

Pension Benefit Guaranty Corporation

77-166

October 7, 1977

REFERENCE:

[\*1] 4022(b)(1) & (8) Benefits Guaranteed. Five Year Phase-in of Guarantee

OPINION:

This is in regard to one of the three PBGC determinations which you intend to address in the reconsideration of the above matter.

We have reviewed the question of the dates upon which amendments to the Plan were adopted or became effective for purposes of Section 4022(b)(8) of ERISA. It appears from the language contained in the collective bargaining agreements adopted from time to time between the employer and Locals \* \* \* that benefit increases under the Plan were effectuated by the execution of the collective bargaining agreements themselves, rather than by specific action by the Board of Trustees. Consequently, we will look to the adoption and effective dates of the collective bargaining agreements for the purpose of applying the phase-in rule under Section 4022(b)(8) of ERISA.

If you have any questions, please contact \* \* \* of my staff at \* \* \*

Henry Rose  
General Counsel