



December 8, 2015

**BULLETIN: AFTRA RETIREMENT FUND SENDING INFORMATION
REQUEST TO JPC MEMBERS ON SIGNIFICANT DROP IN PENSION CONTRIBUTIONS**

Over the past two months, the AFTRA Retirement Fund (“Retirement Fund”) has sent information requests to JPC members who have experienced a significant drop in pension contributions, which may constitute a partial withdrawal under ERISA, and possibly trigger a financial obligation to the Retirement Fund.

This is a new effort by the Retirement Fund to address significant underfunding in the pension plan. This underfunding is caused by many factors, including a decrease in investment returns along with a decrease in radio advertising. A partial withdrawal is defined as a seventy percent (70%) decline in contributions over a three (3) year period. The Retirement Fund is sending notices to JPC authorizers who have experienced such a significant drop in contributions.

If a JPC member gets a letter along with an information request from the Retirement Fund, the company is required to furnish the information to the Retirement Fund within thirty (30) days of the request. An extension is available, however, by requesting one from the Retirement Fund’s Director of Operations.

There are two different defenses to a partial withdrawal liability claim. First, an “Employer” may be defined as the entire control group of a Holding Company. For example, if an agency is part of a larger entity in the same control group, then you look at the contributions from all the agencies combined and see if there has been a seventy percent (70%) decline in contributions over three (3) years. The other potential defense is the “Entertainment Industry Exception” under ERISA which, may or may not apply, negating a partial withdrawal from the Retirement Fund.

We recommend if you get an information request from the Retirement Fund, you contact your legal representative and let him/her respond. For questions, please contact any of the following: Douglas J. Wood, the JPC’s Chief Negotiator, at (212) 549-0377; email dwood@reedsmith.com; Stacy Marcus, JPC Counsel, (212) 549-0466, email smarcus@reedsmith.com; or Kim Stevens, JPC Director of Industry Relations, (212) 549-0324, email kstevens@jointpolicycommittee.org.