



# IRONWORKERS LOCAL 808

## FRINGE BENEFIT TRUST FUNDS

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### *Notice to Participants of the Iron Workers Local Union No. 808 Pension Fund*

October 15, 2009

As many of you are aware, a new federal law called the “Pension Protection Act of 2006” became effective in 2008. This law is commonly referred to as “pension reform.” The law changes many of the funding rules that apply to our pension plan. One of the most significant changes is that pension plans like ours are assigned a “funding status” based on a complex set of tests that depend on the funding level of the plan at a certain point in time.

Under pension reform, there are three distinct funding categories that may apply to the plan. The following list describes each of these funding categories from the worst-case situation to the best-case situation:

“Critical” status – Generally, a plan’s funding status will be “critical” if the plan is less than 65% funded as of the first day of the plan year and the plan fails certain liquidity tests or if the plan is expected to fall short of the federal minimum funding requirements within the next four years. A plan can also be in “critical” status if the plan is expected to have difficulty paying its retirees or other expenses within the foreseeable future. This funding status is sometimes referred to as being in the “red” zone.

“Endangered” status – A plan’s funding status will be “endangered” if the plan is less than 80% funded as of the first day of the plan year or if the plan is expected to fall short of the federal minimum funding requirements within the next seven years. A plan that fails both of these tests is considered to be “seriously endangered.” This funding status is sometimes referred to as being in the “yellow” zone.

“Safe” status – A plan’s funding status will be “safe” if the plan is neither “critical” nor “endangered.” This funding status is sometimes referred to as being in the “green” zone.

When a plan is in “critical” or “endangered” status, the trustees of the plan must adopt either a “rehabilitation plan” or a “funding improvement plan,” as applicable. These plans are designed to provide over a number of years either an increase in the employer contributions to the plan, a decrease in the benefits paid by the plan, or a combination of both in order to improve the plan’s funded status. In some cases, a rehabilitation plan or a funding improvement plan may require a reduction in the benefit that would otherwise be payable to a plan participant who retires in the future. These plans may also call for increased funding from the employers.

Obviously, everyone would like for our plan to remain in the “safe” status or “green” zone so that we can avoid the consequences of falling into “critical” or “endangered” status. For the 2008/09 plan year, the plan was in the “green” zone. However, due to the recent decline in the plan’s investments, primarily due to the drop in stock values during late 2008 and early 2009, the plan has fallen into “endangered” status for the 2009/10 plan year.



As you would expect, many pension plans throughout the country have experienced significant losses in the market value of assets during the past year and, consequently, have fallen into “endangered” or “critical” status as a result. In recognition of this fact, during December, 2008, the U.S. Congress passed another new federal law, called the “Workers, Retirees and Employers Recovery Act of 2008” (or “WRERA”). This law is designed to help plans like ours avoid the immediate consequences of the asset losses during the past year by allowing the Trustees of the plan to make an election to carry forward the 2008 funded status into 2009 and, thus, to temporarily ignore the effect of these asset losses. Specifically, WRERA allows the Trustees of our plan to elect to remain in the “safe” status for the 2009/10 plan year, even though the plan would otherwise be in “endangered” status.

WRERA requires the Trustees to notify all participants and other interested parties that this election has been made. This notice is designed to serve that purpose, as well as to explain the consequences of the election and to provide you with additional information concerning the plan.

<u>Name of the plan:</u>	Iron Workers Local Union No. 808 Pension Plan
<u>Employer identification number (EIN):</u>	59-6165107
<u>Plan number:</u>	001

As described above, an election has been made under section 204 of WRERA to treat the plan as being neither in endangered nor critical status for the plan year beginning July 1, 2009. However, the plan has been certified by the plan’s actuary as being in endangered status for the plan year beginning July 1, 2009 even though the plan will be treated as being neither in endangered nor critical status for this plan year.

This election applies only to the 2009/10 plan year and, if the plan is certified as being in endangered or critical status for the 2010/11 plan year, you will be provided with the appropriate notice of the plan’s status for that year as required under federal law and steps will have to be taken to improve the plan’s funded situation at that time. These steps may include increases in contributions and reductions in future benefit accruals.

If the plan is certified as being in critical status for the 2010/11 plan year, the steps that will have to be taken to improve the plan’s funded situation will include 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. These steps may also include amendments to reduce early retirement benefits or other adjustable benefits for such individuals.

If you would like more information about the WRERA election, please contact the pension office in writing at Advanced Administration, Inc., 200 East Landstreet Road, Suite A, Orlando, FL 32824, by telephone at (407) 859-8084, or via electronic mail at [jdevlin@advancedadmin.com](mailto:jdevlin@advancedadmin.com).

Discussion of the Enclosed Annual Funding Notice

In addition to the WRERA notice, we have enclosed another notice that is called the “Annual Funding Notice.” Under federal law, the Annual Funding Notice must be provided to all participants and other interested parties once each year by October 31. Unlike the WRERA notice, the Annual Funding Notice was written by the U.S. Department of Labor and uses a specified format and specific language. At times, this language may be confusing to the reader, particularly since the Annual Funding Notice shows the plan’s assets and liabilities at different points in time, refers to both a “fair market value of assets” as well as a “value of assets” which may show different asset values at the same point in time, and discusses various funded percentages. In other words, as you compare the assets, liabilities, and funded percentages of the plan at various dates, the amounts shown in the notice were not calculated on the same basis and, therefore, you cannot make an “apples” to “apples” comparison from one year to the next. Unfortunately, we have no choice but to provide the information in the Annual Funding Notice in the specified format even though the notice may appear to be confusing or misleading. Please understand that it is not our intent to confuse or mislead you and we have tried to make the Annual Funding Notice as clear as possible within the constraints of federal law.

We hope that these notices help you to understand the funding situation of the plan and the decision that was made under WRERA to carry forward the plan’s funded status from the prior year. If you have any questions about the Annual Funding Notice or the discussion above, please contact the pension office.

Sincerely,

Board of Trustees  
Iron Workers Local Union No. 808 Pension Fund