

**THIRD AMENDMENT TO THE
PLAN OF THE LOCAL UNION 513 PENSION FUND
RULES AND REGULATIONS**

Restated Effective January 1, 2015

Pursuant to the provisions of Section 9 of the Plan of the Local Union 513 Pension Fund Rules and Regulations ("Plan"), the Trustees of the Plan hereby amend the Plan as follows, effective December 22, 2015:

1. Section 3.9 of the Plan, as amended by the First Amendment to the Plan of the Local Union 513 Pension Fund Rules and Regulations, is deleted and replaced with the following:

Section 3.9. Disability Pension-Eligibility and Commencement.

a. Eligibility

A Participant may retire on a Disability Pension provided he is totally and permanently disabled as defined in Section 3.12, has at least 5 Pension Credits, and if his disability occurs on or after May 1, 2009, he worked a total of at least 500 hours in Covered Employment during the 36 months prior to the month during which his disability occurred.

b. Commencement of Disability Pension Where Participant did not Receive an Early Retirement Pension Before the Disability Pension was Approved

A Disability Pension shall commence the first day of the month following the month in which the Fund Office receives a Participant's completed application for a Disability Pension, provided the Participant's application for a Disability Pension is approved by the Trustees or their designee.

If a Participant submits an application for a Disability Pension that is incomplete or if additional information is required to process the application, the Participant will have six (6) months from the date the application was originally received by the Fund Office to complete the application and provide any additional information needed to process the application. If the Participant completes the application and submits any additional information needed to process the application within six (6) months from the date the application was originally received by the Fund Office and the application is approved by the Trustees or their designee, the Participant's Disability Pension shall commence retroactive to the first day of the month following the month in which the Fund Office received the original application.

If the Participant does not complete the application and submit the additional information needed to process the application within six (6) months from the date the application was originally received by the Fund Office, the Participant's original application will no longer be valid and the Participant will need to reapply for a Disability Pension. Where the Participant has to reapply for a Disability Pension, the Participant's Disability Pension shall commence the first day of the month following the month in which the Fund Office receives the Participant's new application for a Disability Pension, provided the Participant's application for a Disability Pension is complete at the time of submission and approved by the Trustees or their designee.

c. Commencement of Disability Pension Where Participant Received an Early Retirement Pension Before the Disability Pension was Approved

If, at the time an application for a Disability Pension is approved by the Trustees or their designee, the Participant has begun receiving an Early Retirement Pension in a form other than the Level Income Option, and if the effective date of the disability is prior to the effective date of the Early Retirement Pension, then the Early Retirement Pension may be rescinded in favor of the Disability Pension. If the effective date of the disability is not prior to the effective date of the Early Retirement Pension, then the Early Retirement Pension may not be rescinded and the Disability Pension will not be payable.

Where a Participant is receiving an Early Retirement Pension at the time his Disability Pension is approved, the Disability Pension will be effective retroactive to the date the Participant's Early Retirement Pension commenced, or if earlier, the first day of the month following the month in which the Fund Office received the Participant's completed application for a Disability Pension, except as provided below.

When the Disability Pension is put into pay status, the Participant will receive an adjustment representing the excess of the retroactive Disability Pension benefits owed over the Early Retirement Pension benefits received, adjusted for interest. However, if the Participant does not submit an application for a Disability Pension and proof of total and permanent disability (under Section 3.14(a)) until six (6) months or more following receipt of such proof, then the Early Retirement Pension will be converted to a Disability Pension effective with the beginning of the month when such evidence was submitted. The requirement that the effective date of the disability be prior to the effective date of the Early Retirement Pension still applies.

Notwithstanding the above, if rescinding the Early Retirement Pension in favor of the Disability Pension would result in a Participant having received an overpayment from the Fund at the time the Early Retirement Pension is rescinded, then the Early Retirement Pension may not be rescinded and the Disability Pension will not be payable.

d. Disability Pension Benefits May be Reduced or Terminated

Disability Pension benefits, because they are ancillary rather than accrued benefits under applicable law, are not an accrued benefit under this Plan. Therefore, it is within the Trustees' discretion to amend this Plan to reduce or terminate Disability Pension benefits or alter the conditions for receipt of same.

2. **Section 7.11(f)(3) of the Plan is deleted and replaced with the following:**

3. The Level Income Option may not be elected by an Employee who is or may be applying for a Disability Pension from the Local Union 513 Pension Fund. If an Employee elects the Level Income Option for payment of his Early Retirement Pension, he will not be able to later rescind his Early Retirement Pension in favor of a Disability Pension under Section 3.9 of this Plan.

3. **Section 3.12 of the Plan, as amended by the First Amendment to the Plan of the Local Union 513 Pension Fund Rules and Regulations, is deleted and replaced with the following:**

3.12. Disability Defined.

A Participant shall be considered totally and permanently disabled only if:

- (1) the Participant provides proof of total and permanent disability as set out in Section 3.14(a);
- (2) the Participant is prevented by his disability from engaging in any gainful pursuit in: (1) the type of Covered Employment Participant was engaged in prior to becoming disabled, and (2) any other type of Covered Employment for which Participant had acquired proficiency through work experience prior to becoming disabled; and
- (3) the Participant's disability is expected to be permanent and continuous during the remainder of his life.

IN WITNESS WHEREOF, the Trustees have hereby adopted the Third Amendment to the Plan of the Local Union 513 Pension Fund Rules and Regulations Restated Effective January 1, 2015, by affixing their signatures as of this 25th day of February, 2016.

Union Trustees

Patrick P. Hammer
David Hoff
John Y.

Employer Trustees

Charles P. Gordon
Jay Schultze