

**Amendment Number 6 to the  
Local Union No. 9, IBEW and Outside Contractors  
Defined Contribution Pension Fund  
Money Purchase Pension Plan  
Document and Trust Agreement  
(Amended and Restated Effective November 1, 2014)**

In accordance with the Local Union No. 9, IBEW and Outside Contractors Defined Contribution Pension Fund Plan Document's amendment provision, as stated in Article XI, Section 11.3 of the Money Purchase Pension Plan Document and Trust Agreement, the Fund hereby amends the Plan Document effective January 1, 2020, unless otherwise specified herein. The amendment reflects the Trustees' good faith effort, pending further guidance from Treasury, to comply with (a) Internal Revenue Code Section 401(a)(9) rules, as amended by the Setting Every Community Up for Retirement Enhancement (SECURE) Act, enacted on December 20, 2019, and (b) the Coronavirus Aid, Relief, and Economic Security (CARES) Act, in the following respects:

1. The Introduction to the Plan, as Amended and Restated Effective November 1, 2014, is amended effective January 1, 2022, by adding the following two paragraph immediately after the third "WHEREAS" clause to read as follows:

WHEREAS, the Plan was restated and amended effective November 1, 2009 to comply with the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA"), the technical corrections made by the Job Creation and Worker Assistance Act of 2002 ("JCWAA"), the Pension Funding Equity Act of 2004 ("PFEA"), the Pension Protection Act of 2006 ("PPA"), the final regulations under IRC Section 415, and other applicable rules and regulations; and

WHEREAS, the Plan is further amended to comply with applicable provisions of the Setting Every Community Up for Retirement Enhance (SECURE) Act, as enacted on December 20, 2019. The SECURE Act changed the age portion of the statutory Required Beginning Date effective January 1, 2020, and changed certain required minimum distribution rules for Designated Beneficiaries and Participants who die in calendar years beginning on or after January 1, 2022, and provided a special rule for Designated Beneficiaries of Participants who die in calendar years beginning on or after January 1, 2022, if such Designated Beneficiary dies on or after January 1, 2022.

WHEREAS, the new provisions for Designation Beneficiary distributions are set out in Appendix A to the Plan. The provisions are intended to constitute good faith compliance with the applicable requirements of Title IV, Section 401 and Title VI, Section 601 of the SECURE Act, and shall be construed in good faith in accordance with the Act and any guidance issued. The language in Appendix A is intended to be consistent with the language of the SECURE Act and is not intended

to be inconsistent with any sample or model language issued by the Internal Revenue Service or Treasury. If in the future, the Internal Revenue Service or Treasury provides guidance in the form of sample or model amendments, Appendix A will be revised to reflect that guidance; and

\* \* \* \* \*

2. Section 14.1 of the Plan is amended by adding a new subsection (d) to read as follows:

**Section 14.1 General Rules**

\* \* \* \* \*

**(d) Waiver of 2020 Required Minimum Distributions**

Notwithstanding this Article 14 of the Plan, whether a Participant or Beneficiary who would have been required to receive required minimum distributions in 2020 (or paid in 2021 for the 2020 calendar year for a Participant with a required beginning date of April 1, 2021) but for the enactment of Section 401(a)(9)(I) of the Code (2020 RMDs), and who would have satisfied that requirement by receiving distributions that are either (1) equal to the 2020 RMDs, or (2) one or more payments (that include the 2020 RMDs) in a series of substantially equal periodic payments made at least annually and expected to last for the life (or life expectancy) of the Participant, the joint lives (or joint life expectancies) of the Participant and the Participant's Designated Beneficiary, or for a period of at least 10 years (Extended 2020 RMDs), will have the option of whether to receive a 2020 RMD as of January 1, 2020. In the absence of a Participant or Beneficiary election in accordance with this subsection 14.1(d), a Participant or Beneficiary who would have been required to receive a 2020 RMD will not receive such distribution unless the Participant or Beneficiary chooses to receive the distribution.

In addition, solely for purposes of applying the direct rollover provisions of the Plan, all 2020 RMDs will treated as eligible rollover distributions in 2020.

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3. Section 14.2(b)(2) of the Plan is clarified to include the "later of" language applicable to a participant who is not a 5% owner that was inadvertently omitted as follows:

**Section 14.2 Time and Manner of Distribution**

\* \* \* \* \*

- (b) If the Participant dies before distributions begin, the Participant's entire interest will be distributed, or begin to be distributed, no later than as follows:

\* \* \* \* \*

- (2) If the Participant's surviving spouse is the Participant's sole Designated Beneficiary, then, the Participant's spouse may elect, in lieu of Section 14.2(a), to have distributions to the surviving spouse begin by the later of (i) December 31 of the calendar year immediately following the calendar year in which the Participant died, or (ii) by December 31 of the calendar year in which the Participant would have attained age 70-1/2 for Participants who attained age 70-1/2 prior to January 1, 2020, or age 72 for Participants who attain age 70-1/2 after December 31, 2019. The election must be made no later than September 30 of the calendar year in which distribution would be required to begin under this Section 14.2(b)(2), or if earlier, Section 14.2(b)(1).

4. The Plan is amended effective January 1, 2022, to add Appendix A to the end thereof to read as follows:

**Appendix A: SECURE Act Beneficiary Distribution Rules**

- (a) Applicability and Scope of Appendix A

The provisions set forth in this Appendix are adopted to reflect certain provisions of the SECURE Act. These provisions are intended to constitute good faith compliance with the requirements of the SECURE Act and are to be construed in good faith in accordance with the Act and any guidance issued. The language in this Appendix A is intended to be consistent with the language of the SECURE Act and is not intended to be inconsistent with any sample or model language issued by the Internal Revenue Service or Treasury. If in the future, the Internal Revenue Service or Treasury provides guidance in the form of sample or model amendments, Appendix A will be revised to reflect that guidance.

The provisions contained in this Appendix A shall be effective as of the dates specified and shall supersede the provisions of Article XIV and of the Plan to the extent those provisions are inconsistent with the provisions of this Appendix A, unless the context indicates otherwise. Terms defined in the Plan have the same meaning in this Appendix A unless this Appendix provides a different definition.

(b) Effective Dates

- (1) Unless otherwise specified, the provisions of this Appendix A are effective for distributions with respect to Participants who die in calendar years beginning on or after January 1, 2022.
- (2) The provision in Section (d)(7) of this Appendix A is effective for distributions with respect to Designated Beneficiaries of Participants who die on or before December 31, 2021, if such Designated Beneficiary dies on or after January 1, 2022.

(c) Definitions and Rules Relating to Designated Beneficiaries

- (1) “Designated Beneficiary” shall mean the individual who is designated as the Beneficiary under Section 5.5 of the Plan and is a Designated Beneficiary under Section 401(a)(9)(E) of the Code and applicable Sections of the Treasury regulations.
- (2) “Eligible Designated Beneficiary” shall mean, with respect to any Participant, any Designated Beneficiary who is:
  - (i) the surviving Spouse of the Participant,
  - (ii) subject to subsection (c)(3) hereof, a child of the Participant who has not reached majority (within the meaning of Section 401(a)(9)(F) of the Code),
  - (iii) disabled (within the meaning of Section 72(m)(7) of the Code),
  - (iv) a chronically ill individual (within the meaning of Section 7702B(c)(2) of the Code, except that the requirements of subparagraph (A)(i) thereof shall only be treated as met if there is a certification that, as of such date, the period of inability described in such subparagraph with respect to the individual is an indefinite one which is reasonably expected to be lengthy in nature), or
  - (v) an individual not described in any of the preceding clauses who is not more than 10 years younger than the Participant.

The determination of whether a Designated Beneficiary is an Eligible Designated Beneficiary shall be made as of the date of death of the Participant.

- (3) Special rule for children. Subject to Section 401(a)(9)(F) of the Code, an individual described in subsection (c)(2)(ii), above, shall cease to be an Eligible Designated

Beneficiary as of the date the individual reaches majority and any remainder of the portion of the individual's interest shall be distributed within 10 years after such date.

(d) **Death of Participant Before Distribution of Entire Interest**

- (1) In the case of a Beneficiary who is a Designated Beneficiary, Section 401(a)(9)(B)(ii) of the Code (the 5-year rule) shall be applied by substituting "10 years" for "5 years," and shall apply whether or not distributions have begun in accordance with Section 401(a)(9)(A) of the Code.
- (2) In the case of a Beneficiary who is not a Designated Beneficiary, Section 401(a)(9)(B)(ii) of the Code (the 5-year rule) continues to apply without change.
- (3) Section 401(a)(9)(B)(iii) of the Code (the life or life expectancy exception to the 5-year rule) shall apply only in the case of an Eligible Designated Beneficiary.
- (4) If the Eligible Designated Beneficiary dies before the Participant's entire interest is distributed, Section 401(a)(9)(B)(iii) of the Code (the life or life expectancy exception to the 5-year rule) shall not apply to any Beneficiary of the Eligible Designated Beneficiary, and the remaining interest shall be distributed within 10 years after the death of the Eligible Designated Beneficiary.
- (5) In the case of an applicable multi-beneficiary trust, if under the terms of the trust:
  - (i) it is to be divided immediately upon the death of the Participant into separate trusts for each Beneficiary, or
  - (ii) no individual (other than an Eligible Designated Beneficiary described in Section (c)(2)(iii) (disabled) or (c)(2)(iv) (chronically ill) of this Appendix A) has any right to the Participant's interest in the Plan until the death of all such Eligible Designated Beneficiaries with respect to the trust, for purposes of a trust described in Section (d)(5)(i), above, Section 401(a)(9)(H)(ii) of the Code (eligibility for the life or life expectancy exception to the 5-year rule) shall be applied separately with respect to the portion of the Participant's interest that is payable to any Eligible Designated Beneficiary described in Section (c)(2)(iii) (disabled) or (c)(2)(iv) (chronically ill) of this Appendix A; and, for purposes of a trust described in Section (d)(5)(ii), above, Section 401(a)(9)(B)(iii) of the Code (the life or life expectancy exception to the 5-year rule) shall apply to the distribution of the Participant's interest and upon the death of such

Eligible Designated Beneficiary, any Beneficiary who is not such an Eligible Designated Beneficiary shall be treated as a Beneficiary of the Eligible Designated Beneficiary upon the death of such Eligible Designated Beneficiary, and the remaining interest shall be distributed within 10 years after the death of the Eligible Designated Beneficiary.

- (6) Applicable multi-beneficiary trust. For purposes of Section (d) of this Appendix A, the term “applicable multi-beneficiary trust” means a trust:
- (i) that has more than one Beneficiary,
  - (ii) all of the Beneficiaries of which are treated as Designated Beneficiaries for purposes of determining the distribution period pursuant to Section 401(a)(9) of the Code, and
  - (iii) at least one of the Beneficiaries of which is an Eligible Designated Beneficiary described in Section (c)(2)(iii) (disabled) or (c)(2)(iv) (chronically ill) of this Appendix A.
- (7) Special Beneficiary Rule. If the Participant dies on or before December 31, 2021, but the Participant’s Designated Beneficiary dies on or after January 1, 2022, the above provisions shall apply to any Beneficiary of such Designated Beneficiary and the Designated Beneficiary shall be treated as an Eligible Designated Beneficiary for purposes of Section 401(a)(9)(H)(ii) of the Code (eligibility for the life or life expectancy exception to the 5-year rule).
- (8) Special rule for certain existing annuity contracts. The amendments made by Section 401 of the SECURE Act, described above, do not apply to a qualified annuity that is a binding annuity contract in effect on December 20, 2019.
- (9) A qualified annuity is:
- (i) A commercial annuity as defined in Section 3405(e)(6) of the Code;
  - (ii) Under which annuity payments over the life of the Participant or the joint lives of the Participant and a Designated Beneficiary (or over a period not extending beyond the life expectancy of the Participant or the joint life expectancy of the Participant and a Designated Beneficiary) in accordance with the Treasury regulations under Section 401(a)(9)(A)(ii) of the Code (as in effect before the SECURE Act), and other applicable requirements of Section 401(a)(9) of the Code (as so in effect);

(iii) With respect to which

(A) Annuity payments have begun before December 20, 2019, and the Participant has made an irrevocable election before such date as to the method and amount of payments to the Participant or any Designated Beneficiaries; or

(B) If subparagraph 9(i) above does not apply, the Participant has made an irrevocable election before December 20, 2019, as to the method and amount of payments to the Participant or any Designated Beneficiaries.

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On December 4, 2020, the Board of Trustees adopted this Amendment Number 6 to the Local Union No. 9, IBEW and Outside Contractors Defined Contribution Pension Fund's Money Purchase Pension Plan Document and Trust Agreement (Amended and Restated Effective November 1, 2014).

**EMPLOYER TRUSTEES**

  
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**UNION TRUSTEES**

  
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