

**Notice of Critical and Declining Status  
For  
Laborers Local 130 Pension Fund**

This is to inform you that on July 28, 2023 the plan actuary certified to the U.S. Department of the Treasury, and also to the plan sponsor, that the plan is in critical and declining status for the plan year beginning May 1, 2023. Federal law requires that you receive this notice.

**Critical and Declining Status**

The plan is considered to be in critical and declining status because it has funding or liquidity problems, or both. More specifically, the plan's actuary determined that the plan has an accumulated funding deficiency for the current plan year and the plan is projected to become insolvent in 2027.

**Rehabilitation Plan**

Federal law requires pension plans in critical and declining status to adopt a rehabilitation plan aimed at restoring the financial health of the plan. This is the 3<sup>rd</sup> year the plan has been in critical and declining status. The prior 10 years the plan was in critical status. The law permits pension plans to reduce, or even eliminate, benefits called "adjustable benefits" as part of a rehabilitation plan. On August 28, 2010, you were notified that as of August 28, 2010, 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. On September 1, 2010, the trustees adopted a rehabilitation plan that required contribution increases through May 1, 2017 and did not reduce the future benefit accrual rate below the current \$65.00. No adjustable benefits were eliminated. On March 24, 2017, the Trustees extended the required contribution increases in the Rehabilitation Plan through May 1, 2020. If the trustees of the plan determine that benefit reductions are necessary, you will receive a separate notice in the future identifying and explaining the effect of those reductions. 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 August 28, 2010.

Please see section below entitled, "**Multiemployer Pension Reform Act of 2014 (MPRA)**" for additional information on possible benefit reductions.

**Adjustable Benefits**

The plan offers the following adjustable benefits which may be reduced or eliminated as part of any rehabilitation plan the pension plan may adopt:

- Disability benefits (if not yet in pay status);
- Early retirement benefit or retirement-type subsidy;
- Benefit payment options other than a qualified joint-and survivor annuity (QJSA)
- Pre-retirement death benefit greater than Qualified Joint and 50% Survivor Benefit

**Employer Surcharge**

The law requires that all contributing employers either comply with one of the contribution increase schedules of the Rehabilitation Plan or pay to the Pension Fund a surcharge to help correct the Pension Fund's financial situation. 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. A 10% surcharge is applicable for this plan year and for each succeeding year while the Fund is in critical status until such time as one of the contribution increase schedules is adopted. Since all contracts have adopted contribution increases in accordance with the Rehabilitation Plan, no contribution surcharge is due at this time.

### **Multiemployer Pension Reform Act of 2014 (MPRA)**

Under the MPRA, a pension plan in critical and declining status may suspend benefits. Generally, a suspension of benefits is a temporary or permanent reduction in current or future pension payments for participants, including reductions to the basic benefit payable to participants at normal retirement age and the pensions payable to retirees younger than age 80. This reduction is in addition to the reductions in adjustable benefits noted above.

There are a number of other requirements that must be satisfied in order for a suspension of benefits to occur. This includes an application to the Secretary of the Treasury and notice to all of the participants, beneficiaries, contributing employers, and unions that represent participants in the plan. The Board of Trustees has not taken any action to suspend benefits at this time.

### **Where to Get More Information**

For more information about this Notice, you may write or call the Fund's Contract Administrator, Lawrence C. Musgrove Associates, Inc., P. O. Box 1769, Salem, VA, 24153; Phone: 540-345-7735, Fax: 540-345-4271, Toll Free: 1-800-552-6972. You have a right to receive a copy of the rehabilitation plan from the plan.