

B.A.C. LOCAL 5 BENEFIT FUNDS

GARY J. MERCADANTE – FUND ADMINISTRATOR

14 PLOG ROAD – SUITE 2 – FAIRFIELD, NEW JERSEY 07004

Telephone (973) 808-1141

(888) 288-1263

Facsimile (973) 808-7151

April 2013

U. S. Department of Labor
Employee Benefits Security Administration
Public Disclosure Room, N-1513
200 Constitution Avenue, NW.
Washington, DC 20210

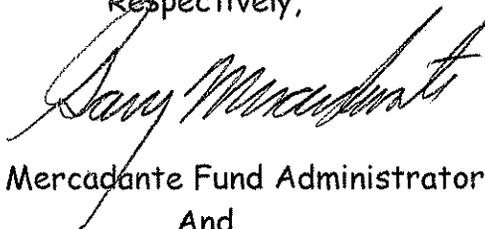
EBSA/PUBLIC DISCLOSURE
2013 APR 29 PM 4:23

RE: BAC Local #5 of New Jersey Pension Plan 2013 Notice of Critical Status

Dear Secretary of Labor:

Enclosed is a copy of the 2013 Notice of Critical Status ("Red Zone") for the
Bricklayers and Allied Craftworkers Local #5 New Jersey Pension Plan

Respectively,



Gary Mercadante Fund Administrator

And

BAC Local #5 Board of Trustees

Enc.
GM/jd.

Notice of Critical Status
For
Bricklayers and Allied Craftworkers
Local No. 5 of New Jersey Pension Plan

EBSA/PUBLIC DISCLOSURE
2013 APR 29 PM 4:23

This is to inform you that on March 28, 2013 the plan actuary certified to the U.S. Department of the Treasury, and also the Board of Trustees, that the Plan is in critical status for the plan year beginning January 1, 2013. Federal law requires that you receive this notice.

Critical Status

The Plan is considered to be in critical status because it has funding or liquidity problems, or both. More specifically, the Plan's actuary determined that the funded percentage of the Plan is less than 65% and an accumulated funding deficiency is projected within 5 years.

Rehabilitation Plan and Possibility of Reduction in Benefits

Federal law requires pension plans in critical status to adopt a rehabilitation plan aimed at restoring the financial health of the plan. The law permits pension plans to reduce, or even eliminate, benefits called "adjustable benefits" as part of a rehabilitation plan. If the Trustees of the Plan determine that benefit reductions are necessary, you will receive a separate notice in the future identifying and explaining the effect of those reductions. Any reduction of adjustable benefits will not reduce the level of a participant's basic benefit payable at normal retirement. In addition, the reductions may only apply to participants and beneficiaries whose benefit commencement date is on or after April 27, 2013.

Adjustable Benefits

The Plan offers the following adjustable benefit which may be reduced or eliminated as part of any rehabilitation plan the Pension Plan may adopt:

- Disability benefits (if not yet in pay status)

Employer Surcharge

The law requires that all contributing employers pay the Plan a surcharge to help correct the Plan's financial situation. The amount of the surcharge is equal to a percentage of the amount of an employer is otherwise required to contribute to the Plan under the applicable collective bargaining agreement. With some exceptions, a 5% surcharge is applicable in the initial critical year and a 10% surcharge is applicable for each succeeding plan year thereafter in which the Plan is in critical status. The surcharge will cease to apply upon the adoption of a rehabilitation plan

Where to Get More Information

For more information about this notice, you may contact the Plan administrator, Gary Mercadante, Bricklayers and Allied Craftmen Local No. 5 of New Jersey Pension Plan, 14 Plog Road, Fairfield NJ 07004. Telephone number (973) 808-7151.

80-0083075