

October 28, 2016

EBSA/PUBLIC DISCLOSURE

Notice of Critical Status for the

**PENSION PLAN OF THE PENSION FUND OF AMALGAMATED, INDUSTRIAL AND
TOY & NOVELTY WORKERS OF AMERICA, LOCAL 223 EIN 13-1798229 PN 001**
for Plan Year Beginning July 1, 2016

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October 28, 2016

Notice of Critical and Declining Status for the

**Pension Plan of the Pension Fund of Amalgamated, Industrial and
Toy & Novelty Workers of America, Local 223
EIN 13-1798229 PN 001**

for Plan Year Beginning July 1, 2016

General

This is to inform you that on September 28, 2016 the plan actuary certified to the U.S. Department of the Treasury, and also to the plan sponsor, that the plan is in critical and declining status for the plan year beginning July 1, 2016. Federal law requires that you receive this notice.

Critical and declining status is a new category of pension plan funding status created by the recent Multiemployer Pension Reform Act of 2014. The Plan is considered to be in critical and declining status because it is projected to have funding or liquidity problems, or both in upcoming years. More specifically, the Plan's actuary has determined that the Plan is projected to have an "accumulated funding deficiency" for the next six plan years. In addition, the sum of the plan's normal cost and interest on the unfunded benefits for the current plan year exceeds the present value of all expected contributions for the year, the present value of vested benefits for inactive participants is greater than the present value of vested benefits for active participants and the plan has an accumulated funding deficiency for the current plan year.

Rehabilitation Plan and Possibility of Reduction in Benefits

Federal law requires pension plans in critical or critical and declining status to adopt, monitor and (if necessary) modify a rehabilitation plan aimed at restoring the financial health of the plan. The law permits pension plans to reduce or even eliminate certain benefits called "adjustable benefits" and future benefit accruals as part of a rehabilitation plan.

In addition, with the new certification of critical and declining status, there are additional benefit adjustments the trustees are permitted to make to improve the financial health of the plan. The law permits the Trustees, in addition to reducing or eliminating adjustable benefits, to propose suspending accrued benefits for participants, including those in pay status (retirees). There are limits on how much accrued benefits may be suspended and before they can be suspended the law requires the proposed benefit suspension be submitted to and approved by the secretary of the Treasury and be submitted to a vote of the participants, including retirees.

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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 will not reduce the level of a participant's basic benefit payable at normal retirement.

The law requires that all contributing employers pay to the Plan a surcharge to help correct the Plan's financial situation for certain periods preceding their adoption of the plan's rehabilitation plan. The amount of the surcharge is equal to a percentage of the amount an employer is otherwise required to contribute to the Plan under the applicable collective bargaining agreement. With some exceptions, a 5% surcharge is applicable in the initial critical year, and a 10% surcharge is applicable for each succeeding plan year thereafter in which the Plan is in critical status. It should be noted, however that these surcharges are completely superseded by any negotiated contributions that conform to the Rehabilitation Plan.

Where to Get More Information

For more information about this Notice, you may contact the pension fund office at 147 East 26 th Street, New York, NY 10011. The office phone number is: (212) 889-8180. You also have a right to receive a copy of the rehabilitation plan.

Esta noticia contiene informacion en ingles de sus derechos bajo Local 223 Pension Fund. Si tiene dificultad entendiendo cualquier parte de este anuncio, llame a la oficina 212-889-8180.

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