

# MICHIGAN CARPENTERS' FRINGE BENEFIT FUNDS

Sent 2-5-09

Michigan Carpenters' Health Care Fund  
Michigan Carpenters' Pension Fund  
Michigan Carpenters' Apprenticeship & Training Fund

Managed for the Trustees by:  
TIC INTERNATIONAL CORPORATION

**TO: ALL CONTRIBUTING EMPLOYERS TO THE MICHIGAN CARPENTERS' PENSION FUND**

**RE: NOTICE THAT THE 5% SURCHARGE WILL NOT BE IMPOSED**

Dear Employers:

As you know, the Michigan Carpenters' Pension Fund ("Pension Fund") was certified by its actuary as being in "critical status" for the 2009 Plan Year (September 1, 2008 – August 31, 2009) under the Pension Protection Act of 2006 ("PPA"). This required the Board of Trustees to adopt both an Alternative and a Default Schedule of Revised Benefits and Contribution Increases as part of the Pension Fund's Rehabilitation Plan, both of which were mailed to you last month.

Today, the Michigan Carpenters' Pension Fund, with the advice of its actuary and attorney, interpreted PPA, in the absence of federal regulations, to mean that any Collective Bargaining Agreement ("CBA") that does not contradict one of those Schedules meets the PPA requirement for as long as the pension contribution rate matches one of those Schedules. So, CBAs which expire in 2009 are in compliance until they expire. Those which expire after 2009 are in compliance if at least \$1.00 is allocated to the Pension contribution on each anniversary of the CBA. Therefore, the Employer signatory to a CBA which meets the PPA requirement is **not** subject to the 5% surcharge.

The Trustees have been advised by the AGC of Michigan, Michigan Transportation and Infrastructure Association (MITA) and Michigan Regional Council of Carpenters that they plan to meet in the near future to negotiate the pension funding.

Very truly yours,

Board of Trustees  
Michigan Carpenters' Pension Fund

cc: Michigan Regional Council of Carpenters'  
All Local Unions  
AGC of Michigan  
MITA