



**UFCW, LOCAL 23 AND  
EMPLOYERS BENEFIT FUNDS**

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557359

April 28, 2009

Secretary of Labor  
U.S. Department of Labor  
200 Constitution Ave., NW  
Washington, DC 20210

Re: Notice of Critical Status

To Whom It May Concern:

Please find enclosed a copy of the Notice of Critical Status which will be mailed April 28, 2009, to all Fund participants, contributing employers, sponsoring Unions, and the Pension Benefit Guaranty Corporation.

Sincerely,

UFCW Local 23 and Employers Pension Fund

Renee M. Duncombe  
Administrative Manager

Enclosure



**Notice of Critical Status For**  
**UFCW Local 23 and Employers Pension Fund**

This is to inform you that on March 31, 2009 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, 2009. Federal law, the Pension Protection Act of 2006, requires that you receive this notice.

**Critical Status**

The plan was in critical status last year and over the next 9 years, the plan is projected to have an accumulated funding deficiency for each 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. The law permits pension plans to reduce, or even eliminate, benefits called "adjustable benefits" as part of a rehabilitation plan. If the trustees of the plan determine that 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. But you should know that whether or not the plan reduces adjustable benefits in the future, effective as of April 25, 2008, 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.

**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;
- Sixty-month payment guarantees;
- 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);
- Recent benefit increases (i.e., occurring in past 5 years);
- Other similar benefits, rights, or features under the plan {provide identification}

**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 the applicable collective bargaining agreement. With some exceptions, a 5% surcharge was applicable in the initial critical year and a 10% surcharge is applicable for this plan year and 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 Renee Duncombe at 1-800-423-3863 or 345 Southpointe Blvd., Canonsburg, PA 15317. You have a right to receive a copy of the rehabilitation plan from the plan.