Fund

American Federation
of Musicians &
Employers' Pension Fund

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# ANNUAL FUNDING NOTICE

For Plan Year Beginning April 1, 2009 and Ending March 31, 2010

For
American Federation of Musicians and Employers' Pension Fund

## Introduction

This notice includes important funding information about your pension plan ("the Plan"). This notice also provides a summary of federal rules governing multiemployer plans in reorganization and insolvent plans and benefit payments guaranteed by the Pension Benefit Guaranty Corporation (PBGC), a federal agency. This notice is for the plan year beginning April 1, 2009 and ending March 31, 2010 (referred to hereafter as "Plan Year").

## Funded Percentage

The funded percentage of a plan is a measure of how well that plan is funded. This percentage is obtained by dividing the Plan's assets by its liabilities on the valuation date for the plan year. In general, the higher the percentage, the better funded the plan. The Plan's funded percentage for the Plan Year and 2 preceding plan years is set forth in the chart below, along with a statement of the value of the Plan's assets and liabilities for the same period.

| | April 1, 2009 to March 31, 2010 | April 1, 2008 to March 31, 2009 | April 1, 2007 to March 31, 2008 |
|---|---|---|---|
| Valuation Date | April 1, 2009 | April 1, 2008 | April 1, 2007 |
| Funded Percentage | 75.2% | 103.8% | 108.5% |
| Value of Assets* | $1,609,246,469 | $2,111,932,021 | $2,053,784,752 |
| Value of Liabilities | $2,140,525,279 | $2,035,349,819 | $1,892,186,250 |

* Actuarial value

## Fair Market Value of Assets

Asset values in the chart above are actuarial values, not market values. Market values tend to show a clearer picture of a plan's funded status as of a given point in time. However, because market values can fluctuate daily based on factors in the marketplace, such as changes in the stock market, pension law allows plans to use actuarial values for funding purposes. While actuarial values fluctuate less than market values, they are estimates. As of March 31, 2010, the fair market value of the Plan's assets is estimated to be $1,607,315,000. The fair market value of the Plan's assets as of March 31, 2010 is preliminary and subject to change during the annual audit process. As of March 31, 2009, the fair market value of the Plan's assets was $1,341,038,724. As of March 31, 2008, the fair market value of the Plan's assets was $1,965,926,229.

## Participant Information

The total number of participants in the plan as of the Plan's valuation date was 47,679. Of this number, 23,164 were active participants, 10,895 were retired or separated from service and receiving benefits, and 13,620 were retired or separated from service and entitled to future benefits.

## Funding & Investment Policies

The law requires that every pension plan have a procedure for establishing a funding policy to carry out the plan objectives. A funding policy relates to the level of contributions needed to pay for benefits promised under the plan currently and over the years. The Plan is funded by contributions made by employers pursuant to collective bargaining agreements with the unions that represent the plan's participants. The funding policy of the Plan is to provide benefits to participants at levels that are expected (based upon reasonable actuarial assumptions) to be sustained in the long term from the assets of the Plan, expected income from the investment of those assets, and future employer contributions.

Once money is contributed to the Plan, the money is invested by plan officials called fiduciaries. Specific investments are made in accordance with the Plan's investment policy. Generally speaking, an investment policy is a written statement that provides the fiduciaries who are responsible for plan investments with guidelines or general instructions concerning various types or categories of investment management decisions. In brief summary, the investment policy of the Plan is to maximize investment returns within prudent levels of risk through portfolio diversification across different classes of assets and a variety of asset management styles. With the assistance of an Investment Consultant, the Trustees, acting through an Investment Committee comprised of four Union trustees and four Employer trustees, select professional Investment Managers and/or commingled funds and allocate the assets of the Plan to seek to achieve the stated investment objectives and to control risk. The Trustees establish reasonable guidelines for each asset class and investment account, specifying acceptable and/or prohibited investments, limits on asset and asset class exposures, risk constraints and investment return objectives. The Trustees have also adopted benchmarks for each Manager and each asset class and regularly monitor the performance of each Manager and each commingled fund, as well as their compliance with the Investment Policy.

In accordance with the Plan's investment policy, the Plan's assets were allocated among the following categories of investments, as of the end of the Plan Year. These allocations are percentages of total assets:

| Asset Allocations | Percentage |
|---|---|
| 1. Interest-bearing cash | |
| 2. U.S. Government securities | 7% |
| 3. Corporate debt instruments (other than employer securities): | |
| Preferred | 5% |
| All other | 12% |
| 4. Corporate stocks (other than employer securities): | |
| Preferred | |
| Common | 38% |
| 5. Partnership/joint venture interests | 5% |
| 6. Real estate (other than employer real property) | |
| 7. Loans (other than to participants) | |
| 8. Participant loans | |
| 9. Value of interest in common/collective trusts | 18% |
| 10. Value of interest in pooled separate accounts | |
| 11. Value of interest in master trust investment accounts | |
| 12. Value of interest in 103-12 investment entities | 11% |
| 13. Value of interest in registered investment companies (e.g., mutual funds) | 1% |
| 14. Value of funds held in insurance co. general account (unallocated contracts) | |
| 15. Employer-related investments: | |
| Employer Securities | |
| Employer real property | |
| 16. Buildings and other property used in plan operation | 1% |
| 17. Other | 2% |

The asset allocations, and related asset values, are preliminary and subject to change during the annual audit process.

## Critical or Endangered Status

Under federal pension law a plan generally will be considered to be in "endangered" status if, at the beginning of the plan year, the funded percentage of the plan is less than 80 percent or in "critical" status if the percentage is less than 65 percent (other factors may also apply). A plan may also be in critical status if it is projected to have an "accumulated funding deficiency" during the next four to five plan years (as described in other documents accompanying this notice). If a pension plan enters endangered status, the trustees of the plan are required to adopt a funding improvement plan. Similarly, if a pension plan enters critical status, the trustees of the plan are required to adopt a rehabilitation plan. Rehabilitation and funding improvement plans establish steps and benchmarks for pension plans to improve their funding status over a specified period of time.

The Plan was not in endangered or critical status in the Plan Year since as permitted by Section 204 of the Worker, Retiree, and Employer Recovery Act of 2008 ("WRERA"), the Board of Trustees elected that the status of the Plan for the year beginning April 1, 2009 shall be the same as the status for the Plan year beginning April 1, 2008. As such, based on the certification for the preceding Plan year, the Plan would not be considered "endangered", "seriously endangered" or "critical" as those terms are defined in the Pension Protection Act of 2006 for the Plan year beginning April 1, 2009.

## Events with Material Effect on Assets or Liabilities

Federal law requires trustees to provide in this notice a written explanation of events, taking effect in the current plan year, which are expected to have a material effect on plan liabilities or assets. The pension benefit multiplier was reduced from $2.00 to $1.00 per $100 in contributions effective January 1, 2010. Also for the year beginning April 1, 2010, the Plan was certified by its actuary to be in critical status and the Trustees have adopted a rehabilitation plan (as described in other documents accompanying this notice).

## Right to Request a Copy of the Annual Report

A pension plan is required to file with the US Department of Labor an annual report (i.e., Form 5500) containing financial and other information about the plan. Copies of the annual report are available from the US Department of Labor, Employee Benefits Security Administration's Public Disclosure Room at 200 Constitution Avenue, NW, Room N-1513, Washington, DC 20210, or by calling 202-693-8673. Or you may obtain a copy of the Plan's annual report by making a written request to the plan administrator.

## Summary of Rules Governing Plans in Reorganization and Insolvent Plans

Federal law has a number of special rules that apply to financially troubled multiemployer plans. Under so-called "plan reorganization rules," a plan with adverse financial experience may need to increase required contributions and may, under certain circumstances, reduce benefits that are not eligible for the PBGC's guarantee (generally, benefits that have been in effect for less than 60 months). If a plan is in reorganization status, it must provide notification that the plan is in reorganization status and that, if contributions are not increased, accrued benefits under the plan may be reduced or an excise tax may be imposed (or both). The law requires the plan to furnish this notification to each contributing employer and the labor organization.

Despite the special plan reorganization rules, a plan in reorganization nevertheless could become insolvent. A plan is insolvent for a plan year if its available financial resources are not sufficient to pay benefits when due for the plan year. An insolvent plan must reduce benefit payments to the highest level that can be paid from the plan's available financial resources. If such resources are not enough to pay benefits at a level specified by law (see Benefit Payments Guaranteed by the PBGC, below), the plan must apply to the PBGC for financial assistance. The PBGC, by law, will loan the plan the amount necessary to pay benefits at the guaranteed level. Reduced benefits may be restored if the plan's financial condition improves.

A plan that becomes insolvent must provide prompt notification of the insolvency to participants and beneficiaries, contributing employers, labor unions representing participants, and the PBGC. In addition, participants and beneficiaries also must receive information regarding whether, and how, their benefits will be reduced or affected as a result of the insolvency, including loss of a lump sum option. This information will be provided for each year the plan is insolvent.

## Benefit Payments Guaranteed by the PBGC

The maximum benefit that the PBGC guarantees is set by law. Only vested benefits are guaranteed. Specifically, the PBGC guarantees a monthly benefit payment equal to 100 percent of the first $11 of the Plan's monthly benefit accrual rate, plus 75 percent of the next $33 of the accrual rate, times each year of credited service. The PBGC's maximum guarantee, therefore, is $35.75 per month times a participant's years of credited service.

*Example 1*: If a participant with 10 years of credited service has an accrued monthly benefit of $500, the accrual rate for purposes of determining the PBGC guarantee would be determined by dividing the monthly benefit by the participant's years of service ($500/10), which equals $50. The guaranteed amount for a $50 monthly accrual rate is equal to the sum of $11 plus $24.75 (.75 x $33), or $35.75. Thus, the participant's guaranteed monthly benefit is $357.50 ($35.75 x 10).

*Example 2*: If the participant in Example 1 has an accrued monthly benefit of $200, the accrual rate for purposes of determining the guarantee would be $20 (or $200/10). The guaranteed amount for a $20 monthly accrual rate is equal to the sum of $11 plus $6.75 (.75 x $9), or $17.75. Thus, the participant's guaranteed monthly benefit would be $177.50 ($17.75 x 10).

The PBGC guarantees pension benefits payable at normal retirement age and some early retirement benefits. In calculating a person's monthly payment, the PBGC will disregard any benefit increases that were made under the plan within 60 months before the earlier of the plan's termination or insolvency (or benefits that were in effect for less than 60 months at the time of termination or insolvency). Similarly, the PBGC does not guarantee pre-retirement death benefits to a spouse or beneficiary (e.g., a qualified pre-retirement survivor annuity) if the participant dies after the plan terminates, benefits above the normal retirement benefit, disability benefits not in pay status, or non-pension benefits, such as health insurance, life insurance, death benefits, vacation pay, or severance pay.

## Where to Get More Information

For more information about this notice, you may contact American Federation of Musicians and Employers' Pension Fund at 1-800-833-8065 (extension 1311), One Penn Plaza, Suite 3115, New York, New York 10119. For identification purposes, the official plan number is 001 and the plan sponsor's employer identification number or "EIN" is 51-6120204. For more information about the PBGC and benefit guarantees, go to the PBGC's website, www.pbgc.gov, or call the PBGC toll-free at 1-800-400-7242 (TTY/TDD users may call the Federal relay service toll free at 1-800-877-8339 and ask to be connected to 1-800-400-7242).