

**Notice of Critical Status
for
Local 138 Pension Trust Fund
EIN: 11-6170655 / 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, 2026. 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 received Special Financial Assistance and as per the American Rescue Plan Act the Plan will be certified in Critical Status until the last day of the last plan year ending in 2051.

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 19th 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. As a result, the Trustees adopted the Fund’s Rehabilitation Plan on November 25, 2008 and also revised the Rehabilitation Plan in November 2010 and January 2024. (You have a right to receive a copy of the Rehabilitation Plan on request.) Further, the law permits a pension fund in critical status to reduce, or even eliminate, benefits called "Adjustable Benefits" as part of a rehabilitation plan. As part of this process, the benefit formula was changed effective January 1, 2009 and you were notified of this in December 2008. In addition, effective April 10, 2008, the Pension Fund is not permitted to pay lump sum benefits (or any other payment in excess of the monthly amount paid as a single life annuity) while it is in critical status.

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 cuts. 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 10, 2008.

Adjustable Benefits

The Fund offers the following Adjustable Benefits which may be reduced or eliminated, if not in pay status as of April 10, 2008, as part of the Rehabilitation Plan: disability benefits, retirement-type subsidies and subsidized early retirement benefits.

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:

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(516) 377-7700

DATE SENT: _____