

NOTICE OF CRITICAL STATUS

FOR THE

SOUTHERN CALIFORNIA UNITED FOOD & COMMERCIAL WORKERS UNIONS AND DRUG EMPLOYERS PENSION FUND

To: All Participants, Beneficiaries, Participating Unions and Contributing Employers

This notice is to inform you that on March 30, 2020, the Plan's actuaries certified to the U.S. Department of the Treasury, and to the Board of Trustees, that the Plan is in critical status for the Plan Year beginning January 1, 2020. The PPA requires that you receive this notice.

Each year since April of 2012, we have sent you a notice very similar to this notice to advise you of the critical status of the Plan. The Pension Protection Act of 2006 (PPA) requires that the Plan be tested annually to classify its funding status. The Plan continues to be in critical status for the plan year that began January 1, 2020. Pension Plans that are in critical status must notify all Participants, beneficiaries, Unions and Contributing Employers of that status each year, as well as take corrective action to restore their financial health.

Critical Status

The Plan is considered to be in critical status because the Plan's actuary has projected a funding deficiency in four years. A funding deficiency means that on the projected date, the Plan does not satisfy the legal minimum funding standards because its current contribution levels are not projected to cover the cost of the Plan.

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" (described below) as part of a rehabilitation plan.

The Board of Trustees adopted a Rehabilitation Plan in November 2012. The Rehabilitation Plan's preferred schedule, which was adopted in the bargaining agreements that were renewed in 2012, did **not** call for reductions to adjustable benefits. The Rehabilitation Plan is subject to annual review and revision. If, in the future, it is determined that benefit reductions are necessary, you will receive a separate notice identifying and explaining the effect of those changes. Any reduction to adjustable benefits will not be effective until after you receive that notice. Any reduction to 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 age. In addition, reductions to adjustable benefits may only apply to participants and beneficiaries whose benefit commencement date is after April 26, 2012.

Effective for retirement benefits that commence after April 26, 2012, 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 (except for the lump sum payout of benefits worth \$5000.00 or less) while it remains in critical status. Thus, the Level Income Option form of payment is not available because the Plan is in critical status.

Adjustable Benefits

The Plan offers the following adjustable benefits that **may** be reduced or eliminated as part of any rehabilitation plan that may be adopted:

- Early Retirement Benefit or retirement type subsidy
- Rule of 85 Retirement
- Disability Retirement Benefit (if not yet in pay status)
- Joint and Survivor Annuity subsidies (including pop-up feature)
- 75% Joint & Survivor Annuity (also known as the Optional Survivor Annuity (with pop-up feature)
- Pre-Retirement Survivor Annuity Benefit subsidy
- Recent benefit increases (i.e. occurring in last 5 years)

Employer Surcharge

The law requires contributing employers pay to the Plan a surcharge to help correct the Plan's financial situation. The surcharge ends when the employers' negotiated contribution is consistent with the rehabilitation plan adopted by the Trustees. All collective bargaining agreements providing for contributions to the Plan have implemented the terms of the rehabilitation plan, beginning with certain major employers in 2012. Therefore, no employers are currently paying surcharges.

Where to Get More Information

For more information about this notice, you may contact the Plan Administrator at the following address:

Administrator – Southern California United Food & Commercial Workers
Unions and Drug Employers Pension Fund
2220 Hyperion Avenue
Los Angeles, CA 90027
(323) 666-8910