



Local 1034 Pension Fund

48-18 Van Dam Street, Suite 201, Long Island City, New York 11101 • (718) 937-7150 • Fax (718) 937-7552

NOTICE OF CRITICAL STATUS

LOCAL 1034 PENSION PLAN

(for the Plan Year beginning January 1, 2020)

This is to inform you that on March 30, 2020 the plan actuary certified to the U.S. Department of the Treasury, and also to the plan sponsor, that the Local 1034 Pension Plan (the “Plan”) is in critical and declining status for the plan year beginning January 1, 2020. 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 and liquidity problems. More specifically, the Plan’s actuary determined that the Plan is in critical status because it was in critical status last year, the Plan is projected to have an accumulated funding deficiency for the current year, and the Plan is expected to become insolvent within twenty years.

Rehabilitation Plan and Possibility of Reduction in Benefits

Federal law requires pension plans in critical status to adopt a rehabilitation plan aimed at restoring the financial health of the plan. The Plan has been in critical status for ten years and in critical and declining status for three of those years.

The law permits pension plans to reduce, or even eliminate, benefits called “adjustable benefits” as part of a rehabilitation plan. On April 27, 2010, you were notified that as of April 30, 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 November 23, 2010, the Board of Trustees adopted a Rehabilitation Plan, which included the reduction and/or elimination of some adjustable benefits under the Plan. You received a separate notification identifying and explaining the effect of those benefit changes. If the Trustees of the Plan determine that additional benefit changes are necessary in the future, you will receive a separate notice in the future identifying and explaining the effect of those changes. Any reduction of adjustable benefits 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 30, 2010.

Examples of adjustable benefits, which may be reduced or eliminated as part of any rehabilitation plan the Plan may adopt, are:

- Post-retirement death benefits;
- Sixty-month payment guarantees;
- Disability benefits (if not yet in pay status);
- Early retirement benefit or retirement-type subsidies, including the Plan's Service Pension;
- Benefit payment options other than a qualified joint-and survivor annuity (QJSA);
- Recent benefit increases (*i.e.*, occurring in past 5 years);
- Other similar benefits, rights, or features under the plan, if any

In addition, trustees of a pension fund in **critical and declining status** may recommend and apply to the Internal Revenue Service and Department of Treasury for approval to amend the Plan to reduce current and future payment obligations to participants and beneficiaries. Any such reductions are also subject to a participant vote.

Employer Surcharge

The law requires that all contributing employers pay to the Plan a surcharge to help correct the Plan'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. 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, until certain conditions are met.

Where to Get More Information

For more information about this notice or the Plan, you may contact the Fund Office at (718) 937-7150 or 48-18 Van Dam Street, Suite 201, Long Island City, New York 11101. The Plan will send you a copy of the Rehabilitation Plan upon written request to the Fund Office.

(4/27/2020)