



# Operating Engineers Local 324 FRINGE BENEFIT FUNDS

August 2009

## **NOTICE OF ELECTION TO TREAT THE OPERATING ENGINEERS' LOCAL 324 PENSION FUND AS NEITHER IN ENDANGERED NOR CRITICAL STATUS**

This is a notice of election under the Worker, Retiree, and Employee Recovery Act of 2008 ("WRERA") for the Operating Engineers' Local 324 Pension Fund ("Fund").

The Fund's actuary must certify the Fund's status each year as "endangered," "critical," or neither endangered nor critical ("green status") based on the Fund's funding condition. If the Fund is in endangered or critical status, the Fund Trustees must take certain steps to improve the Fund's funding condition. If the Fund is in green status, the Trustees are not required to take these steps.

WRERA permits Fund Trustees to elect for the 2009 Fund year to maintain the Fund in the same status it had the prior year. Because the Fund was in green status in the 2008 Fund year, the Fund Trustees may elect to treat the Fund as if it is in green status for 2009 Fund year. This document provides notice of such an election by the Trustees of the Fund.

The Trustees of the Fund have elected to treat the Fund as being neither in endangered nor critical status for the Fund year beginning May 1, 2009. If no election were made, the Fund would be in critical status for the Fund year beginning May 1, 2009.

This election applies only to the Fund year beginning May 1, 2009. If the Fund is certified to be in critical or endangered status for the Fund year beginning May 1, 2010, the Trustees will provide notice of the Fund's status for that year and will be required to take steps to improve the Fund's funded status. These steps may include increases in contributions and reductions in future benefit accruals.

If the Fund is certified to be in critical status for the Fund year beginning May 1, 2010, the steps that will have to be taken to improve the Fund's funding condition include a surcharge on employer contributions for employers that do not meet certain contribution standards and the suspension of the payment of lump sums and similar accelerated distributions for participants who begin receiving benefits after notice of the Fund's critical status is provided. Further, the Fund Trustees may amend the Fund to reduce early retirement benefits or other "adjustable" benefits of participants who begin receiving benefits after notice of the Fund's critical status is provided.

If you would like more information about the election, you may contact the Fund administrator:

Board of Trustees, Operating Engineers' Local 324 Pension Fund  
700 Tower Drive  
Suite 300  
Troy, MI 48098  
Fund Name: Operating Engineers' Local 324 Pension Fund  
EIN of Fund Sponsor: 27-0760157  
EIN/PN of Fund: 38-1900637/001