

**AMENDMENT SIX**  
**TO THE**  
**SHEET METAL WORKERS PENSION PLAN OF NORTHERN CALIFORNIA**

**Recitals**

WHEREAS, the Board of Trustees of the Sheet Metal Workers Pension Plan of Northern California (“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, that the Required Minimum Distribution Age is age 72;

WHEREAS, the Board of Trustees desires to conform/correct the Restated Plan to the Amendment adopted in December 2014, which eliminated the 12-month notification requirement for a Social Security Disability award;

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 the following language to Section 14.1.A entitled “Temporary Public Health Emergency Extension Rules” as follows:

A. **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 applicable benefit claims filing requirement, including but not limited to the 90 day period to file a Retirement Application mentioned throughout this Plan Document, for claims as of March 1, 2020, has been temporarily tolled and counted from the end of the Outbreak Period (but any days that passed prior to the March 1, 2020 start of the Outbreak Period will be accounted for and not disregarded in determining the claims filing deadline).
2. **Plan’s Appeals Procedure.** For those claimants (or their authorized representatives) who received a claim or appeal denial (also known as an adverse benefit determination) as of March 1, 2020, the claimant (or authorized representative) has 60 days counted

from the end of the Outbreak Period to file an appeal (but any days that passed prior to the March 1, 2020 start of the Outbreak Period will be accounted for and not disregarded in determining the claims filing deadline).

Section 11.4(b)(ii) is amended by adding the following language and any other 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):

The distribution of benefits must begin no later than April 1 of the calendar year following the later of the year in which the Participant attains age 72 (age 70-1/2 if the Participant attained age 70-1/2 before January 1, 2020) or retires from Covered Employment. The Required Minimum Distribution Date for a Five Percent (5%) owner is age 72, even if still working.

Section 6.8(A)(II) of the Plan is amended by eliminating: “A Participant is required to notify the Trust Fund Office within twelve months from the date of the notice or letter received from the Social Security Administration” effective as of January 1, 2014.

**Approved: December 15, 2020**

**EMPLOYER TRUSTEES**



Sean O'Donoghue, Chair

**UNION TRUSTEES**



Rick Werner, Co-Chair