

**STATEMENT OF THE
WESTERN STATES PENSION ASSISTANCE PROJECT**

TO THE

**AOA-CONVENED
OLDER AMERICANS ACT REAUTHORIZATION LISTENING SESSION**

**HYATT REGENCY HOTEL – SAN FRANCISCO, CALIFORNIA
MARCH 3, 2010**

Good afternoon Assistant Secretary Greenlee and distinguished panelists. My name is Justin Freeborn and I am Project Attorney for, and Regional Coordinator of, the Western States Pension Assistance Project. We provide much-needed pension help to individuals across the states of California, Arizona, Nevada and Hawaii. We are one of six regional projects that – together with the National Pension Assistance Resource Center – comprise the population of grantees under the Administration on Aging’s Pension Counseling and Information Program. Thank you for allowing me to speak with you this afternoon about this beneficial Program and our recommendations as to certain provisions of the Older Americans Act under which it is established.

The counseling projects provide highly specialized legal services to individuals across 27 states who have questions or problems with their employer-sponsored pension or retirement savings plan, and the national technical assistance project supports our efforts with customized training and legal back-up services. At your Dallas listening session, Roger Curme of the South Central Pension Rights Project talked about the nature of the services that we provide and the tremendous value those services bring to our clients – more than \$100 million in benefits to those we have served and a return on federal investment of more than five to one – and how the Act could be amended to strengthen core services provided by the Program. John Hotz of the national

technical assistance project spoke to you at your Alexandria session regarding certain amendments to the Act that would greatly expand the reach of the program as we work towards much needed nationwide expansion.

But even the most effective pension assistance services – whether offered locally, regionally or nationwide – are of little value if no one knows that they exist or how to access them. Outreach, whether to inform consumers of our services or to coordinate our activities with the relevant operations of appropriate government agencies, is a key element of the Pension Counseling and Information Program. In fact, it is specifically referenced no less than six times in just the few paragraphs of the Older Americans Act that define the pension counseling program. We strongly support the Act’s prioritization of outreach efforts as part of our overall efforts. My comments today will focus on what AoA pension counseling grantees are doing to get the word out that there is a trustworthy place for people to turn to with their pension questions and problems.

The Program’s most far-reaching outreach effort is the PensionHelp America Internet initiative. Designed and administered by the national technical assistance project, PensionHelp America is the consumer-driven single-point-of-entry for pension assistance referral. The system walks each user through a few quick questions to determine the nature of his or her pension inquiry. Based on the answers provided, the system will refer the user to the closest office of the government agency with jurisdiction over their particular pension system, and a referral to the most geographically appropriate pension counseling project or other no-cost service provider – all based on the user’s Zip Code (the only “personal” information required by the site). If an individual is outside the service area of a counseling project, the user is run through a basic age and income eligibility assessment for possible referral to a local legal services agency. Finally, if

legal services are not appropriate, the user is referred to the National Pension Lawyers Network – a free lawyer referral service operated by the New England Pension Assistance Project.

The PensionHelp America’s service agency database is extensive, containing thousands of referral resources nationwide. The system provides accurate, personalized referrals regardless of whether the individual’s pension is offered by a private company, railroad or religious institution; or whether the individual needs assistance with a pension from a federal, state, county or local government employer. The system can even provide referrals for those with questions about any of the various pension systems covering members of our Uniformed Services.

As it relates to the upcoming Reauthorization of the Older Americans Act, we would like to see efficient, Internet-based technologies like PensionHelp America replace the notion of a nationwide referral hotline for pension assistance services. The combined experience of the pension counselors demonstrates that a hands-on, personalized service component is required to adequately assist individuals in the highly complex world of pension law. And given the breadth of our current charter – covering all public and private pension systems throughout the country – it would be prohibitively expensive to fund and practicably impossible to staff a call center of this nature. The counseling projects are “on the ground” where these pension plans are administered and as such are in a much better position to understand the local and regional laws that may govern them. Additionally, and as I will point out over the next few minutes, outreach can be accomplished not only more efficiently by regional counseling projects, but because of the personal nature of so many of our outreach efforts, having a local presence within the geographic region is the only way to achieve meaningful results.

As the AoA has currently defined the pension counseling program, projects are required to work together toward operational consistency through the identification, sharing and

implementation of best practices. Nowhere has AoA's programmatic guidance proved more valuable than in the area of outreach. The counseling projects have worked closely with the national technical assistance project and leading advertising and market research firms to develop a comprehensive messaging platform to be used as a foundation for all outreach-oriented communications. We used this messaging platform to drive our efforts in the design of the current Program fact sheet that resides on AoA's own website¹; and to design a uniform brochure that every project disseminates throughout their respective service regions. To achieve effective outreach on a broad scale, it is essential that every pension counselor understands and talks about the Program in the same way. This approach also directly supports AoA's own philosophy regarding public awareness of its important initiatives – to ensure that the message communicated to consumers, service providers, government agencies and lawmakers across the country is the same message that is being communicated to these stakeholders and their representatives inside the Washington beltway.

The messaging platform has also aided the clarity and consistency of project outreach efforts in the media. Everywhere you look in the print or broadcast media someone is running a story on pensions. While most of the stories we see in the news regarding pensions today are not what one might classify as “good” news, the pension counseling projects are able to shine nonetheless. The media loves to publish our David and Goliath victories.² Stories of the counseling projects and the clients we have helped have appeared in such prominent publications as the *Wall Street Journal*, *New York Times*, *Los Angeles Times* and *Washington Post*; and in

¹ See http://www.aoa.gov/AoARoot/Press_Room/Products_Materials/fact/pdf/Pension_and_Information.pdf

² A 73-year-old widow was overpaid by her county pension for nine years, totaling \$73,000. The County retirement board wanted the entire amount repaid within 30 days or they would cut off her annuity. The counseling project was able to negotiate a waiver of all but \$20,000 and to have that amount amortized over 10 years. The project's efforts worked to persuade the board to change its repayment policies, which benefitted countless participants and beneficiaries under the plan.

more regionally known papers like the *St. Louis Post-Dispatch*, the *Dallas Morning News*, the *Boston Globe*, and my own home-town paper, the *Sacramento Bee*. We have appeared on national and local television and radio programs. I recently represented the Western States Pension Assistance Project on two separate radio programs serving the larger Sacramento area, and we have already seen an increase in the number of local clients requesting our services.

Within each project's service region outreach also takes an added - but essential - personal approach. The projects strive to get to know their regional representatives from field offices of the Department of Labor's Employee Benefits Security Administration, Railroad Retirement Board and Social Security Administration. We also work to identify key personnel within the many state, county and local government pension offices throughout the region. As might be expected, the counseling projects have strong relationships with legal and aging services providers, but we also work to build productive cross-referral partnerships with bar associations and private attorneys specializing in pension and retirement savings plan benefits. The projects also undertake special location-specific outreach initiatives targeted to reach underserved groups within a given project's region. Examples of these efforts include the purchase of advertising space in newspapers serving rural counties of Ohio; advertisements placed on the backs of public transportation busses in inner-city St. Louis, targeted toward women; and a special program to reach residents of nursing homes in Michigan. While not all of these efforts are as successful at generating viable pension clients as we may have originally hoped when planning their execution, we are always stretching our creative muscles to think of new, interesting, efficient and – most importantly – effective outreach ideas to reach underserved groups and to supplement our time-tested strategies and tactics.

Finally, and in line with some of our more creative outreach efforts, the next frontier to be explored by the pension counseling program will be the realm of social media. Over the next several months, the national technical assistance project will be spearheading a nationwide pension assistance outreach campaign, a key element of which will be to tap into the consumer awareness potential of facebook, Twitter, and even YouTube. It remains to be seen if this relatively new collection of Internet-based virtual communities will yield a steady flow of clients for our counseling projects, but we have every reason to be highly optimistic.

Together, the pension counseling projects and the national technical assistance project are working to present a clear and consistent message regarding the availability of competent and trustworthy pension assistance services. We hope that AoA will support our suggested outreach-focused amendments to the Older Americans Act, and stand firmly behind those provisions in the Act that presently prioritize outreach as an essential function of the program.

I sincerely appreciate this opportunity to speak with you today and thank you for your time. Please feel free to contact me with any questions you may have about the counseling program or about the specific work of the Western States Pension Assistance Project. My contact information is included in my submitted remarks. Good afternoon.

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What are Pension Counseling Projects?



The help you need to get the pension you've earned

Pension counselors can help you make more informed decisions about your pension or retirement savings plan by working with you to ensure that you understand and can exercise your legal rights. Since its founding in 1992, the program has enabled thousands of people to recover millions of dollars in retirement benefits.

Pension counseling projects are run by local nonprofit organizations and are funded under the Older Americans Act through a grant program of the U.S. Administration on Aging. Legal training and support are provided by the National Pension Assistance Resource Center, an initiative of the Pension Rights Center in Washington, D.C.

Secure retirement income improves your quality of life

A predictable and secure pension provides peace of mind and improves your life in many ways. Pension income increases your financial freedom and expands your choices for enhanced health, nutrition, living conditions, and overall independence well beyond retirement age.

Where can you find the help you need?

MID-AMERICA PENSION RIGHTS PROJECT
Serving Kentucky, Michigan, Ohio,
Pennsylvania, and Tennessee
Toll Free: (866) 735-7737

AM I ELIGIBLE FOR ASSISTANCE?

Pension counseling projects provide assistance free of charge to anyone with a pension question or problem, regardless of age, income, or value of the claim.

You can contact the Mid-America Pension Rights Project if

- you currently live or work in the region the project serves, or if you lived or worked in the region while earning the pension; *or*
- if the company or pension plan is headquartered or has operations now in the region, or if it had operations in the region when the pension was earned.

If none of the above conditions apply to you, you can find the appropriate counseling project or agency that can assist you at

PensionHelp America—www.PensionHelp.net
Your one-stop source for pension information and assistance

This project was supported, in part, under cooperative agreement 90AM 3148 from the U.S. Department of Health and Human Services, Administration on Aging. Grantees undertaking projects under government sponsorship are encouraged to express freely their findings and conclusions. These contents, however, do not necessarily represent the policy of the U.S. Department of Health and Human Services, and you should not assume endorsement by the Federal Government.

Additional support provided by the Michigan State Bar Foundation.



Questions about your pension?

We can help.



"The pension counseling project worked miracles to solve my pension mystery. They traced my work history all the way back to 1976 and found the money I had earned—an extra \$104 per month!"

— CHARLES G., 64-YEAR-OLD RETIREE



How can the pension counseling projects help you?

Pension counseling projects can help you understand your pension rights and claim the benefits you've earned, regardless of the type of company you worked for or the type of pension plan involved. **Services are provided free of charge.**

Why are the pension counseling projects needed?

Because pension help is hard to find.

Pension counseling projects fill a unique and unmet need.

- Pension plans and laws are complex and difficult to navigate without knowledgeable assistance.
- Corporate mergers and bankruptcies, and a volatile stock market, mean that more people than ever are in need of basic pension help.
- Very few resources exist that provide direct, specialized assistance,
 - free of charge;
 - regardless of your age, income, or the value of the pension involved; and
 - by professional, compassionate, and trustworthy staff.

Pension counseling projects provide personalized assistance:

- Answering questions about complicated pension laws and how they affect your retirement;
- Obtaining and explaining hard-to-find retirement plan publications, forms and other documents;
- Correcting pension miscalculations and claiming retirement benefits that have been denied;
- Tracking down benefits from past employers; and
- Providing referrals to lawyers, actuaries, and other pension professionals as appropriate.

Pension counselors can assist with retirement income plans offered by private and government employers, including:

- Traditional "defined benefit" pension plans;
- Cash balance and other "hybrid" pension plans;
- 401(k), 403(b), and 457 "defined contribution" plans; and
- Money purchase and other profit-sharing plans.

Types of questions that the pension counseling projects can help answer:

- Am I entitled to a pension?
- What happens to my pension when I change employers?
- Can I get pension benefits from my ex-spouse?
- How can I claim my pension from a company that has merged with another or gone bankrupt?
- What happens to my pension when I die? What happens to my spouse's pension?
- What if my pension is miscalculated or denied altogether?

"I had been receiving a monthly benefit from my late husband's pension for 23 years. Then the pension plan suddenly decided I was no longer eligible for it. The Pension Counseling Project helped me get my pension back. I don't know what I would have done without their help."

— DORIS D., 85-YEAR-OLD WIDOW

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ASK ENCORE | MAY 30, 2009

Pension Benefits Are Protected in a Bankruptcy

By KELLY GREENE

What are the rights of senior citizens who are supposed to get pension benefits from companies in bankruptcy?

I am 68 and was vested under the retirement plan of a company in Memphis, Tenn., that went bankrupt and sold its operations to another company. I did try to contact the attorney in charge of my pension but didn't receive any response. Is there any way I can obtain my pension benefits soon? Do I need to file any written forms? Will the benefits be retroactive?

—Shankar Iyer, Germantown, Tenn.

If a company files for bankruptcy-court protection, its pension assets can't be touched by creditors to pay off debts, says Rebecca Davis, a staff attorney for the Pension Rights Center in Washington, a nonprofit advocacy group. That is because the pension plan is a "separate entity" from the company sponsoring the plan.

Under federal law, pension assets must be kept separate from an employer's business assets and held in trust or invested in an insurance contract, according to the Employee Benefits Security Administration, part of the Labor Department. So, in the event of bankruptcy, the retirement funds should be secure from creditors. And some pension benefits may be insured by the federal government, with traditional defined-benefit plans protected by the Pension Benefit Guaranty Corp., a federal-government corporation.

But it can still be difficult to get answers when a pension plan is in transition, with glitches in communication or confusion about who to go to for help, Ms. Davis says. "When a company is in disarray, they aren't necessarily keeping up with their fiduciary duties."

She suggests seeking help from the Mid-America Pension Rights Project, one of several pension-counseling projects around the country, backed by the Administration on Aging, that provide free help to people with pensions. The pension projects cover more than two dozen states, providing free legal service regardless of age or income as long as you live in their jurisdiction, worked in it or belong to a plan in it.

The Mid-America project's Web site is at the address: elderlawofmi.org/pension_rights_project/index.html, and the phone number is 866-735-7737. "If you're having trouble in general communicating with your pension plan, the pension project can definitely help with that," Ms. Davis says.

To see a complete list of projects and the states they cover, go to pensionrights.org, click on "Pension Help" and then click on "Counseling Projects."

If you aren't covered by a pension-counseling project in any way, the federal Employee Benefits Security Administration also provides free help. You can find a local office by calling 866-444-3272 or going to www.dol.gov/ebsa and clicking on "EBSA Offices."

To see if your pension has been taken over by the Pension Benefit Guaranty Corp., go to pbgc.gov and click on

"Pension Search Directory."

If none of those sources of help can resolve the problem, you may want to seek assistance from a lawyer. The National Pension Lawyer Network is a nationwide, no-cost referral service run by the Pension Action Center at the University of Massachusetts-Boston. You can request help by calling 617-287-7307 or by sending an email to npln@umb.edu.

Write to Kelly Greene at kelly.greene@wsj.com

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PLYMOUTH

The Boston Globe

A pension found, with a little help

By Matt Carroll, Globe Staff | December 24, 2009

Barbara Michaluk of Plymouth had retired and knew she was entitled to a pension, even if it was small. But the company the bookkeeper had worked for in the 1960s and '70s had long since been swallowed and reswallowed in a series of corporate mergers.

After searching fruitlessly for 1 1/2 years, Michaluk was on the verge of giving up when she reached out to the New England Pension Assistance Project at the University of Massachusetts Boston, a federally funded organization that works to connect retirees with lost pensions.

The end result: a monthly pension of \$123.

"Without that organization at UMass, I don't think I would have found it," said the 66-year-old Michaluk. "It is very complicated, and I had come to the point where I was going to give up."

Michaluk's is a success story, but others are not so fortunate. Only about one in three can be helped by the pension project, said officials. Often, people did not work long enough at a company to qualify for a pension or there are extenuating circumstances.

Still, the organization says it has helped about 5,100 people get \$36 million worth of pension benefits over the past 15 years.

It's difficult for professionals, never mind other people, to track down a pension lost in a maze of corporate mergers, said Grace Healey, an official with the organization, which is part of the Gerontology Institute. People get frustrated, knowing that they are owed the money but they can't reach it.

"You get angry and don't know how to deal with plan administrators," she said. "We are in a position to take on some of that burden."

Michaluk's pension history began in the 1960s when she got a job in accounts receivable and payable for Masoneilan, then a manufacturer of valves in Norwood. When she left in 1978, she was handed a pile of paperwork about her future pension benefits, which she carefully filed away. (A current company with the same name is not responsible for the pension.)

"I knew it wasn't a very big pension, but I knew if I lived to be 80 and was starting to run out of my IRA, a couple of hundred dollars could be food," she said. After leaving, she became a self-employed bookkeeper, with a roster of clients. The Woonsocket native still works part-time. But through the years, she didn't forget about her little pension due from Masoneilan and held tight to the paperwork.

Michaluk isn't the type to be easily put off by bureaucrats who can't be bothered to help her find her pension. She lives in a neat home, rides horses, works three days a week, dresses fashionably, and has no intention of letting the aches and pains of growing older slow her down.

"I don't intend to give in" to old age, she said, "as long as they keep making hair dye."

More than a year ago, after retiring, she looked up her old pension paperwork. But she learned the company had gone through several mergers.

In some ways, she was well prepared to figure out who should pay her pension. She has run her own business for decades and was used to working out knotty problems at work. But trying to sort out this situation was overwhelming, she said.

"I was thinking I didn't have the ability to follow the audit trail," she said. "I didn't know how to find out what kind of agreements went from company to company."

Her chase led to one dead end after another, a twisting trail of corporate names and unclear responsibility.

She finally found another retiree from the company who pointed her toward New York Life, which was handling his pension payouts. But the New York Life representative said her name and Social Security number were not on the list.

Finally, she called the Pension Benefit Guaranty Corp., a government-created organization that insures the pensions of 44 million Americans. They couldn't help much, but mailed her a pamphlet on how to track down her pension, which led her to the New England Pension Assistance Project.

Within days this past summer, the group had a pension counselor working on her behalf for free. The trail led back to New York Life, where her pension was found. The problem, said a New York Life representative, was that the company had the wrong name, address, and Social Security number for Michaluk.

She is getting her monthly pension now. And she is a big believer in helping people get the pensions they are owed. "It's not about me

or the lousy 123 bucks," she said. "If someone else can find a pension they were looking for, that would be great."

Matt Carroll can be reached at mcarroll@globe.com. ■

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AoA Pension Counseling and Information Program Message Platform

A “message platform” is a small set of message themes, all aimed at achieving one objective among key audiences, with each theme supported by a range of facts and stories. The framework for the recommended messaging platform (p. 3) for the Pension Counseling and Information Program (PCIP) is illustrated in the following chart:

Audiences	Who we want to hear the messages.
Objective	The “mindset” or perceptions we want our messages to create over time. The objective should be something broad enough to be fundamental to your overall mission, but specific enough to keep communications focused.
Themes	The most important things we need our audiences to <u>know</u> about the organization. In crafting themes, we aim for ideas that are important, understandable, and demonstrable through facts, behaviors, and stories.
Messages	Messages are those facts, behaviors and stories that can be used to illustrate and demonstrate the themes. These are the things that our communications tactics will look for every opportunity to showcase.

The value of having a clear platform is not necessarily the power of the specific messages, but the *discipline* that a clear platform can provide. A message platform aids in setting clear priorities, so that communications tactics can be focused on delivering a small number of consistent messages through every possible channel.

Core messages should be limited to a relatively small number of key talking points that work for the broadest audiences. Messages that would be particularly appealing to narrower segments should play a role in targeted and personal communications, rather than being part of the basic message platform.

A. Initial Observations

In distilling ideas generated during discussion with PCIP staff (see “Background and Perception Assessment” starting on p.7) into a single message platform, the following observations were made:

- **Use “[employer-sponsored] retirement income plans/benefits” when discussing both traditional pensions and other retirement saving options.**
When discussing the best way to communicate about “pensions,” the terminology should be broader as many groups and individuals now talk about pensions, 401Ks, and general retirement savings as one and the same. This broader language is more “up to date” and using other terms in isolation is limiting because those terms refer to specific types of plans. (See discussion on p. 10.)
- **Find voice for the themes of advocacy, counseling, information, credibility/expertise, and effectiveness/efficiency.**
 - **Advocacy.** The AoA Pension Counseling and Information Program works to ensure that the burden of understanding and exercising one’s pension rights does not lie solely with the individual - that the voice of the consumer is heard and that their rights are protected. As part of its mission, the PCIP serves two critical roles:
 - **Counseling.** The Program excels in providing direct assistance for individuals to more fully understand and make effective claims for the retirement income that they have earned, thereby empowering and enabling these individuals to make informed retirement decisions and enhancing their financial security in retirement.
 - **Information.** The Program also excels in providing answers and information resources to consumers who simply have basic questions about their pensions and the laws that govern them and don’t know where to turn for trustworthy answers.
 - **Credibility and Expertise.** The AoA Pension Counseling and Information Program’s expertise and reputation in the retirement-income plan arena allow the organization to be viewed as the go-to resource and trusted advisor across a broad swath of audiences.
 - **Effectiveness and Efficiency.** Given the importance of (and relative difficulties with) obtaining funding from different sources, the Program must constantly strive to demonstrate its ability to provide services and make a positive impact in a cost-effective manner.

B. Recommended Message Platform

Guided by discussions with project staff, the following message platform has been proposed to drive AoA Pension Counseling and Information Program’s communications strategies:

Objective (the belief communications should)			
<p><i>“The Administration on Aging’s Pension Counseling and Information Program is the <u>trusted</u> expert on retirement income benefits for workers, retirees and their families.”</i></p>			
Themes (what we need audiences to know):			
<p>We meet a unique and unmet need efficiently and effectively</p>		<p>We help individuals understand and Exercise their retirement income rights.</p>	
Messages (key ways to illustrate and demonstrate the			
<p>We have a track record of success. Our work has helped thousands of individuals, recovering nearly \$75M in benefits, which represents a return on federal investment of more than 5 to 1.</p>	<p>We effectively partner with agencies, community organizations and networks to protect consumers’ rights and ensure the system is fair and equitable.</p>	<p>We are a credible source of information and an effective advocate for consumers.</p>	<p>We provide free and useful personalized counseling and assistance to empower those in need regardless of age or income.</p>

C. Key Messages by Target Audience

Two groups of audiences have been identified as key priority audiences for the AoA Pension Counseling and Information Program: audiences for outreach targeted *primarily* at generating project clients; and audiences for outreach targeted *primarily* at generating project funding. Appendix I (pp. 12-13) is a more detailed list of target audiences.

1. Audiences for outreach *primarily* to generate clients

- Media (requires further breakdown and detail)
- Referral and partner networks
- Federal and State Government
- Private Bar, Bar Associations, and Networks for Pension Professionals
- Unions
- Former Clients

When communications are targeting **potential clients**, consumers first need to know that the PCIP exists, and then understand what the Program can do for them and why. Thus, messaging should focus on *the what* – which is to help individuals understand and exercise their retirement income rights through *free*, personalized assistance. Logistical details (e.g., where and how to contact the counseling projects) should also be provided.

When addressing *the why*, messaging should emphasize that the PCIP is the trusted expert in recovering retirement benefits. Highlighting the organization’s track record of success emphasizes its ability not only to serve consumers, but to achieve results (“We’ve recovered nearly \$75M in benefits for thousands of individuals”). However, it has been suggested that staff avoid using the term “effective” with consumers because staff cannot always guarantee that they can recover benefits.

2. Audiences for outreach primarily to attract funding and other support

- Congress
- Government agencies
- Foundations
- Individuals
- Corporations

When communications are targeting **funding sources**, messaging should highlight the effectiveness of the organization to demonstrate that the PCIP delivers a great bang for the buck. Emphasizing this information would reassure potential funders that their money is well-spent while highlighting the positive impact the Program has had with individuals (from a monetary standpoint and in terms of total clients served). Funders need to know that the PCIP is unique, efficient, and effective (has a track record of success), and helps individuals to be independent which prevents future problems.

Appendix I (pp. 12-13) is a more detailed list of target audiences.

D. Developing proof points

It is important to develop a set of “proof points” or tangible examples that support each of the core themes and messages. For each strength, challenge, theme, and message identified above, each project should identify at least one (up to three or four) facts or other specific examples that prove or exemplify that particular strength, challenge, theme or message.

Examples:

Key message 1: *We have a track record of success.*

- **Proof point:** Since the Program's inception, it has helped its clients receive more than \$75 million in retirement income benefits, representing more than a 5 to 1 return on federal investment. In recent years, experienced programs have demonstrated a return-on-investment of more than 15 to 1.
- **Proof point:** The New England Pension Assistance Project works on a shoestring budget – its cumulative budget over 14 years totals approximately \$2.5 million. Its success rate in resolving pension cases means that, for every dollar invested in the Center, \$15 has been recovered for retirees.
- **Proof point:** The New England Pension Assistance Project sends a customer satisfaction survey with each full service closed case. Of those surveys returned, 95 percent, including those that did not receive a financial benefit, say that they were satisfied with the service.

Key message 2: *We effectively partner with agencies, community organizations and networks to protect consumers' rights and ensure the system is fair and equitable.*

- **Proof point:** After trying on his own for more than a year to claim a profit-sharing plan from a former employer, a client contacted the Upper Midwest Pension Project. After initially telling the project it had paid the subject benefit, the employer refused to provide satisfactory documentation of payment. Suspecting fraud, the project referred the case to the proper regional office of the Department of Labor. The DOL is currently investigating the employer and plan officials and the project is hopeful of a recovery.
- **Proof point:** One project referred a case with clear violations to a pro bono attorney who obtained a settlement for the client after filing the case in federal court.

Key message 3: *We are a credible source of information and an effective advocate for consumers.*

- **Proof point:** A new client said that the only reason he called the project was that it was a non-profit, federally-funded program, and that he did not trust a private attorney to give him reliable and unbiased advice on his case.
- **Proof point:** The New England Pension Assistance Project has six volunteer pension counselors with a combined experience of 40 years and two attorneys with combined pension law experience of 25 years.
- **Proof point:** Client testimonials include
 - "I was extremely pleased with the service provided and thought [the project attorney] went above and beyond her duties to keep in touch with me thru this process."
 - "I had been struggling with my problem for over a year, and you were the only entity that could help me. You were great!"

Key message 4: *We provide free and useful personalized counseling and assistance to empower those in need regardless of age or income.*

- **Proof point:** Projects are willing to work with all clients, including some very difficult situations involving mental illness. One case involved a 90-year-old mother, who successfully got a pension for her mentally ill daughter.
- **Proof point:** Projects also work without regard to likelihood of recovery when the client has questions or needs closure. In the last fiscal year, the Ohio project obtained 45 recoveries out of a total of 250 cases. The vast majority of clients receive service and answers even without any entitlement to benefits.
- **Proof point:** One case was a Social Security referral which resulted in a \$43,000 recovery for a 51-year-old disabled man. It would have been cost-prohibitive for this client to hire private counsel.
- **Proof point:** A client had problems with direct rollover of 401(k) into IRA after termination of employment and was concerned with possible penalties and tax consequences for failure to meet required time frames. The project advised client of applicable time frames and penalties and assisted her in completing the rollover.

E. Prioritizing messaging by target audience

Each project should identify in priority order the specific audience that each strength, challenge, theme or message is most appropriate for.

Theme 1: *We meet a unique and unmet need efficiently and effectively.*

Key message 1: *We have a track record of success.*

- Anyone with pension problem or who knows someone with problem
- Funding sources
- Third-party sponsors and administrators
- Referral and partner networks

Key message 2: *We effectively partner with agencies, community organizations and networks.*

- DOL
- Funding sources
- PBGC
- Private bar and bar associations

Theme 2: *We help individuals understand and exercise their retirement income rights.*

Key message 3: *We are a credible source of information and an effective advocate for consumers.*

- Anyone with pension problem or who knows someone with problem
- Referral and partner networks
- Media
- Funding sources
- Unions
- Private bar and bar associations

Key message 4: *We provide free and useful personalized counseling and assistance to empower those in need regardless of age or income.*

- Anyone with pension problem or who knows someone with problem
- Referral and partner networks
- Funding sources

Background and Perception Assessment

In September 2007, as part of the U.S. Administration on Aging (AoA) Pension Counseling and Information Program’s annual training conference, KRC Research facilitated a 2½-hour Messaging Summit for the AoA’s Pension Counseling and Information Program (“PCIP” or “Program”). Participants included representatives from the regional Pension Counseling Projects and the National Pension Assistance Resource Center (National PARC), as well as key staff from the Administration on Aging and the Pension Rights Center.

The purpose of this session was to develop a compelling and consistent message platform to guide how PCIP staff and others talk about the counseling projects and the PCIP as a whole. Thus, the exercises and discussions were structured to assess the PCIP’s strengths and challenges; define target audiences; and determine key message themes and supporting points.

These ideas should be used in project and Program outreach materials – as part of a larger shared messaging framework – designed to increase overall awareness of the Program and to define its value of with key audiences. Specifically, the results of this exercise provide content guidelines for an “evergreen” PCIP brochure, as well as additional stock content for Web sites and other outreach materials, as part of a larger Pension Counseling Project outreach toolkit.

At the Messaging Summit, KRC Research focused on two foundational components of developing a messaging platform. First, KRC conducted a “perception assessment” to identify the perceived Program strengths and the challenges that it faces. These elements make up the foundation of the messaging platform. Second, the group identified key target audiences for outreach efforts.

A. Perception Assessment

To better understand the current positioning of the PCIP, the group assessed perceptions of the Program's strengths and challenges.

1. Strengths

Program strengths fell into two categories: those *primarily* related to consumer or client-oriented communications, and those more likely to be utilized in communications to other audiences.

a. Strengths primarily related to consumer-focused communications

- ***Demonstrated expertise:*** The PCIP stands out as an expert in assisting individuals to understand and exercise their pension rights, and in helping them to secure the retirement income that they have earned. The staff's experience and the program's focus set it apart from other services provided by government agencies, legal aid, and private practitioners.
- ***Professional, compassionate and fair:*** The pension counseling projects and their staffs are invested in empowering consumers to exercise their pension rights, promoting retirement security, and enhancing retirees' financial independence. The program seeks to answer questions and resolve matters in a fair manner for everyone, including those who may not be eligible to receive retirement benefits.

As important, project staff provide the clients with peace of mind. They take on cases that others consider "lost causes" (poor facts, no supporting documents, pre-ERISA employment, etc.) in order to give clients the peace of mind that comes from receiving a knowledgeable assessment of their situation and knowing that we made a good faith effort to obtain a favorable result for them.

The projects also assist plan administrators by not forwarding frivolous claims and by acting as watch guards, willing to sift through the evidence to ferret out the issues. Staff pursue cases strictly on merit for as long as they take. Neither client nor staff are motivated by a potential award or its size.

- ***Offers free services to all:*** The fact that the PCIP provides its services without charge to anyone with a question about their retirement income plan expands the Program's reach to a wider population than that of other many elder service providers. First, it provides services regardless of the potential client's age or income --

services to those who would not otherwise be served by legal services providers because their incomes are above the maximum limits. Second, it serves individuals with claims of low or no value (thus not making their cases economically feasible for private pension attorneys).

b. Strengths primarily related to other audiences

- ***Fills a unique and unmet need:*** The Program's pension expertise and its ability to help individuals regardless of their age or income fill critical service gaps.

The Program's unique focus on pensions – both private and government-sponsored – fills many important service gaps: no single government agency has the formal responsibility to directly assist individual retirement plan participants and their beneficiaries; legal services providers do not possess the necessary expertise; and private attorneys with the appropriate specialization are difficult to find.

The Program's mandate to serve consumers with pension issues regardless of age or income also helps it to serve a great and unmet need. Even where a legal services agency is willing to assist with a pension issue, workers are often much younger than 60 when they encounter their first pension problem, and retirees with pension issues often have income levels that bar them from access to these programs. Additionally, the program typically serves clients with individual benefit issues (not a class action) typically of small or no value, virtually eliminating the chance of representation by a private attorney.

- ***Program recoveries improve senior choice and independence:*** The dollars gained through the assistance of the PCIP ultimately work to expand the range of choices that consumers will have to enhance their health, living conditions, and nutrition, and to maintain their overall independence when they reach retirement age and beyond. Moneys recovered by PCIP reduce the likelihood that recipients will need public assistance.
- ***Credible among stakeholders:*** The PCIP is a reliable and credible source of information for its key audiences. Affiliation with the AoA, and knowledge and experience of the staff, enables workers, retirees and their families to understand and exercise their pension rights, thereby maintaining their independence in retirement.
- ***Cost-effective and efficient:*** The PCIP has helped tens of thousands of individuals understand and exercise their pension rights in an extremely cost-effective manner. The Program uses data collection

and evaluation tools to define and encourage measurable outcomes. Furthermore, the money that is recovered is taxable, returning a portion of the recovery to the government. So taxpayers get a tangible return on their investment in PCIP.

2. Challenges

Program challenges also fell into two categories: challenges related to PCIP outreach communications; and those related to the definition or scope of the Program itself.

a. Challenges *primarily* related to PCIP outreach communications

- ***Sensitivity across agencies:*** The PCIP must carefully balance how it talks about its own strengths and weaknesses in relation to those of referring and partnering government programs and agencies (such as the Department of Labor).

To combat potential sensitivities, communications should stress that the Program:

- Meets a unique need in providing personalized pension counseling for retirement income plan participants – regardless of age or income – to help recover benefits. The term “personalized” could offend by implication. What distinguishes the PCIP from government agencies is that we directly represent our clients, undertaking tasks such as verifying benefit calculations and appealing individual benefit denials. However, this also works against us on the funding front, as Congress generally dislikes funding legal services (but this may change over time).

Projects also assist individuals who cannot obtain services from government agencies such as participants of church plans, state plans, and municipal plans.

- The PCIP is an effective partner and, where the Program cannot help, it often lays the groundwork so that other organizations can more easily assist consumers, ensuring no individual is left behind.
 - Government agencies: We assist pensioners in collecting documents, performing some initial investigation, and organizing a case so that the government agency is presented with a cognizable issue within the agency's scope of service.
 - Pension plan administrators: We assist pensioners in identifying relevant issues, interpreting plan provisions, and

understanding plan procedures. We have the same goal as a plan administrator: to make certain that every participant gets exactly the pension that s/he is entitled to.

- Private attorneys: We screen clients and perform investigations prior to making a referral.

This language also communicates that the PCIP truly wants to build and maintain collaborative partnerships and networks, instead of positioning the entity as the sole source for retirement services. Additionally, highlighting ROI successes would reiterate the Program's efficiencies and effectiveness without stepping on toes.

- **Perception of being somewhat old-fashioned:** The PCIP may face a public perception of being quaint and old-fashioned, given the use of the word "pension" in its name. In reality, the program assists all individuals across the full range of employer-sponsored retirement income plans. In addition to traditional defined benefit plans, the staff are well-versed in cash-balance and other hybrid defined benefit plan models, as well as the full gamut of defined contribution plans, including 401(k)s, 403(b)s and other profit-sharing models.

Some staff disagreed that the projects are perceived as old-fashioned, saying that the word "pensions" increasingly means both DB and DC plans.

- **Narrow focus of expertise:** While the Program's expertise is a clear strength, it can also be a challenge. First, many audiences often incorrectly assume that the program only helps seniors, which limits our ability to reach other consumer audiences. Second, staffers are trusted experts and advisors on retirement income benefits, so PCIP staff frequently has to refer individuals with other employee or public benefit questions (e.g., employee health and disability, Social Security) to legal services, private attorneys or other providers.

b. Challenges primarily related to PCIP definition and scope

- **Funding:** Participants strongly agreed that funding is the Program's greatest challenge. The counseling projects lack sufficient funding to hire enough staff to handle a demanding caseload, in addition to carrying out other tasks necessary for a successful project, such as pro-active outreach for new clients, professional development, and overall grant reporting and grant administration.

For example, one project had its budget cut in half in 2008, which limits its ability to place advertisements in newspapers and do other outreach to attract clients. Advertising and mentions in the press routinely result

in a significant increase in calls, showing there is a great need to the project's services and that the word is not consistently getting out to those who need it.

Furthermore, limited financial resources and/or organizational policies related to salaries and benefits may negatively affect staff retention, which in turn affects the institutional knowledge and expertise of the project and the Program over time.

The projects are somewhat hindered in designing and implementing sustainability plans because of the federal government's prohibition on using federal funds for fundraising activities.

- ***No influence through lobbying:*** Several staff members felt that the Program often plays too passive a role by providing counseling and information services, when it should also have more of a voice in influencing related legislative and regulatory initiatives. While most do not think lobbying should be their role, participants *would* like to be more vocal and active in influencing change without negatively affecting the organization's ability to obtain funding.

B. Identification of Target Audiences

When discussing target audiences for outreach efforts, two groups of audience "classes" emerged: audiences for outreach targeted primarily at generating clients for the projects; and audiences for outreach targeted primarily at generating funding or other support for the projects. See p. 3 for the discussion and Appendix 1 on pp. 12-13 for the detailed list of audiences.

APPENDIX I

Target Audiences

Who are the Pension Counseling and Information Program's key audiences to communicate with?

Sources for potential clients: Anyone, regardless of age or income, with a question about or problem with their employer-sponsored retirement income

- **Media**
 - **Newspapers (national, regional, local)**
 - **Radio (financial, special interest)**
- **Referral and partner networks**
 - **Aging resource centers/networks**
 - **Legal services offices/legal aid**
 - **Local councils on aging**
- **Federal and State Government**
 - **Constituent services for elected representatives**
 - **Field offices (SSA, DOL, IRS)**
- **Private Bar, Bar Associations, and Networks for Pension Professionals**
- **Unions**
 - **Service offices (legal)**
 - **Local labor councils**
 - **Officials**
 - **Members**
- **Former Clients**

Funding Sources

- **Congress**
- **Government agencies**
 - **U.S. Administration on Aging**
 - **U.S. Department of Labor**
 - **State government (significantly less so than feds)**
 - **State labor and attorney general offices**
- **Foundations**

Who are the Pension Counseling and Information Program's key audiences to communicate with?

- **Individuals**
- **Corporations**

Other: Cooperation / Collaboration, etc.

- **Department of Labor**
- **Pension Benefit Guaranty Corporation (PBGC)**
- **Internal Revenue Service / Treasury**
- **Third-party administrators**
- **Private plan sponsors**
- **State and local government pension plans**
- **Federal and State legislators**