

Instructions for Electronic Delivery of ERISA Documents for Welfare Benefit Plans via Website

1. Post documents on website.
2. Place a prominent link to documents on employer’s home page.
 - a. Retain proof of posting documents for a reasonable period of time.
3. If you require a User Name and Password to access the documents, include directions on how to obtain a replacement for a lost or forgotten password on the login page.
4. Create two Email Distribution Lists for:
 - a. Employees with work-related computer access (“Computer Access Employees”¹)
 - b. All Other Participants (“Non-Computer Access Participants”²)
5. Copy Attachment 1 (for Computer Access Employees) to the body of an email.
 - a. On Subject line, type: “Notice Regarding **Alfred Benesch and Company** – Important Benefit Disclosures under ERISA.”
 - b. Mark email as “Important.”
 - c. Request “Delivery Receipt.”
 - d. Request “Read Receipt.”
 - e. Send email to Computer Access Employees.
 - f. If any emails bounce back or are undeliverable, obtain a correct email address and re-send the email. If email delivery cannot be confirmed, paper distribution is required using the steps outlined in 7. e. i.-v. below.
6. Copy Attachment 2 (for Non-Computer Access Participants) to the body of an email and follow steps 4. a. through 5. f. above.
7. Maintain evidence and a record (See Sample Attachments 3.A. and 3.B.) of:
 - a. Participant’s name and email address,
 - b. Participants status as Computer Access or Non-Computer Access, and
 - c. Date email was
 - sent,
 - delivered, and
 - read.

¹ **Computer Access Employees:** Those employees with work-related computer access who: (1) have the ability to access electronic documents where they are reasonably expected to perform their work-related duties (including employees working at home); and (2) have access to the electronic distribution system as an integral part of their employment duties. (Note that employees who only have access to a shared computer kiosk do *not* qualify as Computer Access Employees.)

² **Non-Computer Access Participants:** All remaining plan participants. For example, such persons include all employee-participants without work-related computer access and all non-employee beneficiaries, such as former employees, spouses, and dependents who are qualified COBRA beneficiaries or those participants covered under Qualified Medical Child Support Orders.

- d. For Computer Access Employees, you do not need their consent to deliver documents electronically.
- e. For Non-Computer Access Participants, you need their consent for electronic document delivery. Note the date you received Participant's consent. Once you have obtained a Non-Computer Access Participant's consent, you do not need to obtain it again when sending him future documents. In this case, you may use Attachment 1 instead of Attachment 2.

If consent is not obtained from Non-Computer Access Participants, paper distribution is required using the following guidelines:

- i. First-Class Mail—as long as the mailing list is comprehensive and up-to-date.
 - ii. Second and Third-Class-Mail—as long as the mailing list is comprehensive and up-to-date, and return/forwarding postage is guaranteed and address correction is requested.
 - iii. By Hand—copies of the ERISA Disclosure Documents cannot merely be placed in a location frequented by employees. A method likely to assure receipt by the Participant is required. (Here, you may wish to obtain from the Participant a signature of receipt for your records.)
 - iv. By Insert to Company Publication—a special insert is approved as long as the mailing list is comprehensive and up-to-date. Steps should be taken to
 - 1. Display a notice of the insert prominently on the cover of the Company publication in which the ERISA Disclosure Documents are contained, and
 - 2. Develop a delivery system for participants not on the mailing list.
 - v. Note the date you delivered the paper documents.
8. *Each time* the Company changes its hardware or software, it must revise Attachments 1 and 2 to reflect the change and send them to the appropriate participants. You must also obtain a new *Consent* from Non-Computer Access Participants or provide paper documents as described in 7. e. i.-v. above.

IMPORTANT: Every time you distribute a document (e.g., to a new participant or to announce a plan change) you should follow the above steps. (Instructions are based on Department of Labor “Safe Harbor” electronic disclosure regulations found in §2520.104b-1 and b-2.)

- ▶ Check the Appropriate Boxes
- ▶ Fill Out the Gray Fields
- ▶ Copy the Following to the Body of Email

Subject: Notice Regarding **Alfred Benesch and Company** - Important Benefit Disclosures under ERISA

Dear Participants in the **GROUP INSURANCE PLAN FOR THE EMPLOYEES OF ALFRED BENESCH & COMPANY**,

You are entitled to receive certain information regarding our benefits as required by the Employee Retirement Income Security Act of 1974 (ERISA). **Alfred Benesch and Company** intends to provide this information and/or changes by electronic delivery. It is important that you access our website to review the information and ERISA Disclosure Documents. The login information is User Name: **(User Name)** and the Password: **(Password)**. If you cannot access these documents at the website, please contact **Alfred Benesch and Company**, Attention: **Stacie Herditsky**, email sherditsky@benesch.com, or call at **312-565-0450**. Further, where a box below is checked, new information is available via this link: **(link to information available on web)**.

<input type="checkbox"/>	The Summary Plan Description (SPD) to the Plan
<input type="checkbox"/>	A Summary of Material Modification (SMM) to the Plan's SPD (Note: This document modifies information in the Plan's SPD, which was furnished to you previously. You should retain this SMM with the SPD.)
<input type="checkbox"/>	The Summary Annual Report (SAR) relating to the Plan
<input type="checkbox"/>	Annual Notices

The documents will be in Adobe PDF file format. To access any document, you must have (1) a computer with internet access, (2) a program installed on that computer allowing you to send and receive emails (such as Internet Explorer or Google Chrome) and (3) the application program Adobe Reader installed on your computer allowing you to open and read the documents. We recommend that you retain a copy of related emails and documents for future reference. If any of these requirements or delivery methods change in a way that creates a material risk that you may no longer be able to access and retain electronically transmitted documents, we will furnish you with a new *Notice* describing these changes.

You have a right to receive a paper version of any electronically transmitted document at no charge. Contact **Stacie Herditsky**, who acts on behalf of the Plan Administrator, at telephone number **312-565-0450** or email sherditsky@benesch.com to request a paper copy.

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**IN ORDER FOR YOU TO RECEIVE DOCUMENTS ELECTRONICALLY,
YOU MUST READ THE FOLLOWING STATEMENT AND EMAIL YOUR CONSENT.**

I am authorizing you to send, and I consent to receiving, the documents described above by electronic means via this link: **(link to information available on web)**. I understand that if my physical address or email address changes, I must notify **Stacie Herditsky** by sending a communication to Alfred Benesch and Company, 35 W. Wacker Drive, Suite 3300, Chicago, IL 60601, or via email to **Stacie Herditsky** at **sherditsky@benesch.com**.

I confirm that I have the ability to access information in Adobe PDF file format. I understand that I will receive the documents described above only in electronic form above unless I exercise my right to affirmatively request a paper copy of such documents.

I understand that I can withdraw this consent without charge at any time by sending an email message to **Stacie Herditsky** at **sherditsky@benesch.com** that indicates in the subject line: **“Consent Withdrawn for Electronic Disclosures”** and includes in the body my full name, address, phone number, and email address.

[- Click Here To Email Your Consent -](#)

Alfred Benesch and Company Employees with Computer Access (Computer Access Employees)

Last Name	First Name	email	Date Notice Sent	Date Notice Delivered	Date Notice Read

Alfred Benesch and Company Participants without Computer Access (Non-Computer Access Participants)

Last Name	First Name	email	Date Notice Sent	Date Notice Delivered	Date Notice Read	Date Consent Received	Date Paper Copy Delivered