

**NINTH AMENDMENT
TO THE
BUILDING TRADES PENSION FUND
OF WESTERN PENNSYLVANIA
(As Amended and Restated January 1, 2014)**

WHEREAS, the Board of Trustees has the right to amend the Building Trades Pension Fund of Western Pennsylvania, as amended and restated January 1, 2014 (the "Plan"); and

WHEREAS, the Board of Trustees desires to amend the Pension Plan to revise the full supplemental contribution rate provisions.

NOW, THEREFORE, the Board of Trustees hereby amends Section 4.01(e)(5), effective November 8, 2019, to read as follows:

- (5) Effective for accruals from and after March 1, 2012, the rate of Employer Contributions (and the resulting amount of Employer Contributions) that would otherwise be used to calculate a Participant's basic Pension shall be reduced if and to the extent the Participant's Employer has not agreed to make non benefit responsive (supplemental funding) contributions to the Trust Fund at the full supplemental funding contribution rate.
 - (A) Effective for accruals from and after March 1, 2012 and through November 7, 2019 the "full supplemental contribution rate" for the 2012 Plan Year shall be equal to the base contribution rate in effect on December 31, 2011 plus 10 percent of the contribution rate in effect on January 1, 2010, and for each Plan Year thereafter up through and including the 2017 Plan Year, the "full supplemental funding contribution rate" shall be equal to the total contribution rate in effect on December 31 of the prior Plan Year increased by an additional 10 percent. The contribution rate in effect as of each applicable date shall be determined under the collective bargaining agreement applicable to the Employer as of that date, or the collective bargaining agreement that would have been applicable as of that date if the Employer had a collective bargaining agreement in effect with the Union as of that date.
 - (B) Effective for accruals from and after November 7, 2019, the "full supplemental funding contribution rate" shall mean the excess of (i) the contribution rate in effect as of January 1, 2010, increased by an additional 10 percent as of each following January 1 beginning with January 1, 2011 and ending with January 1, 2017 minus (ii) the contribution rate in effect as of January 1, 2010. The contribution rate in effect as of January 1, 2010 shall be determined under the collective bargaining agreement applicable to the Employer as of that date, or the collective bargaining agreement that would have been applicable as of that date if the Employer had a collective bargaining agreement in effect with the Union as of that date.
 - (C) For this purpose, any increases in Employer Contributions required by any funding improvement plan or rehabilitation plan adopted by the Board of Trustees pursuant to ERISA § 305 and Code § 432 or schedule thereto shall be taken into account to determine the extent to which the Employer has agreed (or not

agreed) to make such non-benefit responsive contributions at the full supplemental funding contribution rate.

IN WITNESS WHEREOF, this Amendment has been duly executed on this 8th day of November, 2019.

Union Trustee

Employer Trustee

By: Norman Berger

By: [Signature]