

**Cold Spring Harbor Laboratory
Section 401(a) Retirement Plan
Summary Plan Description**

This document provides each Participant with a description of the Institution's Section 401(a) Retirement Plan.

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Plan Document Governs.

This summary only highlights the major provisions of the Cold Spring Harbor Laboratory Section 401(a) Retirement Plan and is not intended as a substitute for the Plan document. **If there is any difference between the provisions of the Plan and this summary, your rights will always be determined under the Plan document (and under the provisions of applicable law if it requires or authorizes changes not yet incorporated into the Plan document).** Information provided by the Plan recordkeeper, its website or live representatives, or by any other person, cannot give you any rights that you do not possess under the Plan.

Employer Identification Number: 11-2013303

Plan Number: 004

Part I: Information About The Plan

1. What is the Cold Spring Harbor Laboratory Section 401(a) Retirement Plan?

The Cold Spring Harbor Laboratory Section 401(a) Retirement Plan (the “Plan”) is a defined contribution plan that operates under Section 401(a) of the Internal Revenue Code (the “Code”). The Plan was established on January 1, 2011. The purpose of the Plan is to provide retirement benefits for participating eligible employees.

Cold Spring Harbor Laboratory (the “Institution”) is the sponsor of the Plan. The Employee Benefits Committee (the “Committee”) of the Institution is the Plan Administrator and has designated the Vice President, Chief Human Resources Officer to be responsible for most matters of Plan operation. The Plan year begins on January 1 and ends on December 31. The Plan may be adopted by affiliates of the Institution who are members of the Institution’s controlled group, in which case certain references to the Institution would also include such affiliates. No such affiliates have currently adopted the Plan.

2. Who is responsible for contributions to the Plan and how are they invested?

If you are eligible to participate in the Plan, the Institution makes contributions to the Plan on your behalf, in accordance with the schedule set forth in the Plan document and described in Question 6, below. An account will be established for you to reflect such contributions. You direct how these contributions made on your behalf are invested from the investment funds available under the Plan. If you fail to give timely and complete instructions regarding the allocation of contributions made on your behalf, such contributions will be invested in a default investment fund specified by the Retirement Plan Investment Committee, referred to as a qualified default investment alternative. New enrollees will receive a notice directly from Fidelity describing the qualified default investment alternative. Such notice will also be provided annually thereafter. To review the current investment funds available under the Plan, you must sign onto to Fidelity at www.fidelity.com/atwork or call Fidelity at 1-800-343-0860.

3. **Who is eligible to participate in the Plan?**

All employees of the Institution can participate in the Plan once they satisfy the eligibility requirements, other than Graduate students, visiting scientists, temporary or leased employees, and employees subject to collective bargaining agreements.

4. **When do I become eligible to participate in the Plan?**

If you are an eligible employee you will begin participation in this Plan on the first day of the first month after you fulfill the following requirements:

- You complete 2 years of service at the Institution. (See Question 12, “How are years of service counted” for information on how years of service are measured. This period must be completed without a break in service.); and
- You attain age 21.

If you are a former employee who is reemployed by the Institution and you satisfied the service requirement before you terminated employment, you will begin participation in the Plan immediately after reemployment provided you are still an eligible employee. Prior service and eligibility under the Cold Spring Harbor Laboratory Defined Contribution Retirement Plan will be recognized for eligibility under this Plan.

All determinations about eligibility and participation will be made by the Committee or its delagee. Once you are eligible you will be notified by Human Resources and will be automatically enrolled in the Plan. Human Resources will also provide you with information necessary to set up your investment election in the Plan.

You will continue to be eligible to participate in the Plan until one of the following conditions occur:

- you cease to be an eligible employee; or
- the Plan is terminated.

5. **Does my prior employment with a university, research hospital or institution of biomedical research count towards eligibility service?**

Generally yes. Years of service with a nationally or regionally accredited institution of higher education, a hospital directly affiliated with such an institute of higher education or an institution of biomedical research which meets the requirements of section 501(c)(3) of the Code, immediately preceding employment at the Institution (provided that such employment ended no more than six (6) months prior to your date of hire) counts toward your two years of eligibility service. In order to receive credit for such service you must complete the employee section of the Request for Retirement Service Credit form and submit it to your prior employer for verification. Completed forms must be returned to Human Resources no later than ninety (90) days after your employment with the Institution begins. To obtain a copy of the form, contact the Human Resources Department at 516-367-5226.

6. **What contributions will be made?**

Once you become eligible to participate in the Plan, contributions will be made automatically by the Institution and allocated to the investment funds that you have designated. These contributions are referred to as “Employer contributions.” Employer contributions are typically made following the Plan year to which they relate, within the time periods provided by law. Employer contributions will be made at the rates indicated below, subject to any limits imposed under the Code. If you become a participant in the Plan after January 1st of any year, the initial rate of the Employer contribution will be based on your compensation from the Institution determined as your point of entry into the plan (i.e., if you earned compensation from the Institution between January 1st of the year and your date of entry in the Plan in excess of the Social Security Earnings Base and you are not a Postdoctoral Fellow, your rate of contribution for the rest of such year shall be 15%).

Plan Contributions as a Percentage of Compensation

For all eligible employees except Postdoctoral Fellows:

On the Portion of Compensation within the Social Security Earnings Base	9.3%
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On any Compensation above the Social Security Earnings Base	15%
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The Institution will make contributions at the rate of 9.3% until you have earned compensation equal to the Social Security Earnings Base for the year. The Institution will thereafter make contributions at a rate of 15% on any compensation earned in excess of the Social Security Earnings Base for such year.

For Postdoctoral Fellows:

On the Portion of Compensation within The Social Security Earnings Base	1%
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Compensation means the amount paid to you by the Institution that must be reported as wages on your Form W2, excluding imputed income, severance pay, accrued vacation paid upon severance from employment (unless paid for services rendered prior to termination and paid either within the same calendar year of termination or no later than 2-1/2 months after the date of termination) and tuition reimbursement payments for highly compensated employees’ dependent children. It also includes compensation that is not currently includable in your gross income because of the application of Sections 125, 132(f) or 403(b) of the Code through a salary reduction agreement. Compensation

taken into account under the Plan cannot exceed the annual limits of Section 401(a)(17) of the Code. The annual limit under Section 401(a)(17) is \$290,000 for the 2021 Plan Year, and may be adjusted by the Internal Revenue Service for increases in cost-of-living in future years.

7. Is there an annual limit on contributions?

Yes. The total amount of contributions made on your behalf for any year will not exceed the limits imposed by Section 415 of the Code. This limit is \$58,000 for 2021 or 100% of compensation, whichever is less and may be adjusted in future years by the IRS for increases in cost-of-living. For purposes of this limit you must combine amounts contributed under the Cold Spring Harbor Laboratory Tax-Deferred Annuity Plan with contributions under this Plan. For more information on these limits, contact Human Resources.

8. When do my Plan contributions become vested (i.e., owned by me)?

You are fully and immediately vested in your Plan benefit once contributions are made under the Plan. Such amounts are not subject to vesting and are nonforfeitable. Note, the actual amount you receive upon distribution of your benefit may be greater or less than the initial contributions, based on earnings and losses on account of the investment of such contributions.

9. Do contributions continue during a paid leave of absence?

During a paid leave of absence, Plan contributions will continue to be made based on your compensation paid during your leave of absence. No contributions will be made during an unpaid leave of absence.

10. Do contributions continue if I become disabled?

Contributions continue after disability solely for participants who became totally disabled under the Institution's long-term disability policy prior to January 1, 2011 and who qualified for disability contributions under the Cold Spring Harbor Laboratory Defined Contribution Retirement Plan on or before December 31, 2010. The Institution will stop making contributions for a disabled participant who elects to receive any or all of his account under this Plan or the Cold Spring Harbor Laboratory Defined Contribution Retirement Plan under any available payment option. For the avoidance of doubt, participants who become totally disabled under the Institution's long-term disability policy on or after January 1, 2011 do not receive any contributions under the Plan commencing on the date coincident with such disability.

11. Do contributions continue while I'm on active duty in the Armed Forces?

If you are absent from employment by reason of service in the uniformed services of the United States, and you return to actual employment, the Institution will make those contributions to the Plan that would have been made if you had remained employed at the Institution during your period of military service to the extent required by law.

12. **How are years of service counted?**

You are credited with a year of service for each 12-month period after your employment begins (computation period) during which you complete 1,000 or more hours of service.

Hours of service will be determined on the basis of actual hours that you are paid or entitled to payment.

13. **When does a “break in service” occur?**

A break in service occurs if you are not credited with at least 500 hours of service during the 12 month computation period. For certain maternity or paternity leaves, you will be credited with enough service to prevent a break in service but only during the first year you work less than 500 hours due to maternity or paternity leave.

14. **When do I begin receiving my benefits under the Plan?**

You may elect to receive a distribution of your benefit while you remain employed by the Institution once you attain your normal retirement age (the date you turn 65). Although distribution of your benefit under the Plan usually begins at your normal retirement age, you may receive or begin to receive your benefit at any time after termination of employment.

Retirement benefits normally must begin no later than April 1 of the calendar year following the year in which you attain age 70½ (age 72 if you attain age 70 ½ on or after January 1, 2020) or, if later, April 1 following the calendar year in which you retire. Failure to start receiving benefits by the required beginning date may subject you to a substantial federal tax penalty.

If you die before the distribution of benefits has begun, your entire interest must normally be distributed by December 31 of the fifth calendar year after your death or certain shorter periods if required by law. In the event of your death, the distribution of your benefit will be made in a lump sum (except for certain transferred accounts). If the designated beneficiary is your spouse, the commencement of benefits may be deferred until December 31 of the calendar year that you would have attained age 70 1/2 (age 72 if you attain age 70 ½ on or after January 1, 2020) had you continued to live.

The payment of benefits according to the above rules is extremely important. Federal tax law imposes a 50 percent excise tax on the difference between the amount of benefits required by law to be distributed and the amount actually distributed if it is less than the required minimum amount.

15. **What forms of payment are available for receiving my benefits?**

You may choose from among several forms of payment when you terminate employment. The options available to you are:

A lump sum distribution: A single cash withdrawal of your entire account.

Partial Payments: Payments made in two or more installments, which need not be equal.

Installments: Payments in substantially equal monthly, quarterly, or annual installments to be paid over a period of years that you may choose, subject to certain limits under the Code.

If you elect to receive your benefit while you remain employed by the Institution, which such election you may make only after attainment of normal retirement age under the Plan, your benefit will be distributed in a single cash withdrawal of your entire account as of such election.

See Question 22 for rules governing amounts transferred from the Cold Spring Harbor Laboratory Defined Contribution Retirement Plan.

16. May my Plan benefit be assigned?

For the protection of your interests and those of your beneficiaries, your benefit under the Plan cannot be assigned to anyone. Your benefit is not subject to garnishment or attachment, except as permitted by law.

Nevertheless, the Plan must comply with any qualified domestic relations order (QDRO) directing payment of Plan benefits to your present or former spouse or child, in connection with a divorce or similar proceeding, or for child support payments. By law, a qualified domestic relations order must meet specific requirements.

Attorneys for parties to a divorce or similar proceeding who wish to affect your interest in the Plan should contact the authorized delagee, Fidelity QDRO Center, to make certain that the appropriate documents are filed and that the court order in question is actually a QDRO that complies with governing legislation and applicable Plan provisions. The Fidelity QDRO Center may be accessed by going to <https://qd.ro.fidelity.com>. A copy of the Plan procedures for determining whether a court-ordered assignment of your rights under the Plan to a spouse (or child or similar dependent) is a “qualified domestic relations order” may be obtained from your Plan Administrator or from the Fidelity QDRO Center.

17. May I receive benefits from the Plan while still employed by the Institution?

You may receive an in-service distribution of your benefits while still employed, only if you have attained age 65, the normal retirement age specified in the Plan.

18. What happens if I only have a small account balance?

Notwithstanding anything else herein to the contrary, if the value of your account is less than \$1,000 at any point after you terminate employment for any reason, such amount will be paid to you in cash. If your account value is more than \$1,000 but not more than \$5,000 and you do not make an election to receive the amount or roll it over to an eligible retirement plan within the time prescribed by the Committee, the amount will be directly

rolled over to an individual retirement account selected by the Committee in accordance with the Department of Labor guidelines.

19. May I rollover my benefit?

If you're entitled to receive a distribution from your account which is an eligible "rollover distribution," you may rollover all or a portion of it, either directly or within 60 days after receipt¹, into another qualified retirement plan, a Section 403(b) retirement plan, a 457(b) plan run by a state, state agency, or political subdivision of a state or state agency, which agrees to separately account for amounts transferred from this Plan, or into an IRA or annuity described in Section 408(a) or 408(b) or a Roth IRA. An eligible rollover distribution, in general, is any cash distribution other than an annuity payment, a minimum distribution payment or a payment which is part of a fixed period payment over ten or more years. The distribution will be subject to a 20 percent federal withholding tax *unless* it's rolled over directly into another retirement plan or into an IRA. This process is called a "direct" rollover.

If you have the distribution paid to you, then 20 percent of the distribution must be withheld even if you intend to roll over the money into another retirement plan or into an IRA within 60 days. To avoid withholding, instruct the recordkeeper to directly roll over the money for you.

20. May I roll over distributions from another retirement plan or IRA into this Plan?

Yes. The Plan accepts participant rollover contributions and direct rollover distributions which are eligible for rollover treatment, from a plan described in Section 401(a) or 403(a), a Section 403(b) plan, an eligible Section 457(b) plan which is run by a state, state agency, or political subdivision of a state or state agency, or an individual retirement account or annuity described in Section 408(a) or 408(b). You may not rollover after-tax contributions to this Plan.

21. Can I transfer my money from the Cold Spring Harbor Laboratory Defined Contribution Retirement Plan to this Plan?

Yes. If you have an undistributed benefit in the Cold Spring Harbor Laboratory Defined Contribution Retirement Plan, you may transfer all or a portion of your account under that plan to this Plan. These transferred benefits will be separately recordkept in your account. Please contact Human Resources at 516-367-5226 or Fidelity at 1-800-343-0860 or visit their website at www.fidelity.com/atwork with questions about making such a transfer.

¹ The IRS may waive the 60-day rollover period requirement if the failure to rollover within 60 days was the result of extreme circumstances (e.g., casualty, disaster or other events beyond the reasonable control of the individual).

22. **Are there any special rules for monies transferred to this Plan from the Cold Spring Harbor Laboratory Defined Contribution Retirement Plan?**

Yes. Money transferred to this Plan from the Cold Spring Harbor Laboratory Defined Contribution Retirement Plan will be accounted for separately in your account and will be subject to the joint and survivor requirements that existed under the Cold Spring Harbor Laboratory Defined Contribution Retirement Plan. This means that if you are married and commence annuity benefits before your death, your surviving spouse will continue to receive income that is at least half of the annuity income payable during the joint lives of you and your spouse (joint and survivor annuity). If you die before annuity income begins your surviving spouse will receive a benefit that is at least half of the full current value of your annuity accumulation, payable in a single sum or under one of the income options offered by the Fund Sponsor (pre-retirement survivor annuity). The other half of your annuity accumulation will be paid to anyone you name as beneficiary.

If you are married benefits must be paid to you in the form described above, unless you obtain a written waiver of the benefits from your spouse which is witnessed by a Plan representative or a notary public and your spouse's written consent to the waiver is filed with Plan Administrator.

A waiver of the joint and survivor annuity may be made only during the 180-day period before the commencement of benefits. The waiver also may be revoked during the same period. It may not be revoked after annuity income begins.

The period during which you may elect to waive the pre-retirement survivor benefit begins on the first day of the plan year in which you attain age 35. The period continues until the earlier of your death or the date you start receiving annuity income. If you die before attaining age 35 – that is, before you've had the option to make a waiver – at least half of the full current value of the annuity accumulation is payable automatically to your surviving spouse in a single sum, or under one of the income options offered by the Fund Sponsor. If you terminate employment before age 35, the period for waiving the pre-retirement survivor benefit begins no later than the date of termination. The waiver also may be revoked during the same period.

All spousal consents must be in writing and notarized (or witnessed by a Plan representative) and contain an acknowledgment by your spouse as to the effect of the consent. All such consents shall be irrevocable. A spousal consent is not required if you can establish to the Institution's satisfaction that you have no spouse or that he or she cannot be located. Unless a Qualified Domestic Relations Order (QDRO), as defined in Section 414(p) of the Code, requires otherwise, your spouse's consent shall not be required if you are legally separated or you have been abandoned (within the meaning of local law) and you have a court order to such effect.

The spousal consent must specifically designate the beneficiary or otherwise expressly permit designation of the beneficiary by you without any further consent by your spouse. If a designated beneficiary dies, unless the express right to designate a new one has been consented to, a new consent is necessary.

A consent to an alternative form of benefit must either specify a specific form or expressly permit designation by you without further consent. A consent is only valid so long as your spouse at the time of your death, or earlier benefit commencement, is the same person as the one who signed the consent.

If a QDRO establishes the rights of another person to your benefits under this Plan, then payments will be made according to that order, as long as such order does not pay benefits to the recipient which are required to be paid to another recipient under another order determined by the Plan Administrator to be a QDRO. A QDRO may preempt the usual requirements that your spouse be considered your primary beneficiary for a portion of the accumulation.

Contributions made on or after January 1, 2011 are not subject to these joint and survivor requirements.

23. Who qualifies as a spouse?

Under the Plan your spouse is the person to whom you are legally married, and will be determined in accordance with applicable Treasury guidance.

Domestic partners. If you are unmarried you may designate your domestic partner as your beneficiary under the Plan. You may change such designation at any time without such partner's consent.

24. What if I die before starting to receive benefits?

If you die before you start receiving benefits or before you have received all your benefits, then the entire amount or remaining amount of your account will be distributed to your beneficiary after the Committee receives satisfactory evidence of your death and the identity of your beneficiary. Distribution may be made as soon as possible thereafter in a lump sum (except as provided in Question 14 for certain transferred accounts).

Your spouse may rollover any eligible rollover distribution, as described in Question 20, as if he or she were a Plan participant. A non-spouse beneficiary who is an individual or treated as one under applicable regulations may make a rollover to an individual retirement account.

Federal tax law puts limitations on when and how beneficiaries receive their death benefits. Your beneficiary will be notified of the applicable requirements at the time he or she applies for benefits.

25. Who is my beneficiary under the Plan?

If you are married your spouse is your automatic sole beneficiary under the Plan. This means if you die without having named a beneficiary and you are married at the time of your death, your spouse will be the presumptive beneficiary and will automatically receive the benefits in your account. If you wish to designate a beneficiary other than your spouse to receive your benefits you must obtain written consent from your spouse

waiving his or her rights to these benefits. If you die without having a named beneficiary and you're not married your estate will receive the entire accumulation.

You should review and update your beneficiary designations periodically, especially after major life events such as marriage, divorce or death of a spouse.

26. How do I designate a beneficiary?

You may designate or change your beneficiary by completing a designation of beneficiary form. You should review your beneficiary designation periodically to make sure the person you want to receive your benefits is properly designated. Fidelity, the Plan recordkeeper, includes beneficiary designations on their website and handles all the tracking for such designations. If you have any questions please contact Fidelity at 1-800-343-0860 or visit their website, www.fidelity.com/atwork for more information.

Part II: Information About the Investment Options

1. Where is my money held?

All Plan money is held in a trust by the Plan trustee. An individual account will be established for you, which will show your interest in the trust fund and the amount of contributions made for you by the Institution, as well as any amounts in any rollover account or transfer account that you may have, as adjusted for earnings and losses.

2. How are my benefits invested?

Participants and their beneficiaries have widely varying financial circumstances, retirement goals and risk tolerances and are better able than any Plan committee to determine the types of investments most appropriate to their individual situation. Accordingly, the Plan allows you to invest your account in a variety of investment funds with different levels of risk and potential reward. The full suite of funds offers investors with varying goals, risk tolerances and time horizons the ability to build diversified portfolios through allocation to different funds. Of course, there can be no assurance that any fund will achieve its investment objective.

You should have received information about all the available investment options under the Plan. To review the current investment funds available under the Plan, you must sign onto to Fidelity at www.fidelity.com/atwork. You may choose the investment fund or funds to which your contributions will be allocated by selecting the funds online at www.fidelity.com/atwork or calling Fidelity at 1-800-343-0860. You may also designate or change the proportion of your balance in any investment fund by logging in to your account or giving notice to Fidelity.

3. **Who is responsible for choosing my investments?**

You have the responsibility to assess your financial situation and goals, review the information provided or available about the different investment funds, and to decide how to invest the assets in your account.

Participant-Directed Account and Section 404(c) Plan

The Plan is a participant-directed account plan and is intended to constitute a plan described in Section 404(c) of the Employee Retirement Income Security Act of 1974, as amended (ERISA) and the regulations promulgated thereunder. Section 404(c) applies to plans (such as this Plan) under which participants exercise investment control over the assets in their individual accounts. In an ERISA Section 404(c) plan, the Plan fiduciaries are generally relieved of liability under Part 4 of Title I of ERISA for losses that are the direct result of your own investment decisions (including any failure to elect a different investment fund after being advised of a replacement fund proposed for a fund being eliminated) or your failure to make an investment election and the consequent allocation of your contribution(s) to the “qualified default investment alternative” under the Plan.

Get Information About Your Investment Options

You are encouraged to read the descriptions of each investment option, review the prospectuses of the mutual funds and other materials that are available from Fidelity Retirement. You may want to consult with your financial advisor before you decide how to invest your Plan account. Remember, neither the Institution, nor any officer, director, or employee of the Institution is permitted to offer investment advice. In addition, there can be no assurance that any investment option will achieve its investment objective.

Additional Information Available. You may view and download additional information on your investment options, including Morningstar reports for each fund, online at www.fidelity.com/atwork. On request, Fidelity will provide you with paper copies of any available investment materials, including, where applicable, the annual operating expenses of each investment option (e.g., investment management fees, administrative fees, transaction costs) which reduce the rate of return to participants and beneficiaries, and the aggregate amount of such expenses expressed as a percentage of average net assets of the investment options; copies of any prospectuses, financial statements and reports, and any other materials relating to the investment options to the extent such information is provided to the Plan.

4. **What happens if I fail to designate an investment fund to receive my contributions?**

If you fail to give timely and complete instructions designating an investment fund, your share of contributions will be invested in the Plan’s qualified default investment alternative, discussed in Question 2. It is your responsibility to review your account and choose a new investment fund if this is not how you want your account invested.

5. **May I change my investment elections?**

You may change your investment options under the Plan. In order to make investment changes please sign onto Fidelity at www.fidelity.com/atwork or call Fidelity at 888-503-7526. In addition you can make a one on one appointment with a Fidelity investment advisor to review and or update your investment choices.

6. **What information will I receive about my account?**

You will receive an account statement quarterly, either by mail or via the Fidelity website at www.fidelity.com/atwork. You may also check your balance at any time by contacting Fidelity via telephone at 1-800-343-0860 or by going online at www.fidelity.com/atwork.

Part III: Additional Information

1. **How is the Plan administered?**

The Plan is administered by the Employee Benefits Committee, which is appointed by the Institution. The Institution's Retirement Plan Investment Committee is responsible for making investment decisions, including determining Plan investment options and investment funds and are named fiduciaries with respect to the investment funds available under the Plan.

2. **May the terms of the Plan be changed?**

While it is expected that the Plan will continue indefinitely, the Institution reserves the right to modify, amend or discontinue the Plan at any time and from time to time.

3. **How do I get more information about the Plan?**

Requests for information about the Plan and its terms, conditions and interpretations including eligibility, participation, contributions, or other aspects of operating the Plan should be in writing and directed to:

Vice President, Chief Human Resources Officer
Cold Spring Harbor Laboratory
P.O. Box 100
Cold Spring Harbor, NY 11724-2201

Copies of the Plan document and Summary Plan Description are also available on the Institution's Web site <http://intranet.cshl.edu/>. Printed copies are also available by contacting Human Resources at 516-367-5226.

4. **What is the Plan's claims procedure?**

The following rules describe the claims procedure under the Plan:

Filing a claim for benefits: If you believe you have not received a benefit to which you are entitled, you may submit a claim for benefits to Vice President, Chief Human Resources Officer, Cold Spring Harbor Laboratory, P.O. Box 100, Cold Spring Harbor, NY 11724-2201.

Processing the claim: The Plan Administrator will process the claim within 90 days after the Plan Administrator receives the claim. If the Plan Administrator determines that an extension of time for processing is required, written notice will be given to you before the end of the initial 90-day period. The extension notice will indicate the special circumstances requiring an extension of time and the date by which the Plan expects to render its final decision. The extension period will not exceed a period of 90 days from the end of the initial 90-day period.

Denial of claim: If a claim is wholly or partially denied, the Plan Administrator will notify you within 90 days following receipt of your claim (or 180 days in the case of an extension for special circumstances). The notification will state the specific reason or reasons for the denial, specific references to Plan provisions on which the denial is based, a description of any additional material or information necessary to perfect the claim, and appropriate information about the steps to be taken if you wish to submit the claim for review.

Review procedure: You or your duly authorized representative has at least 60 days after receipt of a claim denial to appeal the denied claim to the person or persons designated by the Institution to consider appeals. Your request for a review should be addressed to the Vice President, Chief Human Resources Officer. As part of the appeal you may:

- Review all plan documents and other documents and records relevant to your claim;
- Submit additional information and written comments; and
- Argue against the denial in writing.

Decision on review: The Plan will conduct the review and decide the appeal within 60 days after the request for review is made. If the Plan Administrator determines that special circumstances require an extension of time for processing, you will be furnished with written notice of the extension, which can be no later than 120 days after receipt of a request for review. The decision on review will include specific reasons for the decision as well as specific references to the Plan provisions on which the decision is based. All interpretations, determinations, and decisions of the Plan Administrator with respect to any claim will be made in its sole discretion.

If your appeal is denied, in whole or in part you have a right to file suit in court. You must complete all the above stages of review before you may sue for benefits in court.

5. **What are my rights under ERISA?**

As a participant in the Plan, you are entitled to certain rights and protections under the Employee Retirement Income Security Act of 1974 (ERISA). ERISA provides that all Plan participants are entitled to:

Receive Information about your Plan and Benefits

Examine, without charge, at the Plan Administrator's office all documents governing the operation of the Plan, including insurance contracts, and a copy of the latest annual report (Form 5500) filed by the Plan with the U.S. Department of Labor, and available at the Public Disclosure Room of the Employee Benefits Security Administration.

Obtain, upon written request to the Plan Administrator, copies of all documents governing the operation of the Plan, including insurance contracts and copies of the latest annual report (Form 5500 Series) and updated summary plan description. The Administrator may make a reasonable charge for the copies.

Receive a summary of the Plan's annual financial report. The Plan Administrator is required by law to furnish you with a summary of the annual report.

Obtain a statement telling whether you have a right to receive a pension at 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 the 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 a year. The Plan must provide the statement free of charge.

Prudent Actions by Plan Fiduciaries

In addition to creating rights for Plan participants, ERISA imposes duties upon the people who are responsible for operating the Plan. The people who operate your Plan, called "fiduciaries" of the Plan, have a duty to do so prudently and in the interest of you and other Plan participants and beneficiaries. No one, including your employer, 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.

Enforcing Your Rights

If your claim for a pension benefit is denied 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.

Under ERISA, there are steps you can take to enforce the above rights. For instance, if you request a copy of plan documents and the latest annual report from the Plan and don't receive them within 30 days, you may file a 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 a day until you receive the materials, unless the materials were not sent because of

reasons beyond the control of the Administrator. 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 Plan's decision or lack thereof concerning the qualified status of a domestic relations order, you may file suit in Federal court.

If the Plan fiduciaries misuse the Plan's money, or if you're 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, for example, if it finds your claim is frivolous.

Assistance with Your Questions

If you have any questions about your Plan, you should contact the Plan Administrator. If you have any questions about this statement or about your rights under ERISA, you should contact the nearest Area Office of the U.S. Employee Benefits Security Administration, 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.

6. Is the Plan insured by the Pension Benefit Guaranty Corporation (PBGC)?

No. Since the Plan is a defined contribution plan, it is not insured by the PBGC. The PBGC is the government agency that guarantees certain types of benefits under covered plans.

7. Who is the agent for service of legal process?

The agent for service of legal process is: Vice President, Chief Human Resources Officer, Cold Spring Harbor Laboratory, One Bungtown Road, Cold Spring Harbor, NY 11724-2201.

8. What if I have questions about the Plan?

If, after reading this booklet, you have any further questions about the Plan, you should write or telephone the Employee Benefits Committee. Inquiries to the Committee may be made through the Vice President, Chief Human Resources Officer, Katie Raftery at 516-367-8499 or Laura Magri at 516-367-5226.