

**Notice of Critical and Declining Status**  
**For**  
**Laborers' International Union of North America Local Union No. 1822**  
**EIN: 16-6147773/ PN: 001**

This is to inform you that on March 30, 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 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 not passed the "Emergence Test", meaning that the Plan was in Critical status last year, is in critical status this year and is projected to become insolvent (that is, to lack sufficient assets to pay benefits) within the next 19 years, and the inactive to active participant ratio is in excess of 2 to 1. Currently, the Plan is expected to become insolvent and require financial assistance from the PBGC by the year 2032.

**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. This is the fourth 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 March 31, 2017, you were notified that the Plan is no longer 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.

During the 2017 Plan Year, the Board of Trustees adopted a Rehabilitation Plan which contained no reductions in adjustable benefits. 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 reductions. Any reduction in 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 March 31, 2017.

**Adjustable Benefits**

The Plan offers the following adjustable benefits which may be reduced or eliminated as part of any future Rehabilitation Plan the Trustees may adopt:

- Subsidized Early Retirement
- Subsidized 120-month guaranteed benefit

**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 in which the plan is in critical status until an employer agrees to a collective bargaining agreement that implements one of the schedule of the Rehabilitation Plan.

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

For more information about this notice or Rehabilitation Plan, you may contact Mr. Richard Daddario Jr. at (315) 214-5775 or by mail at Laborers' International Union of North America Local Union No. 1822, 202 Twin Oaks Drive - Suite 200A, Syracuse, NY, 13206. You have a right to receive a copy of the rehabilitation plan from the plan.

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