

**July 20, 2016**

**NOTICE**

**Required by Section 432(e)(8)(c) and Section 4980F of the Internal Revenue Code and Section 204(h) of the Employee Retirement Income Security Act of 1974**

**To: Retirees in Pay Status under the Bricklayers and Masons' Local Union No. 5, Ohio Pension Plan Who Could Become Eligible to Have a Return-of-Contributions Death Benefit Paid to a Beneficiary**

This notice describes changes to the Bricklayers and Masons' Local Union No. 5, Ohio Pension Plan (the "Plan") to eliminate the return-of-contributions lump sum death benefits in accordance with a Rehabilitation Plan adopted by the Trustees. The Plan will be amended to reflect this required change. This change is effective on the dates shown below. This notice is being provided in accordance with Section 432(e)(8)(c) and Section 4980F of the Internal Revenue Code of 1986, as amended, and Section 204(h) of the Employee Retirement Income Security Act of 1974, as amended.

**Elimination of Lump Sum Death Benefit**

Before June 6, 2016, the Plan provided for a lump sum death benefit if the retirement benefits paid to a Member and his eligible spouse under the 50% Qualified Joint and Survivor Annuity or a 75% or 100% Joint and Survivor Annuity were less than the contributions made to the Plan on the Member's behalf. The amount of the death benefit was equal to the amount of such contributions less the total amount of the retirement benefits paid to the Member and his eligible spouse.

For deaths between June 6, 2016 and September 30, 2016, inclusive, any death benefit will be paid as an actuarially equivalent life annuity.

For deaths occurring on or after October 1, 2016, no death benefit will be payable.

This change will have no effect on the amount of the monthly benefit you are receiving. If you are receiving a joint and survivor annuity and your spouse survives you, this change will have no effect on the survivor portion that your surviving spouse would receive after your death.

**Additional Information**

If you have any questions regarding this information or your benefits you may call the Fund Office at 216-520-1644.

## **ERISA APPEAL RIGHTS**

You (or your authorized representative) have the right to appeal any reduction or elimination of benefits, or any denial of a pension application within 60 days after receipt of notice of the reduction, elimination or denial. In order to appeal, you must provide the Trustees with a written statement stating the basis for your appeal. You may also submit written comments, records, or other information relating to the claim. A decision on the appeal will be made within a reasonable period of time (generally 60 days after receipt of the appeal, or 120 days if the Plan Administrator determines that special circumstances require an extension of time and you are notified of the extension before the initial 60 day period ends).

When a decision is made, you or your authorized representative will be given a written or electronic notice which outlines the reasons for the decision; the specific Plan provisions on which the decision is based; a statement that you are entitled to receive upon request and free of charge, access to and copies of all documents, records and other benefits relevant to the claim; and a statement of your right to bring action under ERISA Section 502(a).

### **Rights and Remedies Under ERISA**

#### **A. Receive Information About Your Plan and Benefits**

You may examine, without charge, at the Fund Office and at other specified locations, such as worksites and union halls, all documents governing the Plan, including insurance contracts and collective bargaining agreements, and a copy of the latest annual report (Form 5500 Series) filed by the Plan with the U.S. Department of Labor and available at the Public Disclosure Room of the Employee Benefits Security Administration.

You may obtain, upon written request to the Fund Office, copies of documents governing the operation of the Plan, including insurance contracts and collective bargaining agreements, and copies of the latest annual report (Form 5500 Series) and updated summary plan description. The Fund Office may make a reasonable charge for the copies.

You may receive a summary of the Plan's annual financial report. The Fund Office is required by law to furnish you with a copy of this summary annual report.

You may obtain a statement telling you whether you have a right to receive a pension at your normal retirement age and if so, what your benefits would be at normal retirement age if you stop working under the Plan now. If you do not have a right to a pension, the statement will tell you how many more years you have to work to get a right to a pension. This statement must be requested in writing and is not required to be given more than once every twelve (12) months. The Plan must provide the statement free of charge.

#### **B. Prudent Actions by Plan Fiduciaries**

In addition to creating rights for Plan Participants, ERISA imposes duties upon the people who are responsible for the operation of the employee benefit plan, the Board of Trustees. The Trustees are also called "fiduciaries" of the Plan, and have a duty to administer the Plan prudently and in the interest of you and other Plan Participants and beneficiaries. No one, including your Employer, your Union, or any other person, may fire you or otherwise discriminate against you in any way to prevent you from obtaining a pension benefit or exercising your rights under ERISA.

### C. Enforce Your Rights

If your claim for a pension benefit is denied or ignored, in whole or in part, you have a right to know why this was done, to obtain copies of documents relating to the decision without charge, and to appeal any denial, all within certain time schedules as further set forth in the summary plan description and as briefly explained above.

Under ERISA, there are steps you can take to enforce the above rights. For instance, if you request a copy of plan documents or the latest annual report from the plan and do not receive them within 30 days, you may file suit in a Federal court. In such a case, the court may require the plan administrator to provide the materials and pay you up to \$110 per day until you receive the materials, unless the materials were not sent because of reasons beyond the control of the Fund Office. If you have a claim for benefits that is denied or ignored, in whole or in part, you may file suit in a state or Federal court. In addition, if you disagree with the Trustees' decision or lack thereof concerning the qualified status of a domestic relations order, you may file suit in Federal court. If it should happen that plan fiduciaries misuse the plan's money, or if you are discriminated against for asserting your rights, you may seek assistance from the U.S. Department of Labor, or you may file suit in a Federal court. The court will decide who should pay court costs and legal fees. If you are successful, the court may order the person you have sued to pay these costs and fees. If you lose, the court may order you to pay these costs and fees, if, for example, it finds your claim is frivolous.

### D. Assistance with Your Questions

If you have any questions about your Plan, you should contact the Fund Office. If you have any questions about this statement or about your rights under ERISA, or if you need assistance in obtaining documents from the Fund Office, you should contact the nearest office of the Employee Benefits Security Administration, U.S. Department of Labor, listed in your telephone directory, or the Division of Technical Assistance and Inquiries, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue N.W., Washington, D.C. 20210. You may also obtain certain publications about your rights and responsibilities under ERISA by calling the publications hotline of the Employee Benefits Security Administration.