



## UMWA HEALTH AND RETIREMENT FUNDS

2121 K Street, NW • Suite 350 • Washington, DC 20037 • Telephone: 800.291.1425

October 28, 2015

U.S. Department of Labor  
Employee Benefits Security Administration  
Public Disclosure Room, N-1513  
200 Constitution Avenue, NW  
Washington, DC 20210

Re: United Mine Workers of America 1974 Pension Plan

EIN: 52-1050282

Plan No.: 002

To Whom it May Concern:

Enclosed please find a Notice of Zone Status for the plan year beginning July 1, 2015, which was sent to all participants and beneficiaries of the UMWA 1974 Pension Plan on October 28, 2015.

Sincerely,

A handwritten signature in black ink that reads "Lorraine Lewis".

Lorraine Lewis  
Executive Director

LL/COD/cod

Enclosure

**Notice of Zone Status**  
**United Mine Workers of America 1974 Pension Plan**  
**EIN: 52-1050282**  
**Plan No.: 002**

This is to inform you that on September 28, 2015 the actuary for the UMWA 1974 Pension Plan ("Plan") certified to the U.S. Department of the Treasury and the Plan Sponsor that the Plan is in critical and declining status for the plan year beginning July 1, 2015. Federal law requires that you receive this notice.

### **Critical and Declining Status**

Critical and declining status is a new category of funding status created by the Multiemployer Pension Reform Act of 2014. The Plan is considered to be in critical and declining status because the Plan's actuary determined that the Plan is in critical status and is projected to become insolvent during the 2025-2026 plan year.

### **Rehabilitation Plan and Possibility of Reduction in Benefits**

Federal law requires pension plans in critical status to adopt a rehabilitation plan aimed at restoring the financial health of the plan or forestalling possible insolvency. The law permits pension plans to reduce, or even eliminate, benefits called "adjustable benefits" as part of a rehabilitation plan. If the plan sponsor determines that benefit reductions are necessary, you will receive a separate notice in the future identifying and explaining the effect of those reductions. Effective October 28, 2014, the Plan's lump sum death benefit was reduced to \$5,000 for eligible beneficiaries. The UMWA and BCOA adopted a Rehabilitation Plan on February 26, 2015. The rehabilitation period is July 1, 2017 through June 30, 2027, or the date the actuary certifies that the Plan has emerged from critical status.

### **Adjustable Benefits**

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

- Post-retirement death benefits
- Disability benefits (if not yet in pay status)
- Early retirement benefit or retirement-type subsidy
- Benefit payment options other than a qualified joint and survivor annuity (QJSA)
- Benefit increases that occurred in the past 5 years

In addition, under the Multiemployer Pension Reform Act of 2014, the plan sponsor of a plan in critical and declining status may under certain circumstances apply to the Secretary of the Treasury for approval of a suspension of benefits in the future if certain conditions are satisfied and subject to certain limitations. Among other things, only limited reductions may be made to beneficiaries between the ages of 75 and 80, and no reductions may be made for disability pensioners and beneficiaries who are age 80 or older.

**The Rehabilitation Plan adopted by the UMWA and BCOA provides for no reductions in benefits (other than the death benefit) during the term of the current NBCWA. Beginning January 1, 2017, benefit levels will be subject to collective bargaining.**

### **Employer Surcharge**

The law requires that all contributing employers pay to the Plan 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 Plan under its 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 Plan is in critical status.

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

For more information about this Notice, you may contact the UMWA Health & Retirement Funds' Call Center toll free at 1-800-291-1425, option 3. If you would prefer to send written correspondence about this notice, you may send it to the Board of Trustees, UMWA 1974 Pension Trust, 2121 K Street NW Suite 350, Washington DC 20037. You have a right to receive a copy of the rehabilitation plan from the Plan.

