



Distributing Your ERISA Plan Document/Summary Plan Description (SPD) per ERISA Disclosure Requirements

You must distribute your ERISA Plan Document/SPD to all covered participating employees.

Just as with other ERISA materials (e.g., Annual Notices and Summary Annual Reports (SARs)), the document must be furnished automatically in a manner “reasonably calculated to ensure actual receipt of the material,” and must be delivered using one or more methods “likely to result in full distribution.”

The document can be distributed in paper form or electronically. Per the regulations, appropriate electronic delivery methods include via email or attachment to email, via a company website, and providing documents on a magnetic disc, a CD or DVD.

Determining Appropriate Manner for Disclosing your ERISA Plan Document/SPD (Electronically or in Paper Form)

For disclosing your ERISA Plan Document/SPD electronically (via email, website, etc.):

- 1) For covered participating employees who are able to access these documents electronically at their worksite location (where they would reasonably be expected to perform employment duties, and for whom access to the electronic system is an integral part of their job): you will not need their consent to receive the document electronically.
- 2) For covered participating employees who do not meet the criteria set forth in item (1): you must obtain their written consent to receive the document electronically. (A sample *Consent to Receive Electronic Plan Disclosures* form is attached.)
- 3) For covered participating employees who do not meet the criteria set forth in item (1) or (2): you must provide them with a paper copy in a manner to ensure receipt of the document, e.g. first class mail, interoffice mail, payroll stuffer, etc.

Important Note: The Certificates of Coverage and/or benefits summaries you have received from your insurance carriers (and/or summary plan descriptions you have received from the service providers of your self-insured benefits) are incorporated by reference into your ERISA Plan Document/SPD. If you have already distributed these materials to covered participating employees, then you need only distribute the Plan Document/SPD that was provided to you by TASC ERISA. If you have not already distributed these materials to covered participating employees, then you should distribute them along with the Plan Document/SPD that was provided to you by TASC ERISA.

Disclosing Your ERISA Plan Document/SPD Electronically via Email with Attachment or Hyperlink to Website or Company Intranet

For covered participating employees who meet the criteria set forth in item (1) or (2) above: send each individual an email (please see below example) and include the Plan Document/SPD document as an attachment to that email, or insert a hyperlink or instructions for access.

TASC • 2302 International Lane • Madison, WI 53704-3140 • www.tasconline.com

The information in this communication is confidential and may be used by the authorized recipient only for its intended purpose only. Any other use or disclosure is prohibited.

Sample Email

RE: Important Information about Your ABC Company Benefits

The ABC Company Employee Benefits Plan Document/Summary Plan Description (SPD) which is here being furnished to you electronically, contains important information regarding the benefits provided to you (and if applicable, your family) under the Plan. This document also outlines your rights and responsibilities under the Plan. Please note that this document incorporates by reference any current applicable Certificates of Coverage and/or benefit summaries that you have or will receive from ABC Company.

[Example option: The Plan Document/SPD is attached to this email.]

[Example option: Clicking on the below hyperlink to access ABC's employee website and view the Plan Document/SPD in its entirety:]

Insert hyperlink]

You have the right to request and obtain at no charge a paper version of the ABC Company Employee Benefits Plan Document/SPD. To do so, contact the Human Resources Manager of the ABC Company who acts on behalf of the Plan Administrator at 555-555-5555, extension 555 or janedoe@abcco.com.

If you have any questions regarding the ABC Company Employee Benefits Plan document/SPD, or have problems accessing the document, please contact _____ at 555-555-5555, ext. 777.

It is important to confirm that the Plan Document/SPD's manner of delivery was aimed at ensuring receipt. To that aim, we advise you to use the email system's "return receipt" or "undeliverable email" function, or perform a periodic survey or review of employees to determine if they have received the documents.

Disclosing your ERISA Plan Document/SPD Electronically other than via Email

For covered participating employees who meet the criteria set forth in item (1) or (2) above: distribute to each individual the Plan Document/SPD via another form of electronic media (not email; e.g., magnetic disc, a CD or DVD). A notice similar in content to the sample email presented above should accompany the disc, CD, etc.

For covered participating employees who do not meet the criteria set forth in item (1) or (2): you must provide them with a paper copy in a manner to ensure receipt of the document, e.g. first class mail, interoffice mail, payroll stuffer, etc.

It is important to note that an employee who receives an electronic disclosure of the materials always has the right to request a paper copy of the Plan Document/SPD at any time.

Disclosing Your ERISA Plan Document/SPD Using Hard Copy

If the Plan Document/SPD will not be disclosed electronically there is no required consent needed from the covered participating employee. The paper copy may be delivered in any manner reasonably calculated to ensure receipt of the document, including first class mailing, third class mailing, including with paychecks, etc.

If ever challenged in regard to distribution of the Plan Document/SPD, a Plan Sponsor would have to show proof of reasonable distribution. This is accomplished by various means by different employers.

Date:

Mission Yogurt, Inc.
Consent to Receive Electronic Plan Disclosures

Individuals entitled to receive benefits under the Mission Yogurt, Inc. Employee Benefits Plan (the Plan) are also entitled to be furnished with certain documents required by ERISA. Mission Yogurt, Inc. intends to provide the following documents (as described below) electronically to you by CD, Company Intranet, or email:

- the Summary Plan Description (SPD);
- any required Summaries of Material Modifications (SMMs);
- the Summary Annual Report (SAR); and
- any documents required to be furnished under ERISA § 104(b)(4) on request by a Participant or beneficiary under the Plan or made available under ERISA § 104(b)(2).

What You Must Do:

To receive documents, you must complete and return the following Consent to Receive Mission Yogurt, Inc. Employee Benefits Plan Disclosures by _____ (insert CD, Company Intranet, email, etc.)

You may withdraw this consent by notifying Maria Wilson (Panetta) by sending an email message to maria@missionyogurt.com or via interoffice mail that indicates in the subject line:

Consent Withdrawn for _____ (insert CD, Company Intranet, email, etc.) and includes in the body your full name, address, and phone number. Provide us with an address to which paper documents should be sent.

Your Right to a Paper Copy:

You have a right to request and obtain a paper version of any document at no charge. If paper version is available, you will receive immediately or a paper copy will be sent to you via interoffice mail. You should contact Maria Wilson (Panetta), who acts on behalf of the Plan administrator, at 303-252-7500 or maria@missionyogurt.com to request a paper copy.

Consent to Receive Plan Disclosures by _____ (insert CD, Company Intranet, Email, etc.)

I have read and received the Statement Regarding Mission Yogurt, Inc. Employee Benefits Plan Disclosures (the Statement), which is set out above.

I consent to receiving the type of documents described in the Statement by _____ (CD, Company Intranet, email, etc.). I confirm that I have the ability to access information in the format that is described in the Statement. I understand that I will receive copies of the types of document described in the Statement *only* in the _____ (CD, Company Intranet, email, etc.) form described unless I exercise my right to affirmatively request a paper copy of such document. I understand that I can withdraw this consent at any time by sending an email message to maria@missionyogurt.com or interoffice request to Maria Wilson (Panetta) that indicates in the subject line:

Consent Withdrawn for Electronic Disclosure and includes in the body my full name, address, and phone number.

Employee Name

Date

Please return to: Contact:

Employer:

Mailing or interoffice address:

Email address of contact:

Maria Wilson (Panetta)

Mission Yogurt, Inc.

1333 W 120th Ave, Ste 207

Westminster, CO 80234

maria@missionyogurt.com

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The information in this communication is confidential and may be used by the authorized recipient only for its intended purpose only. Any other use or disclosure is prohibited.

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