

**AMENDMENT THREE  
TO THE  
SACRAMENTO INDEPENDENT HOTEL, RESTAURANT & TAVERN  
EMPLOYEES PENSION TRUST**

**Recitals**

WHEREAS, the Board of Trustees of the Sacramento Independent Hotel, Restaurant and Tavern Employees Pension Plan ("Plan") temporarily amends the Plan's Claims and Appeals Procedures, only during the Outbreak Period (unless extended by Federal Mandate), pursuant to the jointly released DOL and IRS Emergency Rules and Regulations entitled "Extension of Certain Timeframes for Employee Benefit Plans, Participants, and Beneficiaries Affected by the COVID-19 Outbreak" dated April 29, 2020 (Federal Register, Vol. 85, No. 86, May 4, 2020);

WHEREAS, the Board of Trustees also amends the Plan pursuant to the SECURE Act, to be effective immediately for a Participant who reaches age 70-½ on or after January 1, 2020.

WHEREAS, the Board of Trustees of the Plan believes it is in the best interest of its Plan Participants and Beneficiaries during this COVID-19 pandemic to adopt this amendment; and

THEREFORE, the Board of Trustees amends the Plan as follows:

**Temporary Amendment**

**The Board of Trustees of the Plan has temporarily amended the Plan by adding New Section 8.3(h) "Temporary Public Health Emergency Extension Rules" under Article VIII as follows:**

**8.3(h) TEMPORARY PUBLIC HEALTH EMERGENCY EXTENSION RULES.** Effective immediately, joint IRS and DOL emergency regulation requires the Plan to disregard the period from **March 1, 2020 until sixty (60) days after the announced end of the National Emergency or another date determined by the agencies in a future notice** (referred to as the "Outbreak Period") for all Plan Participants, beneficiaries, or claimants in determining the following periods and dates:

- 1. Plan's Claims Filing Procedure.** Any benefit claims filing requirements (including 1 year period to file suit) mentioned throughout this booklet, for claims as of March 1, 2020, has been temporarily tolled and counted from the end of the Outbreak Period. If applicable, for those claims received/processed earlier than March 1, 2020, any days that passed prior to the March 1, 2020 start of the Outbreak Period will be accounted for and not disregarded in determining your claims filing deadline but the days that fall within the Outbreak Period will be temporarily tolled and counted from the end of the Outbreak Period.
- 2. Plan's Appeals Procedure.** For those claimants (or their authorized representatives) who received an adverse benefit determination/claims denial as of March 1, 2020 the claimant (or authorized representative) has 180 days counted from the end of the Outbreak Period to file an appeal. If applicable, for those claimants who received an adverse benefit determination earlier than March 1, 2020 any days that passed prior to the March 1, 2020 start of the Outbreak Period will be accounted for and not disregarded in determining your appeals filing deadline but the days that fall within the Outbreak Period will be temporarily tolled and counted from the end of the Outbreak Period.

**Section 6.4 shall be deleted in its entirety and replaced with the following and any reference in the Plan Document to the "Required Minimum Distribution Date or Age "and/or to "Age 70-½" will mean "Age 72" (except for those who already met the earlier required minimum distribution date):**

**6.4 Commencement of Benefit Payments.**

(e) **Mandatory Distributions.** Regardless of any Late Retirement election by the Employee or the Employee's actual date of retirement, distribution shall be made under this Plan in accordance with the following requirements:

- (i) Subject to subparagraph (ii) below, for a Participant who is not a five percent (5%) owner who attains age 70 ½ on or after January 1, 2020, distributions shall be made or commence no later than April 1 of the calendar year following the later of the calendar year in which the Participant attains age 72 or the calendar year in which the Participant retires. The Required Minimum Distribution for a Five Percent (5%) owner is age 72, even if still working.
- (ii) Any Participant (including a 5% owner) who attains age 70-½ prior to January 1, 2020, would continue to be required to take distributions under the prior Required Minimum Distribution rule (which requires distributions for a non-five percent (5%) owner to commence no later than April 1<sup>st</sup> of the calendar year following the later of the calendar year in which the Participant attains age 70-½ or the calendar year in which the Participant retires, and for a five percent (5%) owner distributions must commence no later April 1<sup>st</sup> of the calendar year following the calendar year in which the Participant attains age 70-½, even if still working).
- (iii) Distributions made pursuant to subparagraphs (i) and (ii) above, if not paid in a lump sum, shall be payable over a period certain not to exceed the life or life expectancy of the Employee or the joint life or life expectancy of the Employee and his or her designated Beneficiary. For purposes of this calculation, if the designated Beneficiary is the Employee's spouse, the life expectancy of such Employee and his or her spouse may be recalculated annually to the extent permitted by applicable law and regulation. All distributions made pursuant to this Section will meet the requirements of Treasury Regulation 1.401(a)(9)-2 through 1.401(a)(9)-9, including the incidental benefit requirements of Section 401(a)(9)(G) of the Internal Revenue Code.
- (iv) If an Employee commences retirement after April 1st of the calendar year following the year in which the Employee attains age 72 (for those participants who attain age 70-½ on or after January 1, 2020), the Employee's accrued benefit shall be actuarially increased to take into account the period after age 70-½ in which the Employee was not receiving any benefits under the Plan. Such actuarial increase shall be calculated in accordance with IRC Section 401(a)(9)(C) and Regulations issued thereunder. The Participant's right to distributions on April 1 of the calendar year following the year in which age 70-½ is attained shall be preserved under any circumstance. Benefits shall be paid in accordance with the minimum distribution requirements of Internal Revenue Code Section 401(a)(9) and the regulations promulgated from time to time thereunder.

**Approved: June 8, 2020**

**EMPLOYER TRUSTEES**



Sandra Parker, Chair

**UNION TRUSTEES**



Chris Rak, Co-Chair