

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

Amendment 6

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, Section 5.6 is amended in its entirety to state as follows:

5.6 **Preretirement Death Benefits.** If a vested Participant dies before retirement, the Participant's surviving lawful spouse or registered domestic partner is entitled to a Preretirement Survivor Annuity. The Annuity is limited to the survivor benefit that can be provided by the Participant's Individual Account balance. The Plan may purchase an annuity for the life of the surviving spouse from an insurance company or other entity.

The surviving lawful spouse or registered domestic partner may waive the Preretirement Survivor Annuity and, like the Beneficiary of an unmarried Participant, select any other distribution option then provided by the Plan, subject to the requirements of Section 5.10 below and applicable Internal Revenue Code requirements.

If the Participant dies before his or her required beginning date, payment of the account balance to an “eligible designated beneficiary” (as defined under Section 10.13 of the Plan) shall be completed within the life expectancy of the eligible designated beneficiary or within a “ten (10) year period” (as defined under Section 10.14 of the Plan) after the Participant’s death pursuant to Section 401(a)(9)(B)(iii) and Section 401(a)(9)(H)(ii). If the Participant dies before his or her required beginning date, and the eligible designated beneficiary is the surviving spouse, then payment of the account balance shall be completed during a period certain not extending beyond the life expectancy of the spouse and commencing no later than the end of the calendar year following the year in which the Employee would have attained age seventy two (72).

If the Participant dies on or after his or her required beginning date, payment of the account balance to an “eligible designated beneficiary” (as defined under Section 10.13 of the Plan) shall be completed within the life expectancy of the eligible designated

beneficiary or as permitted by law, pursuant to Section 401(a)(9)(B)(iii) and Section 401(a)(9)(H)(ii).

If there is a designated beneficiary other than an “eligible designated beneficiary” (as defined under Section 10.13 of the Plan), then payment of the account balance to such any other designated beneficiary shall be completed within a “ten (10) year period” (as defined under Section 10.14 of the Plan) after the Participant’s death pursuant to Section 401(a)(9)(B)(ii) and Section 401(a)(9)(H)(i).

Payment of the account balance to certain trusts for disabled or chronically ill beneficiaries shall be completed pursuant to Section 401(a)(9)(H)(iv). Payment of the account balance to applicable multi-beneficiary trust shall be completed pursuant to Section 401(a)(9)(H)(v). Payment of the account balance pursuant to a qualified annuity as defined under Section 401(b)(4) of the SECURE Act which is a binding annuity contract in effect after December 20, 2019, shall be completed pursuant to Section 401(a) of the SECURE Act. Payment of the account balance to any other person or entity shall be completed within five (5) years after the Employee’s death.

If a Participant dies while performing qualified military service (as defined in Section 414(u) of the Code) on or after January 1, 2007, the survivors of the Participant are entitled to any additional benefits (other than benefit accruals relating the period of qualified military service) provided under the Plan had the Participant resumed employment and then terminated employment on account of death.

2. Effective January 1, 2022, Section 5.10 is amended in its entirety to state as follows:

- 5.10 Internal Revenue Code Death Distribution Rules. Pursuant to requirements of the Internal Revenue Code, if a Participant dies after distribution of his or her interest has begun, the remaining portion of such interest will continue to be distributed at least as rapidly as under the method of distribution being used prior to the Participant's death. If the Participant dies on or after his or her required beginning date, payment of the account balance to an Eligible Designated Beneficiary shall be completed within the life expectancy of the Eligible Designated Beneficiary or as permitted by law, pursuant to Section 401(a)(9)(B)(iii) and Section 401(a)(9)(H)(ii) of the Internal Revenue Code.

If a Participant dies before distribution of his or her interest begins, distribution of the Participant's Individual Account shall be completed by December 31 of the calendar year containing the fifth (5th) anniversary of the Participant's death, unless:

- (a) Any portion of the Participant's interest is payable to an Eligible Designated Beneficiary, in which case that portion shall be distributed within the life expectancy of the Eligible Designated Beneficiary or within the Ten (10) Year Period, pursuant to Section 401(a)(9)(B)(iii) and Section 401(a)(9)(H)(ii); or
- (b) The Eligible Designated Beneficiary is the Participant's surviving spouse, in which case distribution of the benefit shall commence no later than the date on which the Participant would have attained age seventy and one half (70 1/2). Effective January 1, 2020, the above rule shall apply when the Participant would have attained age seventy two (72); or
- (c) Any portion of the Participant's interest is payable to a Designated Beneficiary other than an Eligible Designated Beneficiary, in which case that portion shall be distributed to the Designated Beneficiary within the Ten (10) Year Period after the Participant's death pursuant to Section 401(a)(9)(B)(ii) and Section 401(a)(9)(H)(i); or
- (d) Any portion of the Participant's interest is payable to certain trusts for disabled or chronically ill beneficiaries, in which case that portion shall be completed pursuant to Section 401(a)(9)(H)(iv) of the Internal Revenue Code; or
- (e) Any portion of the Participant's interest is payable to applicable multi-beneficiary trust, in which case that portion shall be completed pursuant to Section 401(a)(9)(H)(v) of the Internal Revenue Code; or
- (f) Any portion of the Participant's interest is payable pursuant to a qualified annuity as defined under Section 401(b)(4) of the SECURE Act which is a binding annuity contract in effect after December 20, 2019, in which case that portion shall be completed pursuant to Section 401(a) of the SECURE Act.

3. Effective January 1, 2022, Section 5.13(c) is amended in its entirety to state as follows:

- (c) Non-spouse Rollovers. If a participant dies leaving a benefit to an eligible designated beneficiary as defined under Section 10.13 of the Plan, who is not his spouse, the eligible designated beneficiary may roll over the assets to an inherited Individual Retirement Account in accordance with the following rules:

- (1) The rollover must meet all the requirements of an eligible rollover distribution as defined in Section 5, Section 5.13(b)(1), except that the distributee may be a non-spouse beneficiary.
- (2) The rollover must be accomplished by a direct trustee-to-trustee transfer.
- (3) The Individual Retirement Account must be established as an inherited Individual Retirement Account.
- (4) The rollover must comply with the minimum distribution rules found in Section 401(a)(9) of the Internal Revenue Code. If the Participant dies before his required beginning date, the rollover for a designated beneficiary other than an eligible designated beneficiary must be made in accordance with the ten (10) year period described in Section 401 (a)(9)(H)(i) of the Code; the life expectancy rule described in Section 401 (a)(9)(B)(iii) and Section 401(a)(9)(H)(ii) or the ten (10) year period described in Section 401(a)(9)(H)(i); and the rollover for any other person or entity must be made in accordance with the five-year rule described in §401(a)(9)(B)(ii). Rollovers made in accordance with the ten (10) year period, must be made within the ten (10) year period defined under Section 10.14 of the Plan. Rollovers made in accordance with the five (5) year rule must be completed by the end of the calendar year which contains the fifth (5th) anniversary of the date of the Participant's death. Rollovers made in accordance with the life expectancy rule must be made by the end of the calendar year following the year of the Participant's death.
- (5) The plan may make a direct rollover to an inherited Individual Retirement Account on behalf of a trust in accordance with these rules where the trust is the named Beneficiary of the Participant, provided the Beneficiaries of the trust meet the requirements to be a designated Beneficiary under the plan. If the Participant dies before his required beginning date, the rollover for certain trusts for disabled or chronically ill beneficiaries must be made in accordance with the rule described in §401(a)(9)(H)(iv). If the Participant dies before his required beginning date, the rollover for an applicable multi-beneficiary trust must be made in accordance

with the rule described in §401(a)(9)(H)(v). Payment of the account balance pursuant to a qualified annuity as defined under Section 401(b)(4) of the SECURE Act which is a binding annuity contract in effect after December 20, 2019, shall be completed pursuant to Section 401(a) of the SECURE Act.

(6) The rollover must otherwise be in accordance with applicable law.

4. Effective January 1, 2022, Section 10 is amended in its entirety to state as follows:

10.1 Effective Date. The provisions of this Section will apply for purposes of determining required minimum distributions for calendar years beginning with the 2003 calendar year.

10.2 Precedence. The requirements of this Section will take precedence over any inconsistent provisions of the Plan.

10.3 Requirements of Treasury Regulations Incorporated. All distributions required under this Section will be determined and made in accordance with the Treasury regulations under Section 401(a)(9) of the Internal Revenue Code.

10.4 TEFRA Section 242(b)(2) Elections. Notwithstanding the other provisions of this Section, distributions may be made under a designation made before January 1, 1984, in accordance with Section 242(b)(2) of the Tax Equity and Fiscal Responsibility Act (TEFRA) and the provisions of the Plan that relate to Section 242(b)(2) of TEFRA.

10.5 Required Beginning Date. The Participant's entire interest will be distributed, or begin to be distributed, to the Participant no later than the Participant's required beginning date.

10.6 Death of Participant Before Distributions Begin. If the Participant dies before distributions begin, the Participant's entire interest will be distributed, or begin to be distributed, no later than as follows:

(a) If the Participant's surviving spouse is the Participant's Eligible Designated Beneficiary as defined in Section 10.13, then distributions to the surviving spouse shall be completed within the life expectancy of the spouse and will begin by December 31st of the calendar year immediately following the calendar year in which the Participant died, or by December 31st of the calendar year in which the Participant would have attained age seventy-two (72), if later.

(b) If the Participant's surviving spouse is not the Participant's Eligible Designated Beneficiary, then distributions to the designated beneficiary (including a Domestic Partner) shall be completed within the life expectancy of the Eligible Designated Beneficiary or within the Ten (10) Year Period pursuant to Section 401(a)(9)(B)(iii) and Section 401(a)(9)(H)(ii) of the Internal Revenue Code.

(c) If the Employee has designated a designated beneficiary other than an eligible designated beneficiary, then distributions to the designated beneficiary shall be completed within the "ten (10) year period" as defined under Section 10.14 of the Plan pursuant to Section 401(a)(9)(B)(ii) and Section 401(a)(9)(H)(i). If the Employee has designated certain trusts for disabled or chronically ill beneficiaries, then distributions shall be completed pursuant to Section 401(a)(9)(H)(iv). If the Employee has designated applicable multi-beneficiary trust, then distributions shall be completed pursuant to Section 401(a)(9)(H)(v). If the Employee has designated payment of the account balance pursuant to a qualified annuity as defined under Section 401(b)(4) of the SECURE Act which is a binding annuity contract in effect after December 20, 2019, then distributions shall be completed pursuant to Section 401(a) of the SECURE Act.

(d) If there is no eligible designated beneficiary or designated beneficiary as of September 30th of the year following the year of the Participant's death, the Participant's entire interest will be distributed by December 31st of the calendar year containing the fifth anniversary of the Participant's death.

(e) If the Participant's surviving spouse is the Participant's sole designated beneficiary and the surviving spouse dies after the Participant but before distributions to the surviving spouse begin, this Section 10.6, other than Section 10.6(a), will apply as if the surviving spouse were the Participant. For purposes of this Sections 10.6, 10.10 and 10.11, unless Section 10.6(d) applies, distributions are considered to begin on the Participant's required beginning date. If Section 10.6(e) applies, distributions are considered to begin on the date distributions are required to begin to the surviving spouse under Section 10.6(a). If distributions under an annuity purchased from an insurance company irrevocably commence to the Participant before the Participant's required beginning date (or to the Participant's surviving spouse before the date distributions are required

to begin to the surviving spouse under Section 10.6(a)), the date distributions are considered to begin is the date distributions actually commence.

10.7 **Forms of Distribution.** Unless the Participant's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the required beginning date, as of the first distribution calendar year, as defined in Section 10.15 distributions will be made in accordance with Sections 10.8, 10.9, 10.10 and 10.11 below. If the Participant's interest is distributed in the form of an annuity purchased from an insurance company, distributions thereunder will be made in accordance with the requirements of Section 401(a)(9) of the Code and the Treasury regulations.

10.8 **Amount of Required Minimum Distribution For Each Distribution Calendar Year.** During the Participant's lifetime, the minimum amount that will be distributed for each distribution calendar year is the lesser of:

- (a) The quotient obtained by dividing the Participant's account balance, as defined in Section 10.5.4, by the distribution period in the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the Treasury Regulations, using the Participant's age as of the Participant's birthday in the distribution calendar year; or
- (b) If the Participant's sole designated beneficiary for the distribution calendar year is the Participant's spouse, the quotient obtained by dividing the Participant's account balance by the number in the Joint and Last Survivor Table set forth in Section 1.401(a)(9)-9 of the Treasury Regulations, using the Participant's and spouse's attained ages as of the Participant's and spouse's birthdays in the distribution calendar year.

10.9 **Lifetime Required Minimum Distributions Continue Through Year of Participant's Death.** Required minimum distributions will be determined under Sections 10.8 and 10.9 beginning with the first distribution calendar year and up to and including the distribution calendar year that includes the Participant's date of death.

10.10 **Death On or After Date Distributions Begin.**

- (a) **Participant Survived by Eligible Designated Beneficiary.** If the Participant dies on or after the date distributions begin and there is an eligible designated beneficiary as defined in Section 10.13 distributions shall be completed within the life expectancy of the eligible designated beneficiary or as permitted by law, pursuant to Section 401(a)(9)(B)(iii) and Section 401(a)(9)(H)(ii). The

minimum amount that will be distributed for each distribution calendar year after the year of the Participant's death is the quotient obtained by dividing the Participant's account balance by the longer of the remaining life expectancy, as defined in Section 10.16, of the Participant or the remaining life expectancy of the Participant's eligible designated beneficiary, determined as follows:

- (1) The Participant's remaining life expectancy is calculated using the age of the Participant in the year of death, reduced by one for each subsequent year.
- (2) If the Participant's surviving spouse is the Participant's sole eligible designated beneficiary, the remaining life expectancy of the surviving spouse is calculated for each distribution calendar year after the year of the Participant's death using the surviving spouse's age as of the spouse's birthday in that year. For distribution calendar years after the year of the surviving spouse's death, the remaining life expectancy of the surviving spouse is calculated using the age of the surviving spouse as of the spouse's birthday in the calendar year of the spouse's death, reduced by one for each subsequent calendar year.
- (3) If the Participant's surviving spouse is not the Participant's sole eligible designated beneficiary, the eligible designated beneficiary's remaining life expectancy is calculated using the age of the eligible designated beneficiary in the year following the year of the Participant's death, reduced by one for each subsequent year.

(b) Participant Survived by Designated Beneficiary Other than Eligible Designated Beneficiary. If the Participant dies on or after the date distributions begin and there is a designated beneficiary other than an eligible designated beneficiary, distribution of the Participant's entire interest will be completed within the "ten (10) year period" as defined under Section 10.14 of the Plan pursuant to Section 401(a)(9)(B)(ii) and Section 401(a)(9)(H)(i). During this "ten (10) year period", the designated beneficiary may take distributions of any amount at any frequency. If the Participant has designated certain trusts for disabled or chronically ill beneficiaries, then distributions shall be completed pursuant to Section 401(a)(9)(H)(iv). If the Participant has designated applicable multi-beneficiary trust, then distributions shall be completed pursuant to Section 401(a)(9)(H)(v). If the Participant has designated

payment of the account balance pursuant to a qualified annuity as defined under Section 401(b)(4) of the SECURE Act which is a binding annuity contract in effect after December 20, 2019, then distributions shall be completed pursuant to Section 401(a) of the SECURE Act.

(c) No Eligible Designated Beneficiary or Designated Beneficiary. If the Participant dies on or after the date distributions begin and there is no eligible designated beneficiary or designated beneficiary as of September 30th of the year after the year of the Participant's death, the minimum amount that will be distributed for each distribution calendar year after the year of the Participant's death is the quotient obtained by dividing the Participant's account balance by the Participant's remaining life expectancy calculated using the age of the Participant in the year of death, reduced by one for each subsequent year.

10.11 Death Before Date Distributions Begin.

- a) Participant Survived by an Eligible Designated Beneficiary. If the Participant dies before the date distributions begin and there is an eligible designated beneficiary, the minimum amount that will be distributed for each distribution calendar year after the year of the Participant's death is the quotient obtained by dividing the Participant's account balance by the remaining life expectancy of the Participant's eligible designated beneficiary, determined as provided in Section 10.14, or in the "ten (10) year period" as defined under Section 10.14 of the Plan pursuant to Section 401(a)(9)(B)(iii) and Section 401(a)(9)(H)(ii). During this "ten (10) year period", the eligible designated beneficiary may take distributions of any amount at any frequency . . .
- b) Participant Survived by Designated Beneficiary Other than an Eligible Designated Beneficiary. If the Participant dies before the date distributions begin and there is a designated beneficiary other than an eligible designated beneficiary, distribution of the Participant's entire interest will be completed in the "ten (10) year period" as defined under Section 10.14 of the Plan pursuant to Section 401(a)(9)(B)(iii) and Section 401(a)(9)(H)(ii). During this ten year period, the designated beneficiary may take distributions of any amount at any frequency. If the Participant has designated certain trusts for disabled or chronically ill beneficiaries, then distributions shall be completed pursuant to Section 401(a)(9)(H)(iv). If the Participant has designated applicable multi-beneficiary trust,

then distributions shall be completed pursuant to Section 401(a)(9)(H)(v). If the Participant has designated payment of the account balance pursuant to a qualified annuity as defined under Section 401(b)(4) of the SECURE Act which is a binding annuity contract in effect after December 20, 2019, then distributions shall be completed pursuant to Section 401(a) of the SECURE Act.

- (c) **No Eligible Designated Beneficiary or Designated Beneficiary.** If the Participant dies before the date distributions begin and there is no eligible designated beneficiary or designated beneficiary as of September 30th of the year following the year of the Participant's death, distribution of the Participant's entire interest will be completed by December 31st of the calendar year containing the fifth anniversary of the Participant's death.
- (d) **Death of Surviving Spouse Before Distributions to Surviving Spouse Are Required to Begin.** If the Participant dies before the date distributions begin, the Participant's surviving spouse is the Participant's sole designated beneficiary, and the surviving spouse dies before distributions are required to begin to the surviving spouse under Section 10.6(a), this Section 10.11 will apply as if the surviving spouse were the Participant.

- 10.12 **Designated Beneficiary** means an individual who is designated as the beneficiary under Section 2.5 of the Plan, or who is determined to be the beneficiary through order of succession specified in Section 5.12(a)(3) of the Plan. The determination of whether a beneficiary is an "individual" shall be made in accordance with Treasury Regulation Section 1.401(a)(9)-4 and any successor regulation.
- 10.13 **Eligible Designated Beneficiary** (as defined under Section 401(a)(9)(E)(ii) and (iii) of the Internal Revenue Code) means, with respect to any Participant, any Designated Beneficiary who is:
 - (A) the surviving Spouse of the Participant,
 - (B) a child of the Participant who has not reached majority (within the meaning of Section 401(a)(9)(F) of the Internal Revenue Code), provided that such child shall cease to be an Eligible Designated Beneficiary upon reaching the age of majority,
 - (C) totally and permanently disabled and entitled to a Social Security Disability Benefit,

- (D) a chronically ill individual (within the meaning of Section 7702B(c)(2) of the Internal Revenue Code, except that the requirements of subparagraph (A)(i) thereof shall only be treated as met if there is a certification that, as of such date, the period of inability described in such subparagraph with respect to the individual is an indefinite one which is reasonably expected to be lengthy in nature), or
- (E) an individual not described in any of the preceding clauses who is not more than 10 years younger than the Participant.

The determination of whether a Designated Beneficiary is an Eligible Designated Beneficiary shall be made as of the date of death of the Participant.

- 10. 14. Ten (10) Year Period means the period starting on the date of the Participant's death and ending on December 31 of the year containing the 10th anniversary of the Participant's death. If the beneficiary is the minor child of the Participant, then the "Ten (10) Year Period" means the period starting upon the minor reaching the age of majority and will end ten (10) years after the date of reaching majority pursuant to Section 401(a)(9)(iii) of the Internal Revenue Code. If the beneficiary is an Eligible Designated Beneficiary who dies after the Participant but before receiving their entire distribution, then the "Ten (10) Year Period" means the period starting upon the Eligible Designated Beneficiary's death and will end upon the 10th anniversary of the Eligible Designated Beneficiary's death pursuant to Section 401(a)(9)(H)(iii) of the Internal Revenue Code.
- 10.15. Distribution Calendar Year means a calendar year for which a minimum distribution is required. For distributions beginning before the Participant's death, the first distribution calendar year is the calendar year immediately preceding the calendar year which contains the Participant's required beginning date. For distributions beginning after the Participant's death, the first distribution calendar year is the calendar year in which distributions are required to begin under Section 10.6. The required minimum distribution for the Participant's first distribution calendar year will be made on or before the Participant's required beginning date. The required minimum distribution for other distribution calendar years, including the required minimum distribution for the distribution calendar year in which the Participant's required beginning date occurs, will be

made on or before December 31st of that distribution calendar year.

10.16 Life Expectancy means life expectancy as computed by use of the Single Life Table in Section 1.401(a)(9)-9 of the Treasury Regulations.

10.17 Participant's Account Balance means the account balance as of the last valuation date in the calendar year immediately preceding the distribution calendar year (valuation calendar year) increased by the amount of any contributions made and allocated or forfeitures allocated to the account balance as of dates in the valuation calendar year after the valuation date and decreased by distributions made in the valuation calendar year after the valuation date. The account balance for the valuation calendar year includes any amounts rolled over or transferred to the plan either in the valuation calendar year or in the distribution calendar year if distributed or transferred in the valuation calendar year.

10.18 Required Beginning Date means the date specified in Section 5.9 of the Plan.

10.19 2009 Required Minimum Distribution Waiver. Notwithstanding any other provisions of the Plan, a Participant or Beneficiary who would have been required to receive required minimum distributions for 2009 but for the enactment of Section 401(a)(9)(H) of the Code (“2009 RMDs”), and who would have satisfied that requirement by receiving distributions that are (1) equal to the 2009 RMDs or (2) one or more payments in a series of substantially equal distributions (that include the 2009 RMDs) made at least annually and expected to the last for the life (or life expectancy) of the Participant, the joint lives (or joint life expectancy) of the Participant and the Participant’s designated Beneficiary, or for a period of at least 10 years, will not receive those distributions for 2009.

10.20 2020 Required Minimum Distribution Waiver. Notwithstanding any other provisions of the Plan, a Participant or Beneficiary who would have been required to receive required minimum distributions for 2020 but for the enactment of the CARES Act (“2020 RMDs”), and who would have satisfied that requirement by receiving distributions that are (1) equal to the 2020 RMDs or (2) one or more payments in a series of substantially equal distributions (that include the 2020 RMDs) made at least annually and expected to the last for the life (or life expectancy) of the Participant, the joint lives (or joint life expectancy) of the Participant and the Participant’s designated Beneficiary, or for a period of at least 10 years, will not receive those distributions for 2020.

This Amendment 6 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 6 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 6.



Chairman

Date: 2.1.2022



Co-Chairman

Date: **2-2-22**