

**SECOND AMENDMENT
TO
BRICKLAYERS AND MASONS' LOCAL UNION NO. 5,
OHIO PENSION PLAN
(MARCH 1, 2014 RESTATEMENT)**

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TO
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(MARCH 1, 2014 RESTATEMENT)**

In accordance with resolutions adopted by the Trustees of Bricklayers and Masons' Local Union No. 5, Ohio Pension Plan ("Plan"), the Plan is hereby amended in the following respects:

1. Effective as of January 1, 2007, a new Article 28 is added to the Plan to provide as follows:

**ARTICLE 28
HEART ACT PROVISIONS**

28.1. Death Benefits. In the case of a death occurring on or after January 1, 2007, if a Member dies while performing qualified military service (as defined in Section 414(u) of the Code), the survivors of the Member are entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided under the Plan as if the Member had resumed and then terminated employment on account of death.

28.2. Benefit Accrual. For benefit accrual purposes, the Plan shall not treat an individual who dies or becomes disabled on or after January 1, 2007 (as defined under the terms of the Plan) while performing qualified military service with respect to the Employer as if the individual had resumed employment in accordance with the individual's reemployment rights under USERRA, on the day preceding death or disability (as the case may be) and terminated employment on the actual date of death or disability.

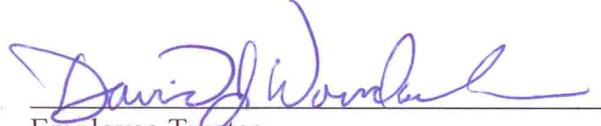
28.3. Differential Wage Payments. As compensation is not a factor in determining the amount of a Member's benefit, for years beginning after December 31, 2008, the Plan will not take into account any differential wage payments.

28.4. Death During Qualified Military Service. For years beginning after December 31, 2006, any Employee who dies while performing qualified military service (as defined in Code §414(u)) shall be treated as though such Employee had resumed employment as an Eligible Employee immediately prior to his death, and the period of qualified military service shall be taken into account as Vesting Service and as Eligibility Service for purposes of determining eligibility for early commencement of benefits.

EXECUTED at Cleveland, Ohio this 29th day of July, 2016, by an Employer Trustee and an Employee Trustee on behalf of the duly qualified and acting Trustees of Bricklayers and Masons' Local Union No. 5, Ohio Pension Fund, in accordance with resolutions adopted by the Trustees at their January 13, 2015 meeting.



Employer Trustee



Employee Trustee