

**Food Employers Labor Relations Association  
and United Food & Commercial Workers  
Pension Fund**

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April 20, 2009

**NOTICE OF CRITICAL STATUS  
FOR  
FOOD EMPLOYERS LABOR RELATIONS ASSOCIATION AND  
UNITED FOOD AND COMMERCIAL WORKERS PENSION FUND**

The purpose of this Notice is to inform you that, on March 31, 2009, the actuary of the Food Employers Labor Relations Association and United Food and Commercial Workers Pension Fund ("Fund") certified to the U.S. Department of the Treasury, and also to the Board of Trustees of the Fund, that the Fund is in critical status for the Plan Year beginning January 1, 2009. Federal law requires that you receive this Notice.

The Fund is considered to be in critical status because it has funding or liquidity problems, or both. More specifically, the Fund's actuary determined that the Fund is expected to have an accumulated funding deficiency for 2009. Further, the Fund was in critical status last year and, over the next 9 years, the Fund is projected to have an accumulated funding deficiency 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 Fund's Trustees 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 will apply only to those participants and beneficiaries whose benefit commencement date is on or after April 28, 2008. But, you should know that whether or not the Fund reduces adjustable benefits in the future, effective as of April 28, 2008, the Fund 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 Fund offers the following adjustable benefits which may be reduced or eliminated as part of any rehabilitation plan the Fund may adopt:

- Post-retirement death benefits;
- Sixty-month payment guarantees;
- Disability benefits (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 the past 5 years);
- Other similar benefits, rights or features under the Plan

### **Employer Surcharge**

The law requires that all contributing employers pay to the Fund a surcharge to help correct the Fund'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 Fund under the applicable collective bargaining agreement. With some exceptions, a 5% surcharge was applicable in the initial critical year (2008) and a 10% surcharge is applicable for each succeeding Plan Year thereafter in which the Fund is in critical status.

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

For more information about this Notice, you may write to the Fund Office at 911 Ridgebrook Road, Sparks, MD 21152, or call the Fund Office at 1-410-683-6500. You have a right to receive a copy of the rehabilitation plan from the Fund.