

**FOURTH AMENDMENT TO THE AMENDMENT AND
RESTATEMENT OF ROOFERS LOCAL NO. 149 PENSION PLAN**

WHEREAS, The Trustees of the Roofers Local No. 149 Pension Fund desire to amend the Amendment and Restatement of the Roofers Local 149 Pension Plan dated December 9, 2013 (Plan);

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

NOW THEREFORE, Article XI of the Plan is amended as follows effective 8/14/2017, 2017:

ARTICLE XI – AMENDMENT OF THE PLAN AND MERGER

11.1 Amendment of the Plan

The Trustees, by majority vote, may amend any provision in the Plan retroactively or prospectively. Neither the consent of the Participant nor that of any other payee is required for any amendment to the Plan. An amendment to this Plan may not reduce the amount of benefits accrued to any Participant, reduce benefits of a Participant who has Retired under the terms of the Plan, or have the effect of decreasing any Employee's vested interest unless, such amendment is necessary to establish or maintain the qualification of this Plan under the Internal Revenue Code, to conform the Plan to the requirements of ERISA, or such amendment is allowed by other applicable law.

11.1 Right to Amend

~~Subject to the provisions of this Section, the Trustees, by majority vote, may amend any provision of the Plan. Neither the consent of the Participant nor that of any other payee is required for any amendment to the Plan.~~

11.2 Prohibited Reduction

~~An amendment to this Plan may not reduce the amount of benefit accrued to any Participant unless;~~

- ~~(a) such amendment is necessary to establish or maintain the qualification of this Plan under the Internal Revenue Code, or to conform the Plan to the requirements of ERISA, or~~
- ~~(b) if not so necessary, and the amendment is effective retroactively, such amendment is in accordance with other Sections of the Plan.~~

11.3 Authorized Reduction

~~An amendment may reduce the amount of benefit accrued to Participants as of the date of adoption of the amendment, provided that:~~

- ~~(a) the amendment is adopted no later than two and one half (2-1/2) months after the end of the Plan year in which the amendment became effective;~~
- ~~(b) the amount of benefit accrued to Participants as of the beginning of the Plan Year in which the amendment becomes effective is not reduced; and~~
- ~~(c) the amendment shall not take effect until:~~

~~_____ (i) _____ a notice of such amendment is filed with the Secretary of Labor, and~~

~~_____ (ii) _____ either the Secretary of Labor has approved such amendment or, if the Secretary has neither approved nor disapproved such amendment, ninety (90) days have elapsed since the date on which such notice was filed.~~

11.24 Merger

The Plan may not be merged or consolidated with, nor may its assets or liabilities be transferred to, any other plan unless each Participant, Retiree, Vested Former Participant, Spouse or Beneficiary would, if the resulting Plan were then terminated, receive a benefit immediately after the merger, consolidation or transfer which is equal to or greater than the benefit he would have been entitled to receive immediately before the merger, consolidation or transfer if the Plan had then terminated

The Board of Trustees adopted this Amendment on 8/14, 2017.

EMPLOYER TRUSTEES


Brian Yeom
Dan Dehick

UNION TRUSTEES




