

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

This Fourth 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 have evaluated the changes made to the Suspension of Benefits provisions and determined that it has resulted in the inability of Employers to use retirees to mentor and oversee their newer Employees; and

WHEREAS, this unintended consequence has resulted in a hardship to the Employers and Union in training and retaining skilled craftsmen needed to maintain and expand the contribution base to this Pension Fund; and

WHEREAS, the Trustees believe that revisions to the current Suspension Rules to allow for some qualified retirees to return to limited employment with Employers for training purposes will not adversely impact the funding of the Pension Fund and will result in improved work opportunities for the Employees and Employers providing Contributions to this Pension Fund; and

WHEREAS, the Trustees believe that a revision to the current Suspension Rule is in the best interest of the Participants and Beneficiaries.

NOW, THEREFORE, the Trustees agree and declare that, effective as of February 1, 2017, the Plan be, and hereby is, amended in the following respects:

ARTICLE I, SECTION 5.13 (b) through (d) shall be amended in its entirety to read as follows:

(b) Suspension of Benefits on or After May 1, 2015:

(1) **For any Pensioner Age 65 or Over:**

(A) On or after May 1, 2015, if any Pensioner who is age 65 or older returns to work in

Covered Employment for 450 or more hours in a calendar year, his monthly benefit will be suspended for the month in which he works the 451st hour. Provided, however, the Pensioner's benefit cannot be suspended after he reaches Normal Retirement Age for any month in which he works less than 40 hours after he reaches the 450 hours. For this purpose, Covered Employment refers to employment as defined under ERISA Section 203(a)(3)(B).

- (B) On or after February 1, 2017, Pensioners who are over Normal Retirement Age may also work for an Employer in the geographic area covered by the Pension Fund as "Limited Capacity Employment" under the following three Classifications without having his monthly benefit suspended:
- (i) Project Manager
 - (ii) Mentoring Foreman (only available if the Pensioner is not the primary job site foreman)
 - (iii) Warehouse Worker

Provided, however, the Pensioner is not able to perform work that is covered by the Collective Bargaining Agreement or perform the installation of any materials covered under the jurisdiction of the International Union of Bricklayers and Allied Craftworkers.

A Pensioner that has not been retired and completely separated from all employment for all Employers for at least three (3) months will not be eligible to return to work under this provision.

Work under the Limited Capacity Employment may only be performed up to 999 hours in a calendar year without having the Pensioner's benefit suspended. Provided, however, the Pensioner must be working for an Employer that has signed a separate Participation Agreement prior to his return to Limited Capacity Employment.

Failure to meet any of these criteria for a limited return to work will result in the suspension of the monthly benefit for the month in which the criteria is not met.

- (C) Additionally, once a Pensioner reaches his Required Beginning Date, his monthly pension benefit is no longer subject to suspension under these rules.

(2) For Pensioners Under Age 65:

- (A) On or after May 1, 2015, if any Pensioner receiving a benefit prior to age 65 returns to work in "Disqualifying Employment" for any hours, his monthly pension benefits shall be suspended and permanently forfeited for the month in which he works.

For this purpose, "Disqualifying Employment" shall mean (i) any type of employment with an Employer (ii) any type of employment with an employer in the same or related business as an Employer, (iii) any employment or self-employment (including a sole proprietor, partner, independent contractor or consultant) based on or using the skills related to or acquired by Covered Employment.

(B) On or after February 1, 2017, Pensioners who are under Normal Retirement Age may work for an Employer either inside or out of the geographic area covered by the Pension Fund as “Limited Capacity Employment” under the following three Classifications which will no longer be determined to be “Disqualifying Employment”:

- (i) Project Manager
- (ii) Mentoring Foreman (only available if the Pensioner is not the primary job site foreman)
- (iii) Warehouse Worker

Provided, however, the Pensioner is not able to perform work that is covered by the Collective Bargaining Agreement or perform the installation of any materials covered under the jurisdiction of the International Union of Bricklayers and Allied Craftworkers.

A Pensioner that has not been retired and completely separated from all employment for all Employers for at least three (3) months will not be eligible to return to work under this provision.

Work under this Limited Capacity Employment rule may only be performed up to 999 hours in a calendar year without having the Pensioner’s benefit suspended. Provided, however, the Pensioner must be working for an Employer that has signed a separate Participation Agreement prior to his return to Limited Capacity Employment.

Failure to meet any of these criteria for a limited exemption to “Disqualifying Employment” will result in the suspension of the monthly benefit for the month in which the criteria is not met.

(c) Notice and Suspension Procedures

All Pensioners shall provide the Board of Trustees with written notice of any employment that is or may be Covered Employment, Disqualifying Employment or Limited Capacity Employment. Such notice shall be provided at least fifteen (15) days in advance of the commencement of such employment. Additionally, in order to return to work in the limited capacity outlined in subsection (b)(1)(B) and (b)(2)(B) above, the Employer must notify the Pension Fund and execute a Participation Agreement to allow for the Contributions to this Pension Fund prior to the return to work. The Pensioner may request a determination from the Board of Trustees as to whether specific contemplated employment is employment that would result in suspension of the payment of the monthly pension benefits. Such request must be made in advance of the Board’s quarterly meeting in order to ensure it is addressed by the Trustees in a timely manner. Any Pensioner that returns to work without obtaining a prior determination or giving written notice will be presumed to be engaged in Covered or Disqualifying Employment upon discovery. A notice of suspension will be issued to the Pensioner. He has the ability to provide information and proof that such employment was not Covered or Disqualifying Employment subject to suspension under these Rules.

Additionally, the Pensioner is subject to offset for any monthly pension benefits paid during a month that was subject to suspension. Upon the termination of the suspendable employment, the Pensioner’s monthly

benefit will resume. However, up to 25% of the monthly pension benefit shall be deducted from each payment until all benefits received in violation of this suspension rule are recovered by the Pension Plan.

The Pensioner has the right to appeal the determination of suspension under the Claims and Appeals Rules of the Pension Plan.

(d) Reinstatement of Pension Benefits After Suspension

The Pensioner must notify the Board of Trustees of the termination of his Covered, Disqualifying or Limited Capacity Employment. Upon re-application, the monthly benefit shall be payable as of the first day of the calendar month following the later of (i) the date his employment terminates, or (ii) the date on which he notifies the Board of Trustees that his employment terminated.

Following the Pensioner's termination of employment, if he was working in Covered Employment for which contributions were to be paid to this Pension Plan on his behalf, his monthly benefit shall be recomputed. Contributions made under a Participation Agreement for Limited Capacity Employment will not be credited in this recalculation.

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 28th day of March, 2017.

UNION TRUSTEE

EMPLOYER TRUSTEE

By: Norman Rungen

By: Charles Kosy