

## 2009 NOTICE OF FUNDED STATUS OF PENSION PLAN

October 26, 2009

**TO: Participants and beneficiaries, bargaining parties, the Pension Benefit Guaranty Corporation, and the Secretary of Labor**

**FROM: Board of Trustees of the Plumbers and Steamfitters Local No. 42 Pension Plan**

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### **BACKGROUND**

This notice contains important information about the Plumbers and Steamfitters Local No. 42 Pension Plan, E.I.N. 23-7404110, Plan Number 001. Based on funding criteria set forth in the Internal Revenue Code, multiemployer pension plans are required – beginning with the 2008 plan year – to be certified by their actuaries as being in one of three funded status zones:

- *Neither Endangered nor Critical* (unofficially called the “Green Zone”)
- *Endangered* (unofficially called the “Yellow Zone”)
- *Critical* (unofficially called the “Red Zone”)

While trustees of Green Zone plans must continue to exercise diligence to protect the funded position of their plans, the law does not require them to take any specific actions or adopt particular programs to maintain or improve plan funding. On the other hand, trustees of plans that are not in the Green Zone must take specific actions spelled out in the law, including the adoption of a “Funding Improvement Plan” for plans in endangered status or a “Rehabilitation Plan” for plans in critical status, that are designed to restore the plans to Green Zone status over a period of time. For example, a plan in endangered status may reduce or eliminate future benefits or recommend that the bargaining parties negotiate additional employer contributions.

Recognizing that the value of the assets, and therefore the funding, of almost all pension plans has declined due to the impact of the current economic crisis, Congress passed the *Worker, Retiree and Employer Recovery Act of 2008 (WRERA)*. The law allows multiemployer plan trustees to take more time to devise a plan of action for dealing with these issues by giving them the option to keep their plan in its 2008 plan year’s zone status for one more year – regardless of the plan’s actual funded status for the 2009 plan year.

### **2008 PLAN YEAR CERTIFICATION**

The Plan’s actuary certified the Plan’s zone status for the July 1, 2008 through June 30, 2009 plan year to be neither endangered nor critical (“Green Zone”).

## **2009 PLAN YEAR CERTIFICATION**

For the July 1, 2009 through June 30, 2010 plan year, the Plan's actuary has certified the Plan to be endangered ("Yellow Zone").

### **ELECTION TO CONTINUE IN THE 2008 PLAN YEAR ZONE STATUS**

In accordance with section 204(a) of WRERA, the Trustees have elected to "freeze" the Plan's 2008 Plan Year Green Zone status and have it apply to the July 1, 2009 through June 30, 2010 Plan Year. Therefore, while the Trustees may take certain actions to improve the funding position of the Plan, they will not adopt a Funding Improvement Plan at this time.

Please be advised that the freezing of the Plan's 2008 plan year Green Zone status does not extend beyond June 30, 2010. By September 29, 2010, the Plan's actuary will again certify its funded status and zone classification. If the Plan is certified to be in either endangered or critical status at that time, within 30 days after the date of certification, you will be sent a notice similar to this one explaining the Plan's zone status and actions that the Trustees may be required to take under the law to improve the funded status of the Plan. These actions may include increases in contributions and reductions in future benefit accruals.

### **WHAT'S NEXT?**

We understand that legally required notices like this one can create concern about the Plan's future. Be assured that the Board of Trustees takes its obligation to preserve the financial viability of the Plan very seriously. With the assistance of the Plan's actuary, legal counsel and other professionals, and working with the contributing employers and the Union, the Trustees will continue to work towards strengthening the funded position of the Plan.

Since the Plan is influenced by economic and financial variables beyond our control (for example, market volatility and changes in employment and/or the number of contributing employers), unexpected developments can affect the Plan's funded status. The Board of Trustees is continuously monitoring and reviewing the Plan's progress with its professional advisors.

### **QUESTIONS?**

For more information about this notice or the Plan, contact Ms. Denise Mann, Administrative Manager, at (419) 492-3030 or by mail at P.O. Box 165, Norwalk, Ohio 44857.

Sincerely,

Board of Trustees

By: \_\_\_\_\_  
Denise Mann  
Administrative Manager