

**Notice of Critical Status  
for  
IBT Local 840 Pension Plan  
EIN: 13-6304568 / PN: 001**

This is to inform you that the plan actuary certified to the U.S. Department of the Treasury, and also to the Plan sponsor, that the Plan is in Critical Status for the Plan year beginning January 1, 2023. Federal law requires that you receive this notice.

**Critical Status**

The Plan is considered to be in critical status because it has funding or liquidity problems, or both. More specifically, the Plan's actuary determined that the Plan has not passed the "Emergence Test", meaning that the Plan was in Critical Status last year and is projected to have an accumulated funding deficiency in the current Plan Year or within the next 9 years.

**Rehabilitation Plan**

Federal law requires pension plans in Critical Status to adopt a Rehabilitation Plan aimed at restoring the financial health of the Plan. This is the 16th year the Plan has been in Critical Status. The law permits pension plans to reduce, or even eliminate, benefits called "adjustable benefits" as part of a Rehabilitation Plan. On April 1, 2009, you were notified that the Plan reduced the benefits rate for accruals. On April 1, 2009, you were notified and that as of January 1, 2009 the plan is not permitted to pay lump sum benefits (or any other payment in excess of the monthly amount paid under a single life annuity) while it is in Critical Status. In addition, the Supplemental Benefit and 60 month guaranteed pension option were eliminated for participants who retired on or after January 1, 2009. Pensions may only be paid for the life of the pensioner (or the pensioner and spouse).

If the trustees of the Plan determine that further benefit reductions are necessary, you will receive a separate notice in the future identifying and explaining the effect of those cut. Any reduction of adjustable benefits (other than a repeal of a recent benefit increase, as described below) will not reduce the level of a participant's basic benefit payable at normal retirement. In addition, the reductions may only apply to participants and beneficiaries whose benefit commencement date is on or after April 1, 2009.

**Employer Surcharge**

The law requires that all contributing employers pay to the plan a surcharge to help correct the plan's financial situation until such time as their collective bargaining agreements are updated to reflect the contribution increases required by the Rehabilitation Plan. The amount of the surcharge is equal to a percentage of the amount an employer is otherwise required to contribute to the plan under the applicable collective bargaining agreement. With some exceptions, a 5% surcharge is applicable in the initial critical year and a 10% surcharge is applicable for each succeeding plan year thereafter in which the plan is in critical status.

**Where to Get More Information**

For more information about this Notice or to receive a copy of the rehabilitation plan, you may contact:

Board of Trustees  
Local 840 Pension Fund  
2137-2147 Utica Avenue  
Brooklyn, NY 11234  
(718) 859-1624

DATE SENT: \_\_\_\_\_