

NOTICE OF CRITICAL AND DECLINING STATUS

FOR UTWA NJ UNION EMPLOYER PENSION PLAN

EBSA/PUBLIC DISCLOSURE

2017 APR 25 AM 10:23

This is to inform you that, on March 31, 2017, the plan actuary certified to the U.S. Department of the Treasury, and also to the Board of Trustees, the Plan is in critical and declining status for the plan year beginning January 1, 2017. Federal law requires that you receive this notice.

Critical Status

The Plan is considered to be in critical and declining status because it has funding or liquidity problems, or both. More specifically, the Plan's actuary determined that: 1) the Plan is projected to have an accumulated funding deficiency for the plan year beginning January 1, 2017 and 2) the Plan is projected to become insolvent in 2023.

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 seventh 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 30, 2011, you were notified that the Plan reduced or eliminated adjustable benefits. On April 30, 2010, you were notified that as of April 30, 2010 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. 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) 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 30, 2010.

Adjustable Benefits

The rehabilitation plan adopted on November 5, 2010 eliminated all adjustable benefits.

Employer Surcharge

The law requires that all contributing employers pay 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 that an employer is otherwise required to contribute to the Plan 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 Plan is in critical status.

Where to Get More Information

For more information about this Notice, you may contact the plan administrator, Scott Shaffer, I.E. Shaffer & Co., P.O. Box 1028, Trenton, NJ 08628, Telephone (800) 792-3666.