for funding promised benefits plus those benefits that participants are currently earning.

Rehabilitation Plan

The Act requires that a fund in the red zone adopt a Rehabilitation Plan designed to enable the fund to improve its funded position so that, over time, it will be able to meet the statutory funding requirements. This is the third year the plan 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 November 29, 2010, you were notified that the plan is not permitted to pay lump sum benefits (or any other payment in excess

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of the monthly amount paid under a single life annuity) while it is in critical status. On June 14, 2011 the Board of Trustees adopted a Rehabilitation Plan, which included the reduction and/or elimination of some adjustable benefits under the Plan. You received a separate notification identifying and explaining the effect of those benefit changes. 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 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 November 29, 2010.

In addition to revising the formula for future benefit accruals and making similar changes, under the PPA a Rehabilitation Plan may eliminate or reduce "adjustable benefits". Adjustable benefits include:

- » Pre and Post-retirement death benefits;
- » Disability benefits (if not yet in pay status);
- » Early retirement benefit or retirement-type subsidy;
- » 60 month payment guarantee; and
- » Benefit payment options other than a qualified joint-and survivor annuity (QJSA).

The level of benefits already earned that are payable at normal retirement age as a single life or qualified joint and survivor annuity cannot and will not be reduced under these PPA rules. Any reductions pursuant to the Rehabilitation Plan will apply only to participants and beneficiaries whose benefit commencement date is after August 31, 2011.

Employer Surcharge

The law requires that all contributing employers pay to the Fund a surcharge to help correct the Fund's financial situation beginning 30 days after the employer is notified that the plan is in critical status. The surcharge is a percentage of the employer's negotiated contribution rate. A 5% surcharge is applicable during the first year in critical status. The surcharge goes up to 10% for each succeeding plan year in which the Fund is in critical status, until the employer agrees to a collective bargaining agreement that implements one of the schedules in the Rehabilitation Plan.

What's Next

We understand that legally required notices like this one can create concern about the Fund's future. Be assured that the Board of Trustees takes its obligation to preserve the financial viability of the Fund very seriously. With the assistance of the Fund's actuaries, counsel and other professionals, and working with the contributing employers and the Union, the Trustees have developed a Rehabilitation Plan that addresses these issues. You should know that we expect that both contribution increases and benefit reductions will be necessary in order to improve the Fund's serious financial condition.

As a final note, since the Pension Plan is influenced by economic and financial variables beyond our control (such as market volatility and changes in employment and/or the number of contributing employers), unexpected developments can affect the Fund's status and any future corrective actions needed. The Trustees, along with its professional advisors, will review the Fund's progress periodically and assess whether future changes to the recommended contribution and benefit schedules are needed.

For more information about this notice or the Fund, please 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 U.S. Department of Labor.