

Ballot on the Proposed Suspension of Benefits for the Bricklayers and Allied Craftworkers Local 5 New York Retirement Fund Pension Plan

The proposed suspension of benefits under the Bricklayers and Allied Craftworkers Local 5 New York Retirement Fund Pension Plan (the “Fund”) is explained in a notice to you dated August 1, 2016. It is now time to vote on the proposed suspension. As you consider whether to vote for or against the suspension, please keep the following in mind:

The proposed benefit suspension will apply to all current and future pensioners. On average, the suspension reduces the benefits of the current and future pensioners by 24%. However, the actual percentage reduction will vary from 0% to 81%, depending upon each pensioner’s age and other factors. The proposed suspension will remain in effect indefinitely and will not expire by its own terms. The effect of the suspension on your benefit is shown on the statement delivered with this ballot.

The proposed suspension has already been approved by the Secretary of the Treasury, in consultation with the Pension Benefit Guaranty Corporation (the “PBGC”) and the Secretary of Labor.

The Fund’s Trustees support the proposed suspension, because you will receive a larger benefit than if the Fund became insolvent and ran out of money. Although the exact date is unknown, unless the proposed suspension takes effect, the Fund is expected to become insolvent during the Plan Year beginning January 2022. The Fund’s insolvency will result in benefits lower than benefits paid under the proposed suspension. In addition, the PBGC, which subsidizes the benefits of insolvent funds might also run out of money, if this Fund and other funds become insolvent. In the event the PBGC becomes insolvent, your benefit will most likely be lower than benefits otherwise paid in the case of the Fund’s insolvency.

Taking into account the proposed suspension of benefits, the Fund’s actuary has certified that insolvency will be avoided. Although not certain, it represents the actuary’s best projection based on all available data.

Attached please find the following:

- A statement in favor of the suspension
- A statement opposed to the suspension
- an estimate of the effect the suspension will have on your benefit

Please review the attached before making your decision.

The proposed suspension will go into effect unless a majority of all eligible voters reject it. A failure to vote has the same effect on the outcome as a vote in favor of the proposed suspension.

Your ID number for the purpose of this vote is XXXXX.

To register your vote, please go to www.xxxxxxxxxxxx.xxx or call (XXX) XXX-XXXX and enter your ID number and your vote.

You must vote by XX/XX/2017 in order for your vote to count.