

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

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

**WITNESSTH**

**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 necessitated by the continuation of funding problems necessitated by participants that leave the industry for a period of years and then return prior to Early Retirement Age;

**WHEREAS**, the Trustees recognized that these individuals are receiving subsidized benefits that were not supported by the anticipated years of supplemental contributions payments needed pursuant to the most recent Rehabilitation Plan adopted in 2019 by the bargaining parties effective as of June 1, 2019; 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 Fund of Western Pennsylvania; and

**WHEREAS**, a 2021 Rehabilitation Plan was developed in consultation with the Fund's Actuary and establishes benefit reductions necessary to avoid the funding issues caused by these early retirees; and

**WHEREAS**, the 2021 Rehabilitation Plan, except as otherwise provided below, requires benefit reductions for any Participant who is not retired and receiving a benefit from this Pension Fund prior to January 1, 2022.

**NOW, THEREFORE**, the Trustees agree and declare that, effective for new pensioners effective on or after January 1, 2022, the Plan be, and hereby is, amended in the following respects:

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

**5.07 Eligibility for Early Retirement Benefits**

- (a) Eligibility. A Participant who has permanently retired from employment with all Employers in the jurisdictional are of the Fund shall be eligible for Early Retirement Benefits provided:

- (1) The Participant has reached his Early Retirement Age, but not age 65;
  - (2) The Participant has earned a minimum of five (500) hours of Credited Service in the sixty (60) months prior to reaching Early Retirement Age;
  - (3) Effective January 1, 2022, any Participant that incurs three (3) consecutive One-Year Breaks-in-Service prior to Early Retirement Age must return to Covered Employment and earn at least three (3) Years of Credited Service; and
  - (4) 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.
- (b) Non-Covered Masonry Employment Delayed Eligibility. Provided however, any Participant that otherwise meets the eligibility requirements 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. The delayed commandment date for work performed in Non-Covered Masonry Employment shall not extend beyond the Participant's Normal Retirement Date.
- (c) Grace Periods for Break-in-Service. Periods of time described below will be disregarded in determining whether there has been a Break-in-Service as described in (1)(3) above:
- (1) Employment recognized under Section 3.06;
  - (2) Employment as an Employee of the International BAC Union for an unlimited period of time; and
  - (3) Employment with a federal, state or other political subdivision, such as a municipality, water authority, board of education, or other public entity, and the employment is the type covered under the Collective Bargaining Agreement with a Contributing Employer, provided it is within the geographic jurisdiction of the Union. It is also provided that there is an agreement between the public employer and the Union that such employment will be performed by participants who would otherwise work in Covered Employment.
  - (4) Employment with a Contributing Employer in a position of Non-Covered Employment including managerial or ownership positions.

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 23<sup>rd</sup> day of 2022, 2021.

UNION TRUSTEE

By: Norman L. Ringes

EMPLOYER TRUSTEE

By: Raul [Signature]