

## **Notice of Critical & Declining Status For Bricklayers Union Local 1 Pension Fund of Virginia**

This is to inform you that on September 24, 2020 the plan actuary certified to the U.S. Department of Treasury and the plan sponsor that the plan is in critical and declining status for the plan year beginning July 1, 2020. Federal law requires that you receive this notice.

### **Critical & Declining Status**

The plan is considered to be in critical and declining status because it has funding problems. More specifically, the plan actuary determined that the plan has incurred an accumulated funding deficiency in 2020 and is insolvent since plan year 2019/2020. The Fund receives financial assistance from the Pension Benefit Guaranty Corporation (PBGC) to pay PBGC guaranteed benefits and expenses. Information about your PBGC guaranteed benefits has been sent to you prior to the plan becoming insolvent.

### **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 11th year the plan has been in critical status. The Trustees of the Fund adopted a rehabilitation plan on October 30, 2008. The rehabilitation period is the thirteen-year period that began July 1, 2010. The law permits pension plans to reduce, or even eliminate, benefits called "adjustable benefits" as part of a rehabilitation plan. You have been notified that the plan reduced or eliminated adjustable benefits. Effective July 1, 2009, future benefit accruals have been reduced to \$20 per month per year of service and lump-sum payments of values between \$5,000 and \$7,500 have been suspended. Additionally, effective August 1, 2009, early retirement factors have been increased from  $\frac{1}{4}$  % to  $\frac{1}{2}$  % for each month a participant's retirement precedes age 65. You were also notified separately that you may not receive any 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 July 15, 2009.

Based on reasonable actuarial assumptions and upon exhaustion of all reasonable measures, the Plan cannot reasonably be expected to emerge from critical status by the end of the rehabilitation period. The Trustees have developed the rehabilitation plan consisting of reasonable measures to forestall insolvency.

### **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;

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- 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 {provide identification }
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**Benefit Suspension**

Under the MPRA pension plans in critical and declining status are allowed to temporarily or permanently reduce benefits. Any suspension of benefits must reasonably result in the plan returning to solvency. Benefits cannot be reduced below 110% of the benefit guaranteed by the PBGC. Disabled participants and retirees over 80 are exempted from benefit reductions, and retirees age 75 to 79 are partially exempted. In general, benefit suspensions must be equitably distributed among participants and beneficiaries, including current retirees.

**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 the Board of Trustees Bricklayers Union Local 1 Pension Fund of Virginia c/o Zenith American Solutions at (301) 839-8800, 6710 Oxon Hill Road – Suite 450, Oxon Hill, MD 20745. You have a right to receive a copy of the rehabilitation plan from the plan.