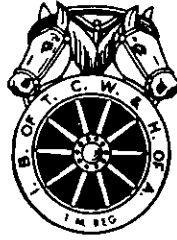


# Teamsters Local No. 264 Moving Division Pension Fund



35 TYROL DRIVE

(716) 668-1031

CHEEKTOWAGA, NY 14227

September 1, 2008

## Notice of Critical Status for Teamsters Local 264 Van Drivers Pension Fund

This is to inform you that on August 13, 2008 the actuary of the **Teamsters Local 264 Van Drivers Pension Fund** (the "Plan") certified to the U.S. Department of the Treasury, and also to the Plan's Board of Trustees, that the Plan is in critical status for the Plan Year beginning July 1, 2008. 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 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 of inactive participants is greater than the present value of vested benefits of active participants; and over the next four Plan Years, the Plan is projected to have an accumulated funding deficiency for the 2012 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 September 1, 2008. But you should know that whether or not the plan reduces adjustable benefits in the future, effective as of September 1, 2008 the plan is not permitted to pay lump sum benefits (or any 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:

- Early retirement benefit or retirement-type subsidy;
- Disability benefits (if not yet in pay status);
- Sixty-month payment guarantees; and
- Contingent annuity benefit

### **Employer Surcharge**

The law requires that all contributing employers pay to the plan a surcharge 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 the Board of Trustees, c/o Regina Tatford, 35 Tyrol Drive, Cheektowaga, NY 14227. You have a right to receive a copy of the rehabilitation plan from the plan.