

MEMORANDUM

TO: All Plan Participants, Beneficiaries Receiving Benefit Payments, QDRO Alternate Payees, Employers Obligated to Contribute, Teamsters Local 966, Secretary of Labor, Pension Benefit Guaranty Corporation

FROM: Board of Trustees

DATE: April 30, 2022

RE: **Notice of the Actuary's Certification of Critical and Declining Status under the Pension Protection Act of 2006 for the Local 966 Pension Plan**

This is to inform you that on March 31, 2022, the plan actuary certified to the U.S. Department of the Treasury, and also to the plan sponsor, that the plan will be in critical and declining status for the plan year beginning January 1, 2022. 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. The Plan was certified as being in critical and declining status for the 2022 Plan Year because the Plan's actuary has determined that the Plan is in critical status and is projected to be insolvent within 15 years. Specifically, the Plan is projected to be insolvent in the 2022 Plan Year (absent any special financial assistance from the PBGC). Insolvent means that the Plan's available resources will not be sufficient to pay benefits under the Plan during the Plan Year for which they are due. Such insolvency may result in benefit reductions.

In an effort to avoid the projected insolvency and potential benefit reductions, on March 31, 2022, the Trustees applied to the PBGC for special financial assistance as made possible by the American Rescue Plan Act of 2021. The special financial assistance is intended to help the plan remain solvent through the 2051 plan year. The PBGC has 120 days to accept or deny the application and will transfer the requested amount of special financial assistance 60 to 90 days after approving an application.

Rehabilitation Plan

Federal law requires pension plans in critical status or critical and declining 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. In an effort to improve the Plan's funding situation, the Trustees adopted a rehabilitation plan on November 24, 2010. The rehabilitation plan requires an additional annual 9.75% increase in employer contributions effective January 1, 2013 on top of employer surcharges during the period May 30, 2010 to December 31, 2012 with the last 9.75% annual increase occurring on January 1, 2019. Additionally, effective January 1, 2011, the rate at which active participants earn future benefits was reduced by 25% of the current accrual rate and for retirement before age 65, the early retirement reduction factors changed from 82%, 88% and 94% at ages 62, 63 and 64 to 73.87%, 81.50% and 90.15%.

Adjustable Benefits

The plan offered early retirement subsidy adjustable benefits which were reduced as described above as part of the rehabilitation plan adopted by the Trustees. The reduction of these adjustable benefits does not reduce the level of a participant's basic benefit payable at normal retirement.

Employer Surcharge

The law requires that all contributing employers pay to the plan a surcharge until a Rehabilitation Plan is adopted by the bargaining parties 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. The surcharge began with contributions due on or after May 1, 2010. A 5% surcharge was applicable in the initial critical year of 2010 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, you may contact the Trust Fund's Administrative Office at:

BeneSys, Inc.
7130 Columbia Gateway Drive
Suite A
Columbia, MD 21046
(410) 872-9500

You have a right to receive a copy of the rehabilitation plan from the plan that the Board of Trustees have adopted.