

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

This Fifth 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").

**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 have evaluated the changes made to the Suspension of Benefits provisions and determined that there is a current shortfall in skilled craftsmen during the peak seasons; and

**WHEREAS**, this unintended consequence has resulted in a hardship to the Employers and Union as out of area workers are being brought into the jurisdiction of the Plan to man the jobs which results in a loss of the contribution base to this Pension Fund since the contributions are reciprocated back to the home locals for these travelers; and

**WHEREAS**, the Trustees believe that revisions to the current Suspension Rules to allow for some early retirees to return to work in the jurisdiction of the Union for a limited time period to cover the season 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 June 1, 2017, the Plan be, and hereby is, amended in the following respects:

ARTICLE V, SECTION 5.12 (b)(2) shall be amended in its entirety to read as follows:

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

(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) For the limited time period of June 1, 2017 through September 30, 2017, if any Pensioner who is receiving a benefit prior to age 65 returns to work in Covered Employment in the jurisdiction of the Union for 450 or less hours on a paid basis, his monthly benefit will not be suspended. If the number of hours paid in Covered Employment during this limited time period exceed 450, any excess hours shall be considered "Disqualifying Employment" and the monthly benefit shall be suspended beginning with the month in which he works the 451<sup>st</sup> hour. Additionally, any hours worked by a Pensioner, who is receiving his benefit prior to age 65, in any Covered Employment anywhere worked after September 30, 2017 shall be treated under subsections (A) and (B) above to determine if they are otherwise "Disqualifying

Employment”.

ARTICLE V, SECTION 5.12 (d) shall be amended in its entirety to read as follows:

(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 for a pensioner under subsection (b)(2)(C) above and 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 13<sup>th</sup> day of June, 2017.

UNION TRUSTEE

EMPLOYER TRUSTEE

By:

Norman L. Ringer, Jr.

By:

Charles Koscy