

## **Notice of Special Election**

**For**

### **MEAT CUTTERS' UNION LOCAL NO. 88 AND FOOD EMPLOYERS' AND ALLIED INDUSTRY PENSION PLAN**

This Notice includes important information about the MEAT CUTTERS' UNION LOCAL NO. 88 AND FOOD EMPLOYERS' AND ALLIED INDUSTRY PENSION PLAN (the "Plan"), Plan No. 001, Plan and Plan Sponsor EIN 43-6160912. This Notice relates to the plan year beginning August 1, 2009 (the "2009 Plan Year"). Under the Pension Protection Act of 2006 ("PPA"), the Plan's actuary annually certifies the Plan's funding status. The PPA created "zones" based on a multiemployer pension plan's funding status. Based on a pension plan's funding status, it may be in critical status ("red" zone), in seriously endangered status ("orange" zone) or endangered status ("yellow" zone) or outside of these categories ("green" zone).

#### **Special Election**

Pursuant to the Worker, Retiree and Employer Recovery Act of 2008 ("WRERA"), the Plan's Trustees made a special election on July 17, 2009 to retain the Plan's funding status for the plan year beginning August 1, 2008, (the "2008 Plan Year") as its funding status for the 2009 Plan Year. For the 2008 Plan Year, the Plan was certified as being in the "green" zone. Therefore, for the 2009 Plan Year, the Plan will be treated as though it is in the "green" zone and will not be subject to the funding improvement requirements discussed below. Without the special election, the Plan would be in critical/"red" status for the 2009 Plan Year.

After careful consideration, the Plan's Trustees determined that it is in the best interests of the Plan's Participants to make the special election at this time. In making this decision, the Plan's Trustees extensively reviewed with the Plan's professional advisors the funding requirements under Federal law, including the effect of making the special election and the effect of not making the election.

This special election is available only for the 2009 Plan Year. Notice will be provided in 2010 if the Plan is certified to be in critical/"red", seriously endangered/"orange" or endangered/"yellow" status for the plan year beginning August 1, 2010 (the "2010 Plan Year").

#### **Funding Improvement Requirements**

If the Plan is certified to be in anything other than the "green" zone for the 2010 Plan Year, the Trustees will adopt a plan to improve funding, which will establish steps and benchmarks for the Plan to improve its funding status over a specified period of time. Such steps may include increases in employer contributions.

If the Plan is certified to be in critical/"red" status for the 2010 Plan Year, steps that will have to be taken to improve funding include a surcharge on employer contributions, which terminates once the collective bargaining agreements is renegotiated to incorporate the rehabilitation plan adopted by the Trustees. Such steps will also include the suspension of lump sums and similar accelerated distributions for Participants who commence receiving benefits after notice is provided of the Plan's critical/"red" status. In addition, steps to improve the Plan's funding may include amendments to reduce early retirement benefits, retirement-type subsidies, disability benefits not yet in pay status and other adjustable benefits for such Participants.

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

For more information about the special election described in this Notice, contact Board of Trustees of the Meat Cutters' Union Local No. 88 and Food Employers' and Allied Industry Pension Plan at 502 Earth City Expressway, Suite 203, Earth City, MO 63045, (800) 556-1742 (outside Missouri), (314) 344-8899 (inside Missouri).

*This notice is intended to meet the notification requirements of section 204(c)(2)(A) of WRETA and IRS Notice 2009-31.*