

# *Local 804 Pension Fund*

**I. B. T. C. W. & H. of AMERICA**

34-21 Review Avenue  
Long Island City, N.Y. 11101

March 4, 2010



## **Notice of Critical Status For TEAMSTERS LOCAL 804 PENSION FUND**

This is to inform you that on February 3, 2010 the Plan actuary certified to the U.S. Department of the Treasury, and also to the Plan sponsor, that the Plan is in critical status for the Plan Year beginning January 1, 2010. Federal law requires that you receive this notice.

### **Critical Status**

The Plan is considered to be in critical status because it has funding or liquidity problems, or both. More specifically, the Plan's actuary determined that the Plan is projected to have an accumulated funding deficiency within the next three years, specifically for the Plan Year beginning January 1, 2012.

### **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 Trustees of the Plan 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 may only apply to participants and beneficiaries whose benefit commencement date is on or after March 5, 2010. But you should know that whether or not the Plan reduces adjustable benefits in the future, effective as of March 5, 2010, the Plan is not permitted to pay lump sum benefits other than a lump sum less than \$5,000 (other payment in excess of the monthly amount paid under a single life annuity) while it is in critical status.

### **Adjustable Benefits**

The Plan offers the following adjustable benefits which may be reduced or eliminated as part of any rehabilitation Plan the pension Plan may adopt:

- Post-retirement death benefits;
  - ✓ 36-month payment guarantees;
  - ✓ Disability benefits (if not yet in pay status);
  - ✓ Early retirement benefit or retirement-type subsidy;
  - ✓ Benefit payment options other than a qualified joint-and survivor annuity (QJSA);
- Other similar benefits, rights, or features under the Plan {provide identification}

---

---

---

At this time, the Trustees have agreed not to reduce adjustable benefits as part of their rehabilitation plan.

### **Employer Surcharge**

The law requires that the contributing employer pay to the Plan a surcharge to help correct the Plan's financial situation starting 30 days after the employer receives this notice of critical status. The amount of the surcharge is equal to 5% of the amount the employer is otherwise required to contribute to the Plan under its collective bargaining agreement with Teamsters Local 804. The surcharge will increase to 10% starting January 1, 2011, and will remain in effect until the employer reaches a new agreement with Local 804 that includes one of the schedules that will be part of the Plan's rehabilitation plan.

For 2010, the 5% surcharge is due with respect to any contributions required to be paid on or after April 4, 2010, or actually paid after that date even if the obligation to the Plan arose earlier, regardless of when the work was actually performed. The surcharge contribution should be included with the regular negotiated contribution in one check, as it is due at the same time and under the same conditions as the negotiated contributions, but it should be separately identified so the Plan can separately track it, as required by law.

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

For more information about this Notice, you may contact the Board of Trustees of Teamsters Local 804 Pension Fund, in care of Thomas Lamontanaro, Fund Manager, at (718) 786-5410, 34-21 Review Avenue, Long Island City, NY 11101, or Felicia Nelson, PHR, Vice President, Human Resources, Eppendorf, Inc., at 860-253-3470, 175 Freshwater Boulevard, Enfield, CT 06082. You have a right to receive a copy of the rehabilitation Plan from the Plan once it is adopted.