

U.A. LOCAL NO. 393 DEFINED BENEFIT PENSION PLAN

(Plan as Revised November 1, 2021)

AMENDMENT 6

Pursuant to the authority conferred upon them by Article 4.4.06 of the Trust Agreement for the U.A. Local No. 393 Pension Trust Fund, the Board of Trustees, meeting on the 11th day of December 2023, amended the U.A. Local No. 393 Defined Benefit Pension Plan (Plan as Revised November 1, 2021) as follows, effective as of the date executed as provided below:

1. Effective September 20, 2023, amend Article XI, Section 5(b) in its entirety to state as follows:

(b) **Employment in Non-Bargaining Unit Position for Participating Employer.** If a Retiree is (1) employed by a participating employer as a project manager, marketing representative, field superintendent, estimator, purchasing agent, expediter, or detailer, or (2) employed by a participating employer in any position that is a non-bargaining position for work performed through December 31, 2023 only, or (3) employed by an employer obligated by a collective bargaining agreement to contribute to the U.A. Local No. 447 Trust Funds in any position that is a non-bargaining unit position for work performed through December 31, 2023 only, suspension of benefits shall not apply under the following conditions:

- (i) If no participating employer has ever made contributions to the Plan on the Employee's behalf while working in such a position, and the employer does not make contributions to the Plan on behalf of other Employees in the same or similar position, then the benefits of the Retiree shall not be suspended.
- (ii) (A) If the Retiree does not qualify for relief from suspension under subsection (i), the benefits of the Retiree shall not be suspended because of work in any month ("a work month") with respect to which the following conditions are satisfied:
 - (1) The Retiree worked, or is deemed to have worked, not more than 80 hours in the work month; and

(2) The Retiree files a monthly report during the following month, stating the number of hours during which he or she worked in the work month; and

(3) No contributions are tendered to any trust fund affiliated with U. A. Local No. 393 for hours worked by the Retiree during that work month.

(B) For purposes of this subsection (ii), a Retiree who is paid a salary shall be deemed to have worked 4 hours in any day in which he or she worked, or was paid for working, any amount of time up to four hours, and shall be deemed to have worked 8 hours in any day in which he or she worked, or was paid for working, any amount of time over 4 hours.

(C) If the Retiree satisfies conditions (2) and (3) of subsection (A), but worked (or was deemed to have worked) more than 80 hours in any calendar month, his or her benefits shall be suspended only one month for each month in which the Retiree worked (or was deemed to have worked) more than 80 hours, and Section 4 of this Article XI shall not apply.

Notwithstanding the above, effective January 1, 2012, the relief from the suspension of benefits under this Section 5(b) shall not apply to any Employee on Early Disability Retirement to the extent that the disability benefit exceeds a benefit otherwise payable, and such excess disability benefit shall be suspended in accordance with Section 4 hereof.

Notwithstanding the above, if a retiree returns to work on or before December 31, 2023 and meets the conditions under this Article XI, Section 5(b)(2) or (3), then the suspension of benefit rules shall not apply to such employment through June 30, 2024 only.

Pursuant to the authority granted by the Board of Trustees during their Board meeting on December 11, 2023 the Chair and Co-Chair have been granted authority to execute this Amendment.

12/22/2023 | 11:45 AM PST

Date

Eric Mursynski

Chairman

Amendment 6

12/19/2023 | 12:53 PM EST

Date

Alex Hall

Co-Chairman