

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

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

1. Effective January 1, 2018, Sections 5.3, 5.5(c), 5.6, 14.1, 14.2 and 14.3 shall be revised in their entirety to provide as follows:

* * * *

5.3 Effective March 1, 2007, the "Early Retirement Date" of a Member may be the first day of any month selected by the Member following his 55th birthday, provided he has then (a) accrued either 10 years of Credited Service, or (b) 5 years of Future Service, and (c) actually retired from all work at his trade, except that any benefits based on contributions made on his behalf on and after March 1, 2007, shall be subject in all respects to the requirements of Sections 5.5, 5.6 and Article 14.

* * * *

5.5

(c) For purposes of the Plan, including this Section 5.5 and Sections 5.6, 6.4 and 7.3, "Non-Covered Masonry Employment" means employment in the Bricklaying and Masonry Industry on or after March 1, 2007 for an employer or self-employed person, that is not signed to a collective bargaining agreement by and between the employer or self-employed person and a Union affiliated with the International Union of Bricklayers and Allied Craftworkers. A Member who works in Non-Covered Masonry Employment for an employer or self-employed person who has signed a collective bargaining agreement with a Union affiliated with the International Union of Bricklayers and Allied Craftworkers shall be deemed for this purpose to be working in "Covered Masonry Employment."

* * * *

5.6 As set forth in Section 5.3, a Member must be retired from the trade to qualify for Early Retirement. For benefits accrued on and after March 1, 2007 and subject to Article 14, if a Retired Member who has not attained his Normal Retirement Age and is receiving early or disability benefits or early benefits

instead of a deferred benefit has been found to have worked in Non-Covered Masonry Employment, the benefits accrued on and after March 1, 2007 shall be suspended as follows:

(a) The affected benefits shall be suspended for six (6) calendar months for each calendar month in which said Member worked one (1) or more hours of service in Non-Covered Masonry Employment, but in no event past his Normal Retirement Date.

* * * *

ARTICLE 14

Re Employment After Initial Retirement

14.1 When a retired Member is subsequently re employed in Covered Masonry Employment as defined in Section 5.5(c), benefit payments will cease, and, upon proper application, will be recommenced only in accordance with the rules stated in Sections 14.2, 14.3, 14.4 and 14.5 hereof.

14.2 Re-Employment during Permissive Periods.

(a) Effective March 1, 2007, during the months of May through October in any year ("a permissive period"), retired Members may work in Covered Masonry Employment without termination of their retirement benefits, except for the months during which they are employed and except as provided by Section 5.6.

(b) When a retired Member becomes re-employed at the trade, his employer shall make full contributions to the Fund, where required, and the retired Member upon reinstatement to his retirement benefit shall be given credit therefor.

(c) Retirees who perform work during a permissive period are required to give prompt written notice to the Fund's Administration Office of both when they commence work and terminate employment. If, in either instance, a retiree fails to give such notice, his retirement benefits will not be reinstated until 6 months after termination of such employment.

14.3 Reemployment other than during Permissive Periods. If a retired Member becomes reemployed in Covered Masonry Employment at any time other than during a permissive period, his retirement benefit will cease, and he will not be eligible to make application for reinstatement thereof for a period of 1 year following cessation of such reemployment. When so reemployed, the Member

shall notify the Fund's Administration Office in writing within 10 days following commencement of re-employment. If the Member fails to so advise the Fund's Administration Office, the minimum period after which application for retirement benefits may be submitted shall, in the discretion of the Trustees, be extended from 1 year to 18 months, but not beyond Normal Retirement Age.

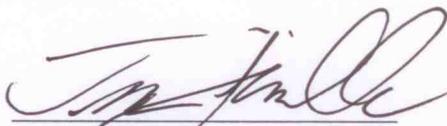
14.4 Any provision of this Article 14 notwithstanding, a retired Member working in Covered Masonry Employment will not be subject to a suspension of benefits if he is working for a contributing Employer in a supervisory, managerial or estimating role that is not within the craft jurisdiction of the Union, as described in the collective bargaining agreement by and between the Construction Employers Association and Local Union No. 5 of the International Bricklayers and Allied Craftworkers. Retirees who perform such work are required to give prompt written notice to the Fund's Administration Office of both when they commence work and terminate employment.

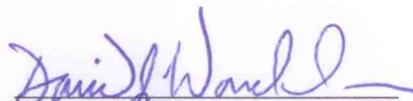
14.5 ERISA 203(a)(3)(B) Service. Notwithstanding any other provision of the Plan to the contrary, a Member who, on or after January 1, 1982, continues in employment covered under the Plan after his Normal Retirement Date or who, on or after January 1, 1982, is reemployed in employment covered under the Plan after his Normal Retirement Date shall be eligible for his benefits, if any, for any month in which he is not employed with respect to the Plan in "Section 203(a)(3)(B) service" as defined in ERISA, as amended, and regulations issued thereunder. No payment shall be withheld or suspended by the Plan for Section 203(a)(3)(B) service by a Member after his Normal Retirement Date until the Fund's Administration Office has notified the Member or retired Member by personal delivery or first class mail of the fact that such withholding or suspension is occurring or will occur. Such notification will contain a detailed description of the specific reasons why benefit payments are being suspended or withheld, a general description of the Plan provisions relating to the suspension of benefit payments, a copy of such provisions, and a statement that the applicable Department of Labor regulations governing suspensions of benefits may be found at Title 29, Code of Federal Regulations, section 2530.203-3. The notification shall also advise the Member or the retired Member to whom directed of the Plan's procedure for affording a review of the suspension of benefits. In addition, if benefit payments have been suspended with respect to such Member pursuant to this Article 14, payments shall resume no later than the first day of the third calendar month after the calendar month in which such Member or retired Member ceases to be employed in Section 203(a)(3)(B) service, provided that the retired Member has complied with any reasonable procedure adopted by the Plan for notifying the Plan that he has ceased such employment. The initial payment

after benefits have been suspended shall include the payment scheduled to occur in the calendar month when payments resume and any amounts withheld during the period between the cessation of employment and the resumption of payments, less any amounts which are subject to offset. The Plan shall deduct from benefit payments to be made by the Plan any payments previously made by the Plan during those calendar months or pay periods in which such Member or retired Member was employed in Section 203(a)(3)(B) service, provided that such deduction or offset does not exceed, in any one month, 25 percent of that month's total benefit payment that would have been due but for the offset (excluding the initial resumption payment described above, which shall be offset without limitation). Any such Member or retired Member shall notify the Plan of any employment covered under the Plan and provide reasonable information for the purpose of verifying such employment. Furthermore, any such Member or retired Member shall, at such time and with such frequency as may be reasonable, as a condition to receiving future benefits, either certify that he is unemployed or provide factual information sufficient to establish that any employment does not constitute Section 203(a)(3)(B) service if specifically requested by the Plan. Any monthly benefit payments made pursuant to this Section 14.4 shall be paid in accordance with the provisions of the Plan otherwise applicable to determining the amount of his benefit payments, the duration of such benefits, and the method of payment. Notwithstanding the foregoing, no pension benefits will be suspended under this Section 14.4 after April 1 of the year after the year in which the Member attains age 70-1/2.

* * * *

EXECUTED at Cleveland, Ohio this 13th day of February, 2018 by an Employer Trustee and an Employee Trustee on behalf of the duly qualified and acting Trustees of Bricklayers and Masons' Local No. 5, Ohio Pension Fund, in accordance with resolutions adopted by the Trustees at their January, 2018 meeting.


Employer Trustee


Employee Trustee