

**Notice of Critical and Declining Status  
Central States, Southeast and Southwest Areas Pension Plan**

This is to inform you that on March 31, 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: (1) the plan has an accumulated funding deficiency for the current plan year and over the next three plan years, the plan is projected to have an accumulated funding deficiency for the 2022 through 2024 plan years; (2) the funded percentage of the plan is less than 65%, the plan has an accumulated funding deficiency for the current plan year, and over the next four plan years, the plan is projected to have an accumulated funding deficiency for the 2022 through 2025 plan years; (3) the sum of the plan's normal cost and interest on the unfunded benefits for the current plan year exceeds the present value of all expected contributions for the year; the present value of vested benefits of inactive participants is greater than the present value of vested benefits of active participants; the plan has an accumulated funding deficiency for the current plan year, and over the next four plan years, the plan is projected to have an accumulated funding deficiency for the 2022 through 2025 plan years; (4) the funded percentage of the plan is less than 65%, and the sum of the fair market value of plan assets plus the present value of projected contributions for the current plan year and each of the 6 succeeding plan years is less than the present value of all nonforfeitable benefits projected to be payable under the plan during the current plan year and each of the 6 succeeding plan years (plus administrative expenses for such plan years); (5) the sum of the fair market value of plan assets, plus the present value of projected contributions for the current plan year and each of the 4 succeeding plan years, is less than the present value of all benefits projected to be payable under the plan during the current plan year and each of the 4 succeeding plan years (plus administrative expenses for such plan years); (6) the plan was in critical status last year, the plan has an accumulated funding deficiency for the current plan year, and over the next 9 years, the plan is projected to have an accumulated funding deficiency for the 2022 through 2030 plan years; and (7) the plan is projected to become insolvent in 2025.

On March 11, 2021, The American Rescue Plan Act of 2021 (ARPA) was signed into law. This legislation will allow the Plan to apply for special financial assistance from the Pension Benefit Guaranty Corporation (PBGC). Upon approval of the application and receipt of the financial assistance, the Plan will be able to pay all benefits in full through 2051 or longer. Plans receiving the special financial assistance will stay in critical status through 2051 or longer. Federal guidance to be issued within the next few months will provide details on the application process and how the amount of assistance will be determined. The Board of Trustees will apply for the assistance after the PBGC provides guidance.

**Rehabilitation Plan**

Federal law requires pension plans in critical and declining status to adopt a rehabilitation plan aimed at restoring the financial health of the plan. This is the seventh year the plan has been in critical and declining status (such status was added by the Multiemployer Pension Reform Act of 2014 (MPRA)). The prior seven years the plan was in critical status. The law permits pension plans to reduce, or even eliminate, benefits called "adjustable benefits" as part of a rehabilitation plan. If your adjustable benefits were reduced or eliminated, you would have received a separate notice. On April 8, 2008, you were notified that as of April 8, 2008 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 8, 2008.

#### **Adjustable Benefits**

The plan offers the following adjustable benefits which may be reduced or eliminated as part of any rehabilitation plan the pension plan may adopt:

- Post-retirement death benefits;
- Sixty-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);
- Other similar benefits, rights, or features under the plan.

#### **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.

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

For more information about this Notice, you may contact Thomas C. Nyhan, Executive Director, Central States, Southeast and Southwest Areas Pension Plan, 8647 West Higgins Road, Chicago, IL 60631, phone number 1-800-323-5000. You have a right to receive a copy of the rehabilitation plan from the plan.