

**District Council 37, Local 389 Home Care and Professional Employees Pension Plan
EIN/PN: 13-3698650 / 001**

Notice of Election to Freeze Plan Status

You are receiving this notice 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 District Council 37, Local 389 Home Care and Professional Employees Pension Plan (the "Plan") is in critical and declining status for the Plan Year beginning **January 1, 2022**.

However, under Section 9701 of the American Rescue Plan Act of 2021 ("the ARP"), the Plan Sponsor has the option to make an election to freeze the Plan's status, such that the Plan's status for 2022 is the same as the status for the 2021 plan year. The Plan's trustees have made such election for the 2022 plan year on April 18, 2022. For the 2021 plan year, the Plan was neither certified in "endangered", "seriously endangered", "critical", nor "critical and declining" status as per an election made on November 9, 2021 to freeze the status as the same as the status for the 2020 plan year. Therefore, under this election, the Plan is also considered to be neither in "endangered", "seriously endangered", "critical", nor "critical and declining" status for the 2022 plan year.

If the Plan is certified to be in "endangered", "seriously endangered", "critical", or "critical and declining" status for the 2023 plan year, the Plan Sponsor will provide an additional notice at that time, and steps may have to be taken to improve the Plan's funded situation, and those steps may include increases in contributions and reductions in future benefit accruals.

Furthermore, if the Plan is in "critical" or "critical and declining" status for the 2023 plan year, the steps that will have to be taken to improve the Plan's funded situation may include a surcharge on employer contributions and the suspension of the payment of lump sums and similar accelerated benefit distributions for individuals who commence receiving benefits after the notice of the Plan's status is provided. It may also include amendments to reduce early retirement benefits or other adjustable benefits for those individuals.

Where to Get More Information

For more information about this Notice, you may contact Ms. Audrey Browne by writing to DC 37 Local 389 Pension Fund, 420 W. 45th Street, Fifth Floor, New York, NY 10036, by telephone at (646) 237-2653, or by email at abrowne@l389hw.org.