

EIGHTH RESTATED LOCAL NO. 104 SUPPLEMENTAL PENSION PLAN
(As amended and restated January 2021)

Amendment 5

Pursuant to the authority set forth in Section 8.1 of the Plan, the Trustees hereby amend the Plan as follows effective as stated below:

1. Effective January 1, 2022, a new section 5.2(a)(13) is added to read as follows:
 - (13) **Hardship Distributions**. A Participant who meets all the following requirements may receive a distribution of up to \$50,000 or 20%, whichever is greater, from their profit-sharing and 401(k) account balance:
 - i. The Participant certifies they are in immediate and heavy financial need;
 - ii. The Participant is unable to relieve the immediate and heavy financial need from other sources including other distributions available under the Plan;
 - iii. The Participant is applying for a distribution for one of the following reasons considered by the IRS as satisfying the immediate and heavy financial need requirement:
 1. Expenses for (or necessary to obtain) medical care for the Participant, the Participant's spouse, the Participant's dependents, or a primary beneficiary under the plan;
 2. Costs directly related to the purchase of a principal residence for the Participant (excluding mortgage payments);
 3. Payment of tuition, related educational fees, and room and board expenses, for up to the next 12 months of post-secondary education for the Participant, the Participant's spouse, the Participant's dependents, or a primary beneficiary under the plan;
 4. Payments necessary to prevent the eviction of the Participant from the Participant's principal residence or foreclosure on the mortgage on that residence;
 5. Burial or funeral expenses for the Participant's deceased parent, spouse, children, dependents or primary beneficiary under the plan;
 6. Certain expenses relating to the repair of damage to the Participant's principal residence that would qualify for the casualty deduction under IRC Section 165 (determined without regard to IRC Section 165(h)(5); or

7. Expenses and losses incurred by the employee as a result of a disaster declared by the Federal Emergency Management Agency (FEMA), provided that the employee's principal residence or principal place of employment at the time of the disaster was located in an area designated by FEMA for individual assistance with respect to the disaster.
- iv. The Participant has not exceeded the allowed distribution amount within a 3-year period; and
- v. The Participant has had Employer Contributions made into his or her Individual Account within the past eighteen (18) consecutive months. If a Participant is disabled, they will be eligible for a distribution if they have had Employer Contributions made into his or her Individual Account within the past twenty-four (24) consecutive months. A disability must be certified as required under Plan rules.

This Amendment 5 was adopted by the Board of Trustees on December 14, 2021. The Chairman and Co-Chairman were authorized by the Board of Trustees to execute this Amendment on their behalf. This Amendment 5 may be executed in counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same Amendment 5.



Chairman

Date: 1.7.2022



Co-Chairman

Date: 1-7-22