

*Plumbers, Pipe Fitters & MES
Local Union No. 392 Pension Fund*

Phone (513) 241-0444
Fax (513) 241-1130

1228 CENTRAL PARKWAY • ROOM 100
CINCINNATI, OHIO 45210

EBSA/PUBLIC DISCLOSURE

e-mail: info@local392fringefunds.com
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September 25, 2009

U.S. Department of Labor
Employee Benefits Security Administration
Public Disclosure Room, N-1513
200 Constitution Avenue, N.W.
Washington, D.C. 20210

To Whom It May Concern:

Enclosed is a copy of the Notice of Critical Status for Plumbers, Pipe Fitters & MES Local Union No. 392 Pension Plan. This notice is for the plan year beginning June 1, 2009.

Very truly yours,

PLUMBERS, PIPE FITTERS & MES
LOCAL UNION NO. 392
PENSION FUND

Paula Allphin
Administrative Manager

PA:sns

Enclosure

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Notice of Critical Status For

Plumbers, Pipe Fitters, & Mechanical Equipment Service Local Union No. 392 Pension Plan

This is to inform you that on August 28, 2009 the plan actuary certified to the U.S. Department of the Treasury, and also to the plan sponsor, that the plan is in critical status for the plan year beginning June 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 three plan years, the plan is projected to have an accumulated funding deficiency for the 2010 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. This is the first year the plan has been in critical status. 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 (other than a repeal of a recent benefit increase, as described below) 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 25, 2009.

But you should know that whether or not the plan reduces adjustable benefits in the future, effective as of September 25, 2009, 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. Therefore, the Retirement Incentive Benefit (RIB) is no longer offered by the plan as an optional form of payment. This means that effective September 25, 2009, participants may no longer elect the RIB as an option under the Plan. This change does not affect a participant whose RIB is already in pay 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:

- Post-retirement death benefits;
- Disability benefits (if not yet in pay status);
- Early retirement benefit or retirement-type subsidy;
- Benefit payment options other than a qualified joint-and survivor annuity (QJSA);
- Recent benefit increases (i.e., occurring in past 5 years);
- Other similar benefits, rights, or features under the plan including the plan's pre-retirement death benefits and suspension rules.

Election under WRERA

The Worker, Retiree, and Employer Recovery Act of 2008 (WRERA) allows multiemployer Trustees to extend the rehabilitation period for plans in Critical Status. The Board of Trustees has made this election and the 10 year rehabilitation period has been extended to 13 years.

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. This surcharge does not generate increased benefit accruals. **Effective for hours worked on or after November 1, 2009 and due December 15, 2009, employers are required to add 5% to their pension plan remittances.**

Where to Get More Information

For more information about this Notice, you may contact Benefit Office at (513) 241-0444 or 1228 Central Parkway, Room 100, Cincinnati, OH 45202. You have a right to receive a copy of the rehabilitation plan from the plan.

As required by law, this notice is being provided to the Pension Benefit Guaranty Corporation (PBGC) and the Department of Labor.