

**FIRST AMENDMENT TO THE
BRICKLAYERS PENSION FUND
OF WESTERN PENNSYLVANIA
(As Amended and Restated effective January 1, 2010)**

This First Amendment to the Bricklayers Pension Fund of Western Pennsylvania, as amended and restated effective January 1, 2010, (the “**Plan**”) is made by the Board of Trustees of the Bricklayers Pension Fund of Western Pennsylvania (the “**Trustees**”).

WITNESSETH:

WHEREAS, the Trustees previously adopted and presently maintain the Plan as amended and restated on January 1, 2010;

WHEREAS, certain amendments to the restated Plan document are required under the Heroes Earnings Assistance and Relief Tax Act (the “**HEART Act**”) and certain other technical corrections and clarifications to the restated Plan document are necessary; and

WHEREAS, under Section 13.01 of the Plan, the Trustees reserve the right to amend the Plan from time to time in any respect by action of the Trustees.

NOW, THEREFORE, effective as of dates listed below pursuant to Section 13.01 of the Plan, the Trustees hereby amend the Plan as follows:

1. Section 1.12 is hereby amended by adding the following paragraph at the end of the section:

For limitation years beginning on and after January 1, 2009, Compensation shall include payments to an Employee who does not currently perform services for the Employer by reason of qualified military service (as that term is used in Code section 414(u)(1)) to the extent those payments do not exceed the amounts the Employee would have received if the Employee had continued to perform services for the Employer rather than entering qualified military service.

2. Section 3.05(e) is amended by adding the following language at the end of the section:

Effective January 1, 2007, if a Participant dies while performing qualified military service (as defined in Code Section 414(u)), Hours of Service shall be calculated as if the Participant had resumed and then terminated employment on account of death pursuant to Code Section 401(a)(37).

3. A new section 4.13 is hereby added to the Plan as follows:

4.13 HEART Act -- Death Benefits Under USERRA

Effective January 1, 2007, if a Participant dies while performing qualified military service (as defined in Code section 414(u)), the survivors of the Participant 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 Participant had resumed and then terminated employment on account of death pursuant to Code section 401(a)(37).

4. Effective for distributions made on or after January 1, 2008, Section 10.04 of the Plan is amended and restated in its entirety to read as follows (changed text is underlined):

10.04 Direct Rollover Election

Effective January 1, 1993, a Participant, Spouse or other distributee who receives a payment under the Plan which is an "eligible rollover distribution" within the meaning of Code Section 401(a)(31)(D) may elect to transfer said payment, in a "direct trustee-to-trustee transfer" within the meaning of Code Section 401(a)(31)(A), to an "eligible retirement plan" within the meaning of Code Section 401(a)(31)(E) or a Roth IRA within the meaning of Code Section 408A(b) designated by said Participant, Spouse or other distributee; provided, however: (1) said direct trustee-to-trustee transfer can be elected for said eligible rollover distribution only if the amount of the eligible rollover distributions during the year are reasonably expected to equal at least \$200, except as otherwise required by Code Section 401(a)(31); (2) said direct trustee-to-trustee transfer can be elected for part of said eligible rollover distribution only if required by Code Section 401(a)(31), and in such event, only if the amount so elected is at least \$500, except as otherwise required by Code Section 401(a)(31); and (3) only one said eligible retirement plan may be designated for said direct trustee-to-trustee transfer, except as otherwise required by Code Section 401(a)(31). Said election and said direct trustee-to-trustee transfer shall each be made in accordance with procedures prescribed by the Trustees in conformance with Code Section 401(a)(31). In conformance with Code Section 402(c)(11), a Beneficiary eligible to receive a distribution from the Plan on account of a Participant's death may elect to transfer said distribution to an individual retirement plan (described in clause (i) or (ii) of Code Section 402(c)(8)) or a Roth IRA (described in Code Section 408A(b)) established by the Beneficiary for this purpose, provided that (i) the Beneficiary is not otherwise a Distributee, (ii) the Beneficiary is a designated Beneficiary as defined in Code Section 401(a)(9)(E), and (iii) the distribution would otherwise be an Eligible Rollover Distribution but for the requirement that the distribution be made to a Distributee.

5. Effective for annuity starting dates on or after January 1, 2009, in Sections 6.02, 10.01, 10.02 and 10.06, all references to "90 days" shall be amended to "180 days."

6. In all other respects, the provisions of the Plan are hereby ratified and confirmed, and they shall continue in full force and effect. In order to maintain the terms of the Plan in a single document, this Amendment may be incorporated into the most recent restatement of the Plan and the Table of Contents and any section numbers and section references or cross-references may be corrected and/or updated at any time.

IN WITNESS WHEREOF, pursuant to the proper approval and delegation by the Trustees in a meeting held on _____, the following Employer and Union Trustees have affixed their signatures as of this ____ day of _____, 2010.

UNION TRUSTEE

By: Norman L. Ruzgen Jr.

EMPLOYER TRUSTEE

By: Charles Kosey