

**LOYOLA UNIVERSITY EMPLOYEES' RETIREMENT PLAN**

FINANCIAL STATEMENTS

DECEMBER 31, 2019

# LOYOLA UNIVERSITY EMPLOYEES' RETIREMENT PLAN

## FINANCIAL STATEMENTS

DECEMBER 31, 2019 AND 2018

### CONTENTS

	PAGE
Report of Independent Auditors	1
Statements of Net Assets Available for Benefits	3
Statements of Changes in Net Assets Available for Benefits	4
Notes to Financial Statements	5

**REPORT OF INDEPENDENT AUDITORS**

To the Participants and Retirement  
Allowance Committee of  
Loyola University Employees'  
Retirement Plan

***Report on the Financial Statements***

We have audited the accompanying financial statements of Loyola University Employees' Retirement Plan (the Plan), which comprise the statements of net assets available for benefits as of December 31, 2019 and 2018, and the related statements of changes in net assets available for benefits for the years then ended, and the related notes to the financial statements.

***Management's Responsibility for the Financial Statements***

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

***Auditors' Responsibility***

Our responsibility is to express an opinion on the financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Plan's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Plan's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

*Opinion*

In our opinion, the financial statements referred to in the first paragraph present fairly, in all material respects, information regarding the net assets available for benefits of Loyola University Employees' Retirement Plan as of December 31, 2019 and changes therein for the year then ended, and its financial status as of December 31, 2018 and changes therein for the year then ended, in accordance with accounting principles generally accepted in the United States of America.

*Legacy Professionals LLP*

Westchester, Illinois

August 28, 2020

# LOYOLA UNIVERSITY EMPLOYEES' RETIREMENT PLAN

## STATEMENTS OF NET ASSETS AVAILABLE FOR BENEFITS

DECEMBER 31, 2019 AND 2018

	<u>2019</u>	<u>2018</u>
ASSETS		
INVESTMENTS - at fair value		
Cash and cash equivalents	\$ 10,708,547	\$ 7,905,738
Corporate stocks	15,426,315	12,238,478
Bonds and notes	55,918,480	53,604,803
Registered investment companies	39,218,683	34,926,888
Pooled investment funds	91,608,693	61,394,182
Partnerships and joint ventures	400,995	810,353
Total investments	<u>213,281,713</u>	<u>170,880,442</u>
RECEIVABLES		
Employer contributions	12,000,000	23,500,000
Accrued interest and dividends	81,824	90,377
Due from broker	7,160	19,047,240
Total receivables	<u>12,088,984</u>	<u>42,637,617</u>
Total assets	<u>225,370,697</u>	<u>213,518,059</u>
LIABILITIES AND NET ASSETS		
LIABILITIES		
Due to broker	44,361	10,049,851
Accounts payable	180,666	139,250
Total liabilities	<u>225,027</u>	<u>10,189,101</u>
NET ASSETS AVAILABLE FOR BENEFITS	<u>\$ 225,145,670</u>	<u>\$ 203,328,958</u>

See accompanying notes to financial statements.

**LOYOLA UNIVERSITY EMPLOYEES' RETIREMENT PLAN**  
**STATEMENTS OF CHANGES IN NET ASSETS AVAILABLE FOR BENEFITS**  
YEARS ENDED DECEMBER 31, 2019 AND 2018

	<u>2019</u>	<u>2018</u>
<b>ADDITIONS</b>		
Investment income		
Net appreciation (depreciation) in fair value of investments	\$ 36,534,977	\$ (15,850,822)
Interest and dividends	<u>3,013,810</u>	<u>2,695,549</u>
	39,548,787	(13,155,273)
Less investment expenses	<u>(403,481)</u>	<u>(385,609)</u>
Net investment income (loss)	39,145,306	(13,540,882)
Employer contributions	<u>12,000,000</u>	<u>23,500,000</u>
Total additions	<u>51,145,306</u>	<u>9,959,118</u>
<b>DEDUCTIONS</b>		
Benefits paid to participants	<u>25,392,220</u>	<u>28,717,376</u>
Administrative expenses		
Actuarial fees	322,432	284,497
Plan termination insurance	3,145,365	2,573,354
Reimbursed administrative expenses - Loyola University of Chicago	205,163	181,530
Trustee fees	187,431	165,431
Legal and audit fees	67,110	37,188
Other	<u>8,873</u>	<u>13,814</u>
Total administrative expenses	<u>3,936,374</u>	<u>3,255,814</u>
Total deductions	<u>29,328,594</u>	<u>31,973,190</u>
<b>NET INCREASE (DECREASE)</b>	21,816,712	(22,014,072)
<b>NET ASSETS AVAILABLE FOR BENEFITS</b>		
Beginning of year	<u>203,328,958</u>	<u>225,343,030</u>
End of year	<u>\$ 225,145,670</u>	<u>\$ 203,328,958</u>

See accompanying notes to financial statements.

# LOYOLA UNIVERSITY EMPLOYEES' RETIREMENT PLAN

## NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2019 AND 2018

### NOTE 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

**Method of Accounting** - The accompanying financial statements of Loyola University Employees' Retirement Plan (the Plan) have been prepared using the accrual basis of accounting.

**Investments** - The investments of the Plan are reported at fair value. The fair value of a financial instrument is the amount that would be received to sell that asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date (the exit price). Net appreciation or depreciation in fair value of investments includes the Plan's gains and losses on investments bought and sold as well as held during the year.

Purchases and sales of the investments are reflected on a trade-date basis.

Dividend income is recorded on the ex-dividend date. Interest income is recorded on the accrual basis.

**Actuarial Present Value of Accumulated Plan Benefits** - Accumulated plan benefits are those future periodic payments, including lump-sum distributions that are attributable under the Plan's provisions to the service which participants have rendered. Accumulated plan benefits include benefits expected to be paid to (a) retired or terminated participants or their beneficiaries, (b) beneficiaries of participants who have died, and (c) present participants or their beneficiaries.

**Payment of Benefits** - Benefit payments to participants are recorded upon distribution.

**Expenses** - Certain investment related expenses are included in net appreciation (depreciation) in fair value of investments.

**Estimates** - The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures in the financial statements. Actual results could differ from those estimates.

**Subsequent Events** - Subsequent events have been evaluated through August 28, 2020, which is the date the financial statements were available to be issued.

## **NOTE 2. DESCRIPTION OF THE PLAN**

The Plan was established on October 1, 1949, to provide retirement and death benefits for eligible participants. The Plan is a multiple employer defined benefit pension plan and is subject to the provisions of the Employee Retirement Income Security Act of 1974 (ERISA), as amended.

The Plan covers regular full-time and part-time employees of certain Jesuit institutions, except those employees covered under a separate defined contribution retirement plan, members of the Society of Jesus and certain other limited groups. The following employers participate in the Plan:

- Loyola University of Chicago
- Loyola Academy
- Loyola Press
- Loyola University Medical Center
- Chicago Province of the Society of Jesus
- St. Ignatius College Preparatory
- The Jesuit Retreat League of Chicago

Effective March 31, 2004, the Plan was frozen for all Loyola University Medical Center participants and most Loyola University of Chicago participants. St. Ignatius College Preparatory and The Jesuit Retreat League of Chicago elected to freeze participation on April 30, 2004. Loyola Academy, Loyola Press and the Chicago Province of the Society of Jesus elected to freeze participation on June 30, 2004. After these dates, no additional service credits are earned by the participants. Benefits will continue to be paid based upon the number of service credits earned through the freeze date. The one exception is a grandfathered group of approximately 435 Loyola University of Chicago participants who were eligible to earn additional service credits for a period of up to five years, based upon individual circumstances.

Prior to the Plan being frozen, employees were eligible for participation after completing at least 1,000 hours of service during the 12-month period commencing on the employee's date of hire, or if the employee had completed at least 1,000 hours of service during a Plan year ending before an entry date.

Eligible employees are entitled to annual pension benefits beginning at the normal retirement date (age 65, with some exceptions), based upon a percentage of final average compensation and years of service or 110% of the accrued benefit at December 31, 1988, whichever is greater. Early retirement benefits (at age 55, with some exceptions) are available at reduced amounts.

Retiring employees may elect to receive their retirement benefit under either a lump-sum or annuity option.

Participants should refer to the summary plan description for more complete information.

### **NOTE 3. PLAN ADMINISTRATION**

The administration of the Plan is the responsibility of Loyola University of Chicago (the University). The Retirement Allowance Committee (the Committee) is appointed by the President of the University. The Committee monitors the operation and administration of the Plan and sets strategic policy for the investment of Plan assets. Further, the Office of the University's Chief Investment Officer is responsible for investments of the Plan in accordance with the strategic investment policy established by the Committee.

The Northern Trust Company serves as trustee and master custodian of the Plan's assets. The Plan pays all costs of administration.

### **NOTE 4. PRIORITIES UPON TERMINATION**

The Board of Trustees of the University has the right to terminate the Plan subject to the provisions of ERISA. Termination shall not permit any part of the Plan assets to be used for or diverted to purposes other than the exclusive benefit of the pensioners, participants and their beneficiaries. In the event of termination, the net assets of the Plan will be allocated to pay benefits in priorities as prescribed by ERISA and its related regulations. Whether or not a particular participant will receive full benefits should the Plan terminate at some future time will depend on the sufficiency of the Plan's net assets at that time and the priority of those benefits.

In addition, certain benefits under the Plan are insured by the Pension Benefit Guaranty Corporation (PBGC) if the Plan terminates. Generally, the PBGC guarantees most vested normal age retirement benefits, early retirement benefits, and certain disability and survivor's pensions. The PBGC does not guarantee all types of benefits and the amount of any individual participant's benefit protection is subject to certain limitations, particularly with respect to benefit increases as a result of plan amendments in effect for less than five years. Some benefits may be fully or partially provided, while other benefits may not be provided at all.

### **NOTE 5. TAX STATUS**

The Plan's latest determination letter is dated May 20, 2013, in which the Internal Revenue Service stated that the Plan, as then designed, was in compliance with the applicable requirements under Section 401(a) of the Internal Revenue Code. The Plan has been amended since receiving the determination letter. The Plan's administrator and the Plan's legal counsel believe that the Plan is currently designed and being operated in compliance with the applicable requirements of the Internal Revenue Code. They therefore believe that the Plan was qualified and the related trust was tax-exempt as of the financial statement date.

However, the Plan does derive unrelated business income from certain investments. Unrelated business income tax of \$50 and \$585 for 2019 and 2018, respectively, is included in other administrative expenses in the statements of changes in net assets available for benefits.

**NOTE 5. TAX STATUS (CONTINUED)**

Accounting principles generally accepted in the United States of America require the Plan to evaluate tax positions taken by the Plan and recognize a tax liability if the Plan has taken an uncertain position that more likely than not would not be sustained upon examination by tax authorities. The Plan is subject to routine audits by taxing jurisdictions; however, there are currently no audits for any tax periods in progress.

**NOTE 6. ACTUARIAL INFORMATION**

An actuarial valuation of the Plan was made by Willis Towers Watson as of December 31, 2018. Information in the report included the following:

Actuarial present value of accumulated plan benefits:

Vested benefits:

Participants currently receiving payments	\$ 87,695,414
Other participants	<u>164,563,003</u>
Total vested benefits	252,258,417

Nonvested benefits

-

Total actuarial present value of  
accumulated plan benefits

\$ 252,258,417

As reported by the actuary, the changes in the present value of the accumulated plan benefits for the year ended December 31, 2018 were as follows:

Actuarial present value of accumulated plan  
benefits at beginning of year

\$ 262,546,811

Increase (decrease) during the year attributable to:

Benefits accumulated and net experience gain or loss	\$ 4,690,984	
Changes in assumptions	1,319,835	
Interest	12,418,163	
Benefits paid	<u>(28,717,376)</u>	
Net (decrease)		<u>(10,288,394)</u>

Actuarial present value of accumulated plan  
benefits at end of year

\$ 252,258,417

## **NOTE 6. ACTUARIAL INFORMATION (CONTINUED)**

Costs and liabilities for all Plan benefits (including ancillary benefits) were determined using the target normal cost method. Some of the more significant actuarial assumptions used in the valuation were as follows:

- Life expectancy of participants - RP-2014 mortality tables with no collar adjustment with MP-2014 projection scales removed back to 2006 and replaced with fully generational projections using the MP-2018 projection scales
- Retirement age assumptions - a table of annual rates of retirement per 100 eligible participants by attained ages ranging from age 55 through age 75 plus
- Net investment return - 5% per annum, net of administrative expenses of 2%

The actuarial assumption changes included in the valuation are as follows:

- The segment interest rates used to calculate lump sums were updated to the current valuation date;
- The mortality table used to calculate lump sums was updated to the applicable mortality table; and
- The future actuarial increase factors were updated to be based on the averages of the 417(e) segment rates for the month of January for years from 2015 to 2019.

The actuarial assumptions are based on the presumption that the Plan will continue. If the Plan were to terminate, different actuarial assumptions and other factors might be applicable in determining actuarial results.

Since information on the accumulated plan benefits at December 31, 2019 and the changes therein for the year then ended are not included above, these financial statements do not purport to present a complete presentation of the financial status of the Plan as of December 31, 2019 and changes in its financial status for the year then ended, but a presentation of the net assets available for benefits and the changes therein as of and for the year ended December 31, 2019. The complete financial status is presented as of December 31, 2018.

## **NOTE 7. FUNDING POLICY**

The participating employers contribute such amounts as required under accepted actuarial principles to meet the minimum funding standards of ERISA or at the discretion of the employers if those standards have been met. No credits or refunds are allowed to the employers when benefits are canceled at termination of employment.

The Plan's actuary has advised that the minimum funding requirements of ERISA are being met as of January 1, 2019.

On August 17, 2006, the Pension Protection Act (the PPA) was signed into law. Included in its many provisions are numerous revisions surrounding new funding rules for defined benefit plans that may significantly increase required contributions for underfunded plans. The PPA establishes minimum funding standards and limits benefit increases and accruals for underfunded plans. Plans with a funding percentage below 80 percent will be required to implement certain benefit limitations such as restricting lump sum payments and restricting the plan from amending the plan to enhance benefits. Further limitations such as freezing the accrual of all future benefits will be required for plans with a funding percentage below 60 percent until such time as the percentage increases above 60 percent. Additionally, pursuant to the PPA, each year actuaries are required to certify to a plan's funded percentage. The Plan received such certification for the Adjusted Funding Target Attainment Percentage (AFTAP), which is one way of measuring the funded status of a plan using actuarial assumptions mandated by the IRS, and the actuary determined that the AFTAP for the Plan was 90.37% as of January 1, 2019.

Prior to October 1, 1982, participants in the Plan were required to contribute 3.5% of the first \$4,200 plus 5% of the excess over \$4,200 of compensation received during each calendar year. Effective October 1, 1982, participants were given a one-time option of discontinuing their contributions to the Plan. Employees who entered the Plan on or after October 1, 1982 were not permitted to make contributions. Effective January 1, 1989, all participants were required to discontinue contributions under the Plan. Beginning after 1988, interest is credited on employee contributions at 120% of the federal midterm rate in effect in the first month of the Plan year. Employees' contributions with interest totaled approximately \$2,947,000 and \$3,716,000 as of December 31, 2019 and 2018, respectively.

## **NOTE 8. DERIVATIVE FINANCIAL INSTRUMENTS**

The Plan may utilize derivative financial instruments to implement certain investment strategies, and futures and options may be used at the discretion of certain investment managers. Derivatives are not used for tactical or speculative purposes. Futures are used primarily to gain cost-effective exposure to equity and fixed income markets to maintain the Plan's asset allocation. Futures contracts are exchange-traded, centrally cleared, and marked to market on a daily basis in accordance with changes in the reference equity and fixed income indices upon which they are based and are completely offset at December 31, 2019 and 2018 on the statements of net assets available for benefits. The Plan is thus subject to market risk arising from changes in the value of these reference indices.

## NOTE 8. DERIVATIVE FINANCIAL INSTRUMENTS (CONTINUED)

In addition to the specific market risks introduced by each derivative contract type, derivatives expose the Plan to credit risk - the risk that derivative counterparties may fail to meet their payment obligations under the derivative contracts and the collateral, if any, held by the Plan proves to be of insufficient value to cover the payment obligation.

While derivative receivables expose the Plan to credit risk, derivative payables expose the Plan to liquidity risk, as the derivative contracts may require the Plan to post cash or securities collateral with counterparties as the fair value of the contracts moves in the counterparties' favor.

Notional amounts in future contracts approximated \$14,943,000 and \$18,940,000 at December 31, 2019 and 2018, respectively. Net investment income (loss) on derivatives of \$3,154,122 in 2019 and \$(1,092,500) in 2018 was included in net appreciation (depreciation) in fair value of investments in the statements of changes in net assets available for benefits. While the notional amounts give an indication of the volume of the Plan's derivative activities, the notional amounts significantly exceed, in the Plan's view, the possible losses that could arise from such transactions. For most derivative transactions, the notional amount is not exchanged; it is used simply as a reference to calculate payments.

## NOTE 9. FAIR VALUE MEASUREMENTS

The *Fair Value Measurements and Disclosures* Topic of the FASB Accounting Standards Codification established a fair value hierarchy that prioritizes the inputs to valuation techniques used to measure fair value. The hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (Level 1 measurements) and the lowest priority to unobservable inputs (Level 3 measurements). The three levels of the fair value hierarchy are described below:

### Basis of Fair Value Measurement

Level 1	Unadjusted quoted prices in active markets that are accessible at the measurement date for identical, unrestricted assets or liabilities
Level 2	Quoted prices in markets that are not considered to be active or financial instruments for which all significant inputs are observable, either directly or indirectly
Level 3	Prices or valuations that require inputs that are both significant to the fair value measurement and unobservable

The methods used to measure fair value may produce an amount that may not be indicative of net realizable value or reflective of future fair values. Furthermore, although the Plan believes its valuation methods are appropriate and consistent with other market participants, the use of different methodologies or assumptions to determine the fair value of certain financial instruments could result in a different fair value measurement at the reporting date.

## NOTE 9. FAIR VALUE MEASUREMENTS (CONTINUED)

The following tables set forth, by level within the fair value hierarchy, the Plan's investment assets at fair value as of December 31, 2019 and 2018. As required, assets and liabilities are classified in their entirety based on the lowest level of input that is significant to the fair value measurement. In accordance with generally accepted accounting principles, certain investments that are measured at fair value using the net asset value per share (or its equivalent) practical expedient have not been classified in the fair value hierarchy. The fair value amounts presented in the following tables are intended to permit reconciliation of the fair value hierarchy to the amounts presented in the statements of net assets available for benefits.

	Total	Fair Value Measurements at 12/31/19 Using		
		Quoted Prices in Active Markets for Identical Assets (Level 1)	Significant Other Observable Inputs (Level 2)	Significant Unobservable Inputs (Level 3)
Cash and cash equivalents	\$ 10,708,547	\$ 10,708,547	\$ -	\$ -
Corporate stocks	15,426,315	15,426,315	-	-
U.S. Treasury securities	55,918,480	55,918,480	-	-
Registered investment companies	39,218,683	39,218,683	-	-
	121,272,025	<u>\$ 121,272,025</u>	<u>\$ -</u>	<u>\$ -</u>
Investments measured at net asset value:				
Pooled investment funds	91,608,693			
Partnerships	400,995			
Total	<u>\$ 213,281,713</u>			

  

	Total	Fair Value Measurements at 12/31/18 Using		
		Quoted Prices in Active Markets for Identical Assets (Level 1)	Significant Other Observable Inputs (Level 2)	Significant Unobservable Inputs (Level 3)
Cash and cash equivalents	\$ 7,905,738	\$ 7,905,738	\$ -	\$ -
Corporate stocks	12,238,478	12,238,478	-	-
U.S. Treasury securities	53,604,803	53,604,803	-	-
Registered investment companies	34,926,888	34,926,888	-	-
	108,675,907	<u>\$ 108,675,907</u>	<u>\$ -</u>	<u>\$ -</u>
Investments measured at net asset value:				
Pooled investment funds	61,394,182			
Partnerships	810,353			
Total	<u>\$ 170,880,442</u>			

## **NOTE 9. FAIR VALUE MEASUREMENTS (CONTINUED)**

### Level 1 Measurements

Cash and cash equivalents consist primarily of interest bearing and non-interest bearing cash. Due to the short-term maturities of these instruments, cash and cash equivalents are valued at cost, which approximates fair value.

Corporate stocks and U.S. Treasury securities are traded in active markets on national and international securities exchanges and are valued at closing prices on the last business day of each period presented.

The fair values of the registered investment companies are determined by reference to the underlying assets. Shares held in registered investment companies are traded on national securities exchanges and are valued at the net asset value as of the last business day of each period presented.

### Measurements Using Net Asset Value as a Practical Expedient

The Plan's investments in pooled investment funds and partnerships and joint ventures are valued at the net asset value per share, used as a practical expedient to estimate fair value. The net asset value is based on the fair value of the underlying investments held by the fund less its liability. The practical expedient is not used when it is determined to be probable that the fund will sell the investment for an amount different than the reported net asset value.

Certain pooled investment funds are direct filing entities (DFEs) and file a Form 5500 annual report with the U.S. Department of Labor. The Plan is not required to disclose the significant investment strategies for investments that are DFEs. There were no significant liquidity or withdrawal restrictions on these pooled investment funds as of either December 31, 2019 or 2018.

**NOTE 9. FAIR VALUE MEASUREMENTS (CONTINUED)**

The following tables summarize information regarding the partnerships and joint ventures and pooled investment funds that are not DFEs as of December 31, 2019 and 2018:

<b>December 31, 2019</b>					
Description	Fair Value	Underlying Assets		Redemption	
		Type	Concentration	Frequency	Notice Period
Pooled investment fund	\$13,280,606	Private investment funds	100%	Quarterly	45 days
Pooled investment fund	\$ 4,078,853	Special purpose vehicles	35%	Quarterly	65 days
		Fixed income	23%		
		Common stock	16%		
		Derivatives	8%		
		Bank debt and trade claims	6%		
		U.S. Treasuries	6%		
		Mortgage-backed securities	4%		
		Exchange traded funds	1%		
		Preferred stock	1%		
Pooled investment fund	\$ 7,164,480	Corporate credit instruments	100%	Monthly	30 days
Limited partnership	\$ 25,400	Private equity companies	100%	Never	N/A
Limited partnership	\$ 230,334	Private equity companies	100%	Never	N/A
Limited partnership	\$ 89,737	Private equity companies	100%	Never	N/A
Limited partnership	\$ 21,815	Private equity companies	100%	Never	N/A
Limited partnership	\$ 33,709	Private equity companies	100%	Never	N/A

<b>December 31, 2018</b>					
Description	Fair Value	Underlying Assets		Redemption	
		Type	Concentration	Frequency	Notice Period
Limited partnership	\$ 182,999	Private equity companies	100%	Never	N/A
Limited partnership	\$ 368,934	Private equity companies	100%	Never	N/A
Limited partnership	\$ 152,812	Private equity companies	100%	Never	N/A
Limited partnership	\$ 46,844	Private equity companies	100%	Never	N/A
Limited partnership	\$ 23,045	Private equity companies	100%	Never	N/A
Limited partnership	\$ 35,719	Private investment funds	100%	Never	N/A

## **NOTE 10. COMMITMENTS**

The Plan has entered into investment arrangements with various limited partnerships. As of December 31, 2019, the Plan has approximately \$1,168,000 in outstanding capital commitments to these partnerships. Most limited partnerships with capital commitments are liquidating or are not seeking additional contributed capital. Therefore, management does not believe a significant amount of the commitment will be called.

## **NOTE 11. RISKS AND UNCERTAINTIES**

The Plan invests in various investment securities. Investment securities are exposed to various risks such as interest rate, market, and credit risks. Due to the level of risk associated with certain investment securities, it is at least reasonably possible that changes in the values of investment securities will occur in the near term and that such changes could materially affect the amounts reported in the statements of net assets available for benefits. The current economic environment has increased the degree of uncertainty.

Due to inherent uncertainties involved in the valuations of investments that are not publicly traded, estimated fair values may differ materially from the values that would have been used had a ready market for the underlying securities existed.

Plan contributions are made and the actuarial present value of accumulated plan benefits is reported based on certain assumptions pertaining to interest rates, inflation rates and employee demographics, all of which are subject to change. Due to uncertainties inherent in the estimations and assumptions process, it is at least reasonably possible that changes in these estimates and assumptions in the near term would be material to the financial statements.

## **NOTE 12. PENSION BENEFIT CORRECTIONS**

The Plan determined during 2013 that pension benefits had been calculated incorrectly from 2004 through 2012 for participants who had retired after the age of 65. The adjustments made for participants who commenced benefits after age 65 had not been actuarially adjusted as required under the 2004 Plan amendment. The Plan's benefit calculator has since been updated to calculate benefits for any participant who commences benefits after age 65.

During 2014, the Plan corrected the 2012 errors using the Internal Revenue Service's Self-Correction Program and paid approximately \$422,000 in benefit corrections, including interest. The Plan corrected the calculation errors made prior to 2012 through the Internal Revenue Service's Voluntary Correction Program, which was approved in December 2015, requiring the Plan to pay approximately 300 individuals a total of \$4,448,590 which included \$3,741,037 in benefit corrections and \$707,553 in interest.

During the year ended December 31, 2018, the Plan paid \$24,637 of benefit corrections and interest. The Plan still owed \$4,120 to the estates of five deceased participants at December 31, 2019 and continues to attempt to locate the executors. The participating employers intend to reimburse the Plan for all corrective payments through annual Plan contributions.

**NOTE 13. DEPARTMENT OF LABOR INVESTIGATION**

The Department of Labor (DOL) is currently conducting an investigation of the Plan for the general purpose of determining compliance with the provisions of Title I of ERISA. The Plan has provided to the DOL all requested information. The Plan's Administrator and the Plan's legal counsel believe that the investigation is routine in nature and will not affect the operations or financial condition of the Plan.

**NOTE 14. RECONCILIATION OF FINANCIAL STATEMENTS TO FORM 5500**

The following is a reconciliation of net assets available for benefits per the financial statements to the Form 5500:

	<u>2019</u>	<u>2018</u>
Net assets available for benefits per the financial statements	\$ 225,145,670	\$ 203,328,958
Less - benefit obligations currently payable	<u>(4,120)</u>	<u>(4,120)</u>
Net assets available for benefits per the Form 5500	<u>\$ 225,141,550</u>	<u>\$ 203,324,838</u>

**NOTE 15. SUBSEQUENT EVENTS**

As a result of the spread of the COVID-19 coronavirus, economic uncertainties have arisen which are likely to negatively impact the Plan, though the potential impact and duration is unknown as of the date the financial statements were available to be issued.

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was enacted in March 2020. The CARES Act is an approximately \$2 trillion emergency economic stimulus package in response to the coronavirus outbreak, which among other things contains numerous tax, emergency funding and other provisions that affect how participants access their retirement benefits. The Plan is currently evaluating the impact of the CARES Act on its Plan provisions, operations and cash flows.

Additionally, the Plan is evaluating certain changes permitted by the Setting Every Community Up for Retirement Enhancement Act of 2019 (SECURE Act), which among other provisions, delays the commencement date of required minimum distributions. Written amendments to the Plan to reflect any operational changes will be adopted at a later date in accordance with applicable law and IRS guidance.