

**THIRD AMENDMENT TO THE
BRICKLAYERS PENSION PLAN OF
WESTERN PENNSYLVANIA
(As Amended and Restated January 1, 2015)**

This Third Amendment to the Bricklayers Pension Plan of Western Pennsylvania, as amended and restated effective January 1, 2015 ("Plan"), is made by the Board of Trustees for the Bricklayers Pension Plan of Western Pennsylvania ("Trustees").

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WHEREAS, the Trustees currently administer and maintain the Plan for the benefit of members covered thereunder; and

WHEREAS, the right to further amend the Plan has been reserved to the Trustees under Article XIII of the Plan; and

WHEREAS, the Trustees desire to incorporate further changes into the 2016 Rehabilitation Plan necessitated after review issues arising from Employees leaving Covered Employment but staying in the industry until closer to early retirement age and obtaining subsidies from this Fund; and

WHEREAS, this change will continue the goal of the Rehabilitation Plan which was developed in consultation with the Plan's Actuary and establishes benefit reductions necessary to improve the funding of the Plan over the rehabilitation period of ten years beginning January 1, 2016; and

WHEREAS, the current Rehabilitation Plan effective July 1, 2016 is subject to change as deemed appropriate by the Trustees based upon the actual experience of the Bricklayers Pension Plan of Western Pennsylvania; and

WHEREAS, the 2016 Rehabilitation Plan, except as otherwise provided below, requires benefit reductions for any Participant who is not retired and receiving a benefit from this Plan prior to April 1, 2017.

NOW, THEREFORE, the Trustees agree and declare that, effective as stated herein, the Plan be, and hereby is, amended in the following respects:

ARTICLE I, SECTION 1.40 shall be added in its entirety to read as follows:

1.40 "Non-covered Masonry Employment" means work performed in the Jurisdiction of the Union which would be considered Covered Employment if performed by an Employee for an Employer.

ARTICLE V, SECTION 5.07 shall be amended in its entirety to read as follows:

5.07 Eligibility for Early Retirement Benefits

A Participant who has permanently retired from employment with all Employers in the jurisdictional area of the Fund shall be eligible for Early Retirement Benefits provided:

- (a) The Participant has reached his Early Retirement Age, but not age 65, and
- (b) The Participant has earned a minimum of five (500) hours of Credited Service in the sixty (60) months prior to reaching Early Retirement Age¹; and
- (c) The Participant has elected and applied for an Early Retirement Benefit on a form prescribed by the Trustees, and the Trustees have approved the application.

Provided, however, any Participant that otherwise meets the eligibility requirement for an Early Retirement Benefit that has worked in Non-covered Masonry Employment at any time after first becoming a Participant in this Pension Plan will have their benefit commencement date delayed six (6) months for each calendar quarter that such work was performed. However, this delay will not apply if the Participant has at least 2,400 hours of Employer Contributions made or due on his behalf within the 36 calendar months prior to his Early Retirement Date. This delayed benefit commencement date for work performed in Non-covered Masonry Employment shall not extend beyond the Participant's Normal Retirement Date.

ARTICLE V, SECTION 5.10 shall be amended in its entirety to read as follows:

5.10 When Paid

A Participant who meets the eligibility requirements for Early Retirement Benefits, as set forth in Section 5.07, upon voluntary retirement, shall become entitled to an Early Retirement Benefit as of the first day of the month following the date of his retirement.

Provided, however, any Participant that otherwise meets the eligibility requirement for an Early Retirement Benefit that has worked in Non-covered Masonry Employment at any time after first becoming a Participant in this Pension Plan will have their benefit commencement date delayed six (6) months for each calendar quarter that such work was performed. However, this delay will not apply if the Participant has at least 2,400 hours of Employer Contributions made or due on his behalf within the 36 calendar months prior to his Early Retirement Date. This delayed benefit commencement date for work performed in Non-covered Masonry Employment shall not extend beyond the Participant's Normal Retirement Date.

ARTICLE VII, SECTION 7.01 shall be amended in part to read as follows:

7.01 Eligibility for Total and Permanent Disability Benefits

- (c) For Disability Benefits commencing on or after May 1, 2015:
A Participant shall be eligible to receive Total and Permanence Disability Benefits provided:
 - (1) The Participant suffers Total and Permanent Disability (as defined in Section 7.02(c)) prior

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- to attaining Early Retirement Age; and
- (2) The Participant has in effect at the time of disability, at least ten (10) years of Future Credited Service; and
 - (3) The Participant has applied for Total and Permanent Disability Benefits on a form prescribed by the Trustees, and has furnished such satisfactory proof of disability as may be required by the Trustees; and
 - (4) Application for Disability Pension Benefits must be made within two years of the date of disability and the Participant must have worked at least 250 hours in the Trade within the two year period before disability. Except, the two year period may be extended if the Participant was on workers compensation or receiving other total disability benefits. The Trustees may approve late applications based upon a statement of the circumstances regarding late application and provided that the Participant has not had substantial gainful employment following his last date of employment within the Trade; and
 - (5) A Participant who suffers Total and Permanent Disability after attaining Early Retirement Age shall not be eligible to receive Total and Permanent Disability Benefits. However, such a Participant shall be eligible to receive the Early Retirement Benefit described in Article V, Subject to the eligibility requirements described in that Section 5.09.

Provided, however, any Participant that otherwise meets the eligibility requirement for a Total and Permanent Disability Benefit that has worked in Non-covered Masonry Employment at any time after first becoming a Participant in this Pension Plan will have their benefit commencement date delayed six (6) months for each calendar quarter that such work was performed. However, this delay will not apply if the Participant has at least 2,400 hours of Employer Contributions made or due on his behalf within the 36 calendar months prior to his Retirement Date. This delayed benefit commencement date for work performed in Non-covered Masonry Employment shall not extend beyond the Participant's Normal Retirement Date.

ARTICLE VII, SECTION 7.04 shall be amended in its entirety to read as follows:

7.04 When Paid

A Participant who meets the eligibility requirements for Total and Permanent Disability Benefits, as set forth in Section 7.01 above, shall become entitled to monthly Total and Permanent Disability Benefits retroactive to the date of disability, subject to a maximum of six such retroactive monthly payments. However, if the Participant is entitled to disability benefits under Title II of the Social Security Act, then Total and Permanent Disability benefits will be retroactive to the date of disability. Total and Permanent Disability Benefits shall be made on the first day of the month next following the date of retirement.

Provided, however, any Participant that otherwise meets the eligibility requirement for a Total and Permanent Disability Benefit that has worked in Non-covered Masonry Employment at any time after first becoming a Participant in this Pension Plan will have their benefit commencement date delayed six (6) months for each calendar quarter that such work was performed. However, this delay will not apply if the Participant has at least 2,400 hours of Employer Contributions made or due on his behalf within the 36 calendar months prior to his Retirement Date. This delayed benefit commencement date for work performed in Non-covered Masonry Employment shall not extend beyond the Participant's Normal Retirement Date.

ARTICLE VIII, SECTION 8.02 shall be amended in its entirety to read as follows:

8.02 Eligibility for Vested Benefits

A Participant entitled to a Retirement Benefit under Section 8.01 who has less than ten years of Credited Service shall be eligible to receive a Normal Retirement Benefit upon retirement at age 65 (as provided for under Section 5.01). A Participant entitled to a Retirement Benefit under Section 8.01 who has ten or more years of Credited Service shall be eligible to receive his Accrued Benefit upon retirement at age 65 or a Reduced Early Retirement Benefit after attaining age 60, but prior to age 65 (as provided for under Section 5.07). The Participant must apply for Retirement Benefits on a form prescribed by the Trustees, and the Trustees must approve such application.

Provided, however, any Participant that otherwise meets the eligibility requirement for a Vested Benefit that has worked in Non-covered Masonry Employment at any time after first becoming a Participant in this Pension Plan will have their benefit commencement date delayed six (6) months for each calendar quarter that such work was performed. However, this delay will not apply if the Participant has at least 2,400 hours of Employer Contributions made or due on his behalf within the 36 calendar months prior to his Retirement Date. This delayed benefit commencement date for work performed in Non-covered Masonry Employment shall not extend beyond the Participant's Normal Retirement Date

ARTICLE VIII, SECTION 8.04 shall be amended in its entirety to read as follows:

8.04 When Paid

The Vested Benefit shall be a monthly benefit commencing on the first day of the month following the month in which a Participant has satisfied the requirements of Section 8.02.

Provided, however, any Participant that otherwise meets the eligibility requirement for a Vested Benefit that has worked in Non-covered Masonry Employment at any time after first becoming a Participant in this Pension Plan will have their benefit commencement date delayed six (6) months for each calendar quarter that such work was performed. However, this delay will not apply if the Participant has at least 2,400 hours of Employer Contributions made or due on his behalf within the 36 calendar months prior to his Retirement Date. This delayed benefit commencement date for work performed in Non-covered Masonry Employment shall not extend beyond the Participant's Normal Retirement Date.

IN WITNESS WHEREOF, pursuant to the proper approval and delegation by the Trustees, the following Employer and Union Trustees have affixed their signatures as of this 16th day of February, 2017.

UNION TRUSTEE

EMPLOYER TRUSTEE

By: *Norman George Jr*

By: *Charles Kosy*