

**NINTH AMENDMENT TO THE AMENDMENT AND RESTATEMENT OF
IRON WORKERS' HEALTH FUND OF EASTERN MICHIGAN BENEFIT PLAN**

WHEREAS, the Trustees of the Iron Workers' Health Fund of Eastern Michigan desire to amend the Amendment and Restatement of the Iron Workers' Health Fund of Eastern Michigan Benefit Plan dated May 1, 2013 (Plan);

WHEREAS, the Trust authorizes the Trustees to amend the Plan from time to time;

NOW THEREFORE, the Plan is amended as follows:

1. Article 3, is amended by the addition of the following effective January 1, 2023:

3.9 Health Reimbursement Account

A Health Reimbursement Account (HRA) is established for each Active Participant. A HRA is an account to be used by the Participant for reimbursement of out-of-pocket health care costs incurred by the Participant or his/her Dependents.

(a) Funding

- (1) Effective for hours worked on or after June 1, 2022, a portion of the hourly Employer Contributions received, as determined by the Trustees in their sole discretion from time to time, will be credited into an Active Employees' HRA, less the cost of administration, as determined from time-to-time by the Trustees in their sole discretion. All participant HRA accounts are "notional", meaning it is a bookkeeping entry only, and not an actual separate account in which the participant has an ownership interest.
- (2) Amounts in the HRA accumulate over time, i.e., unused amounts may accumulate and be carried over year to year.
- (3) Like all other benefits provided by the Fund, the Fund may terminate the HRA at any time for any reason. Participants have no vested interest in the HRA. At all times, amounts in the HRA are the property of the Fund.

(b) Eligible Expenses

The Plan will periodically provide a list of the types of medical expenses that may be reimbursed under the Plan. Medical expenses incurred by the participant under the Plan are eligible for reimbursement from a Participant's HRA if they:

- (1) Were incurred on or after January 1, 2023, provided the Participant was eligible for benefits under the Plan on the date incurred (expenses are incurred when a Participant is provided with medical care/product that gives rise to the expenses, not when he/she is billed for or pays for the medical care/product);
- (2) Qualify as a medical expense under §213 of the Internal Revenue Code; and
- (3) Have not been or will not otherwise be paid by the Plan or have not been reimbursed by or are not reimbursable under any other health plan coverage.

(c) Submission of Claims

- (1) **Manual Reimbursement Procedure**
 - (i) For reimbursement from the HRA, the Participant must submit a completed reimbursement form (available from the Fund Office), and, if applicable, the Explanation of Benefits received from the claims processor, or original receipt and proof of payment to the Fund Office.
 - (ii) The Fund Office processes reimbursement claims weekly. Reimbursement checks will be mailed to the Participant.
 - (iii) Reimbursements will not be allowed in total or in part if the requested reimbursement amount is more than the Participant's HRA balance. A minimum reimbursement request of \$25 is required. A reimbursement request will only be processed once, and a partially reimbursed expense may not be resubmitted for additional payment.
- (2) In lieu of the above manual reimbursement procedures, if adopted by the Board of Trustees, a Participant may be issued a special debit card, known as a "Benny Card," for use for eligible HRA expenditures (as defined above). This will allow for payment of some, but not all, expenses without the necessity of submitting paper receipts or additional documentation, so all documentation must be retained. In the event requested documentation cannot be provided to substantiate a reimbursement request, a Participant will have to repay the Plan for the expense or incur tax consequences.
- (3) The deadline to submit reimbursement requests for unreimbursed medical expenses is 12 months from the date the expense was incurred.

(d) Account Balances Upon Retirement or Death of a Participant

Upon the retirement of a Participant, he/she may continue to use funds in his/her HRA accumulated prior to retirement for qualified medical expenses incurred after retirement.

Upon the death of a Participant, any balance in his/her HRA will transfer to his/her Surviving Spouse, provided such individual otherwise qualifies for Surviving Spouse coverage. Upon the death of a Surviving Spouse, his/her HRA will terminate (i.e., any remaining balance is not available for use by Dependents).

(e) Cancellation of Medical Reimbursement Account

The balance in the HRA will be cancelled and permanently forfeited the earlier of the date: (1) the Participant is terminated under Sections 2.11(c) or 2.11(d) of the Plan; or (2) three years after the latest activity (employer contributions or claims).

This Amendment was adopted on 11-2, 2022.

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