

# *WESTERN PENNSYLVANIA TEAMSTERS AND EMPLOYERS PENSION FUND*

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## **NOTICE OF CRITICAL AND DECLINING STATUS FOR THE 2019 PLAN YEAR**

April 29, 2019

This Notice is required each year by federal law. The purpose of this Notice is to inform you that on March 31, 2019, the Pension Fund's actuary certified to the U.S. Department of the Treasury, and also to the plan sponsor, that the Pension Fund is in "Critical and Declining" status for the plan year beginning January 1, 2019.

### **Critical and Declining Status**

Critical and Declining status is a status created under the Multiemployer Pension Reform Act of 2014. The Pension Fund is certified to be in Critical and Declining status because it has funding and liquidity problems and an accumulated funding deficiency. In addition, it is projected to be "insolvent" in less than 10 years.

### **Benefit Reductions Previously Adopted Under The 2010 Rehabilitation Plan**

Since 2008, the Pension Protection Act has required pension plans certified in "Endangered" or "Critical" status to implement measures aimed at restoring the financial health of the plan. From August, 2008 to January, 2011, the only measures available to the Pension Fund under then current federal laws was to reduce the rate of future benefit accruals. When the Pension Fund was initially certified to be in critical status for the 2010 plan year, the law permitted the Pension Fund to reduce or even eliminate benefits called "adjustable benefits" as part of a rehabilitation plan.

On April 30, 2010 you were issued the Pension Fund's initial "Notice of Critical Status". Annual notices of critical status were again issued in 2011, 2012, 2013, 2014, 2015 and 2016. The status of the Fund changed to critical and declining for 2017 and 2018. Each of these notices stated that the Pension Fund could reduce or eliminate adjustable benefits and that the Fund was not permitted to pay lump sum benefits (or any other payments in excess of the monthly amount paid under a single life annuity) while the Fund was in critical status. These notices also explained that the rehabilitation plan could only apply reductions of adjustable benefits to participants and beneficiaries whose benefit commencement date was on or after April 30, 2010.

On November 23, 2010, you were notified that the Pension Fund adopted a rehabilitation plan and that certain adjustable benefits were eliminated. The Trustees have reviewed and, when necessary, updated the rehabilitation plan toward the end of each subsequent plan year, including the most recently completed plan year ending December 31, 2018.

## **Adjustable Benefits**

The Pension Fund offers the following adjustable benefits which may be reduced or eliminated as part of any Rehabilitation Plan the Pension Fund may adopt or update.

- **Post-retirement death (burial) benefit;**
- **One Hundred Twenty-month payment guarantees;**
- **Early retirement benefit or retirement-type subsidy for those who were eligible to retire on February 2011 (e.g. 25 & 30 & Out Retirement);**
- **Benefit payment options other than a qualified joint-and-survivor annuity (QJSA);**
- **Subsidized Joint & Survivor and other forms of annuity subsidy for those who were eligible to retire on February 1, 2011;**
- **Pre-retirement survivor benefit for non-married participants;**
- **100% pre-retirement survivor benefit versus the required 50% pre-retirement survivor benefits for marrieds; and**
- **Pop-Up Benefit.**

The Trustees have a duty to take all reasonable measures to avoid or forestall insolvency. If they determine that a further reduction or elimination of adjustable benefits is necessary, you will receive a separate notice identifying and explaining the effect of any such reductions.

### **Rehabilitation Plan Employer Surcharge**

While a Fund is in critical or critical and declining status, the law requires that when a contributing employer's collective bargaining agreement or participation agreement is renewed, it must comply with one of the contribution increase schedules of the rehabilitation plan or pay a surcharge.

### **Pending Application to Reduce Benefits Under The Multiemployer Pension Reform Act Of 2014**

In an effort to prevent the Pension Fund from going insolvent, the Trustees filed an application with the U.S. Treasury Department seeking approval of a rescue plan under the 2014 provisions of the Multiemployer Pension Reform Act ("MPRA"). If this pending application is approved, benefits earned for service up through December 31, 2017 (but not after) will be subject to a permanent reduction of up to 30% (subject to certain limitations). The Pension Fund is expected to avoid insolvency if the proposed reduction of benefits is approved by the U.S. Treasury Department and by vote of participants. This benefit reduction could be implemented as soon as August 1, 2019.

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

You have a right to receive a copy of the most recently updated version of the 2010 Rehabilitation Plan upon written request directed to the Pension Fund Office. For more information about this Notice, you may contact the Pension Fund Office at the following address: Western Pennsylvania Teamsters and Employers Pension Fund, 900 Parish Street, Suite 101, Pittsburgh, PA 15220-3425, Telephone 412-362-4200, Toll Free 800-362-4201, email: [contactus@wpapensionfund.com](mailto:contactus@wpapensionfund.com).

*Board of Trustees*  
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