

**Notice of Critical and Declining Status For**  
**International Brotherhood of Electrical Workers Eastern States Pension Plan**

This is to inform you that on March 27, 2020 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, 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 continues to be in critical status, the funded status is less than 80%, and it is projected to be insolvent in one of the next 19 years. More specifically, the plan's actuary determined that based on current economic and demographic information, the Plan is expected to become insolvent at some point in 2031. Under the Multiemployer Pension Reform Act of 2014, (MPRA), participants in plans that are in critical and declining status may be subject to benefit reductions prior to insolvency but such reductions can not reduce benefits to an amount less than 110% of the level guaranteed by the Pension Benefit Guaranty Corporation (PBGC) and may only take place if, after the reductions, the Plan is expected to remain solvent. If the Trustees determine that such benefit reductions are possible and in the best interest of the plan and its participants, you will be provided a notice detailing the potential effect on your benefits. If insolvency can not be avoided, current benefits will be paid until the Plan is unable to pay the benefits that are due under the Plan, at which time benefits will be reduced in accordance with the PBGC regulations.

**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 twelfth 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 April 30, 2010 you were notified that the plan reduced or eliminated adjustable benefits. On April 30, 2009, you were notified that as of April 30, 2009 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. 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 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 30, 2009.

**Adjustable Benefits**

The plan offers the following adjustable benefits [with a checked box before the item] which have been reduced or eliminated as part of the rehabilitation plan the pension plan has adopted.

- ☒ Post-retirement death benefits;
- ☒ Thirty-six-month payment guarantees;
- ☒ Disability benefits (if not yet in pay status);
- ☒ Early retirement benefit or retirement-type subsidy;
- ☒ Benefit payment options other than a qualified joint-and survivor annuity (QJSA);
- ☐ Recent benefit increases (i.e., occurring in past 5 years);
- ☒ Pop-up benefits for certain Joint & Survivor benefits

## **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 an employer adopts a collective bargaining agreement that is consistent with the terms of the Plan's rehabilitation plan.

## **Where to Get More Information**

For more information about this Notice, you may contact Jackie Stigi at (518) 751-3005 or at UHY Advisors NY, Inc., One Hudson Centre, Suite 204, Hudson, NY 12534. You have a right to receive a copy of the rehabilitation plan from the plan.