

**Notice of Critical Status For  
Laborers Local 157 Pension Plan**

EBSA/PUBLIC DISCLOSURE

This is to inform you that on June 26, 2009 the plan actuary certified to the U.S. Department of the Treasury, and also to the plan sponsor, that the plan will be in critical status for the plan year beginning July 1, 2009. 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 over the next four years, the plan is projected to have an accumulated funding deficiency for the 2013-2014 plan 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 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. In addition, the reductions may only apply to participants and beneficiaries whose benefit commencement date is on or after **July 1, 2009**. If you retire on or after this date, the Trustees may adjust your benefits at a future date.

**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: (i) Sixty month payment guarantees; (ii) Disability benefits (if not yet in pay status); (iii) Early retirement benefit or retirement-type subsidy; (iv) Pre-Retirement death benefits; (v) benefit payment options other than a qualified joint-and-survivor annuity (QJSA); (vi) subsidized 'pop-up' benefits; and (vii) subsidized conversion factors for joint-and-survivor benefits.

**Employer Surcharge**

The law requires that all contributing employers pay to the plan a surcharge until a Rehabilitation Plan is adopted to help correct the plan'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 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.

**Where to Get More Information**

For more information about this Notice, you may contact Michael Brady at Laborers Local 157 at 518.374.8872. You have a right to receive a copy of the rehabilitation plan from the plan.