Notice of Critical Status For
Local 305 CIO's Pension Fund

This is to inform you that in March 2021 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 January 1, 2021. Federal law requires that you receive this notice.

Critical 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 he plan is projected to have an accumulated funding deficiency in the current fiscal year and is projected to become insolvent in the next three to five 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 law permits pension plans to reduce, or even eliminate, benefits called "adjustable benefits" as part of a rehabilitation plan. 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 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, 2021. But you should know that whether or not the plan reduces adjustable benefits in the future, effective as of January 1, 2021, 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.

Adjustable Benefits

The plan offers the following adjustable benefit which may be reduced or eliminated as part of any rehabilitation plan the pension plan may adopt:
Early retirement benefit or retirement-type subsidy; Disability Benefits (if not yet in pay status); and Benefit Options other than a qualified joint and survivor option.

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 and the employer has not adopted a rehabilitation Plan.

Where to Get More Information

For more information about this Notice, you may contact the Board of Trustees, Local 305 CIO's Pension Fund, 1505 Kellum Place, Mineola, NY 11501 Telephone 516-294-1338. You have a right to receive a copy of the rehabilitation plan from the plan.