

ALUMINUM, BRICK & GLASS WORKERS UNION, AFL-CIO, CLC

EASTERN DISTRICT COUNCIL NO. 12 PENSION PLAN

P. O. BOX 218, SHILLINGTON, PA 19607-0218

610-775-0812 PHONE

NOTICE OF CRITICAL STATUS

This is to inform you that on March 30, 2016 the plan actuary 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 January 1, 2016. Federal law requires that you receive this notice.

**Critical Status**

The plan is considered to be in critical status because it has funding or liquidity problems, or both. More specifically, the plan's actuary determined that the plan has an accumulated funding deficiency for the current plan year without consideration of an extension of certain amortized liabilities. It is important to note that the plan is not in the newly created classification of "critical and declining" status because plan assets are not projected to be exhausted at any point in the future.

**Rehabilitation Plan**

Federal law requires pension plans in critical status to adopt a rehabilitation plan aimed at restoring the financial health of the plan. This is the 9<sup>th</sup> 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 April 25, 2008, you were notified that the plan may reduce or eliminate adjustable benefits and that the plan 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. On October 20, 2008, the Trustees adopted a Rehabilitation Plan and on December 15, 2008, you were notified of certain benefit reductions adopted in that plan. 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 benefit payable at normal retirement. In addition, the reductions may only apply to participants and beneficiaries whose benefit commencement date is on or after April 25, 2008.

**Adjustable Benefits**

The plan offers the following adjustable benefits which may be reduced or eliminated as part of any rehabilitation plan the pension plan may adopt:

- Post-retirement death benefits  
(currently \$10 times a participant's accrued months of credited service);
- Pre-retirement lump sum death benefits  
(currently \$10 times a participant's accrued months of credited service);
- One hundred-twenty-month payment guarantees;
- Disability benefits (if not yet in pay status);
- Early retirement benefit (a benefit which is not actuarially reduced for commencement prior to normal retirement age) or other retirement-type subsidy;
- Benefit payment options other than a qualified joint-and survivor annuity (QJSA);
- Recent benefit increases (i.e., occurring in past 5 years);

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### **Employer Surcharge**

While a Fund is in critical status, the law requires that all contributing employers either comply with one of the contribution increase schedules of the Rehabilitation Plan or pay to the Pension Fund a surcharge to help correct the Pension Fund'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. A 10% surcharge is applicable for this plan year and for each succeeding year while the Fund is in critical status until such time as one of the contribution increase schedules is adopted. Since all contracts have adopted contribution increases in accordance with the Rehabilitation Plan, no contribution surcharge is due at this time.

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

For more information about this Notice, you may contact Kel-Lee Wallace at P.O. Box 218, Shillington, PA, 19607 or by telephone at 610-775-0812. You have a right to receive a copy of the rehabilitation plan from the plan.