

Southwest Asbestos Workers Pension Plan

Notice of Election under Section 204 of the

Worker, Retiree, and Employer Recovery Act of 2008 (WRERA)

Plan Sponsor Name: Southwest Asbestos Workers Local 94
Plan Sponsor Address: 5350 S. Western, Suite 217; Oklahoma City, OK 73109
Telephone Number: 405-632-6767
EIN: 73-6158924

An election has been made under Section 204 of the Worker, Retiree, and Employer Recovery Act of 2008 (WRERA) to treat the plan as being neither in endangered nor critical status for the plan year beginning on January 1, 2009. WRERA allows the plan to elect to be in the same funded status for the 2009 plan year as it was for the 2008 plan year. For the 2008 plan year, the plan was in the “green” zone, neither endangered nor critical. Due to the poor performance of the stock market during the latter half of 2008, the plan *would* be in critical status as of January 1, 2009 if it were not for this election. The plan’s funded percentage as of January 1, 2009 was 64.64%; a plan is considered to be in critical status if the funded percentage is below 65%.

The election applies only for the 2009 plan year. If, for a future year, the plan is certified to be in endangered status (funded percentage between 65% - 80%) or critical status (below 65%), the plan sponsor will provide notice of the plan’s status for that year. If the plan is so certified, the law requires that steps be taken to improve the plan’s funded situation. These steps must include increases in contributions or reductions in future benefit accruals, or both.

If the plan is certified to be in *critical* status for 2010, or for any subsequent year, the law requires that there be a surcharge on employer contributions and the suspension of the payment of lump sums and similar accelerated distributions for individuals who commence receiving benefits after notice is provided of the plan’s critical status. Other steps may include an amendment to reduce early retirement benefits or to reduce other adjustable benefits for such individuals.

You may obtain additional information about the election from Bobby Colwell at the above address/phone number. His email address is Bobby@awlocal94.com.