

AMENDMENT NO. 10
To the Rules and Regulations of the Pension Plan
For the UTAH PIPE TRADES PENSION TRUST FUND
As Amended and Restated Effective January 1, 2015

WHEREAS, the Trustees of the Utah Pipe Trades Pension Trust Fund (the “Trust Fund”) established the Pension Plan for the Trust Fund (the “Plan”), the terms of which are set forth in the Rules and Regulations for the Plan, as amended and restated effective January 1, 2015 (the “Rules and Regulations”);

WHEREAS, the Trustees have authority to amend the Rules and Regulations under Section 7.1 of the Rules and Regulations and Article VI, Section 4 of the Trust Agreement; and

WHEREAS, the Trustees wish to amend the Plan as required pursuant to the VCP Compliance Statement received from the IRS dated October 21, 2019;

NOW, THEREFORE, BE IT RESOLVED that the Rules and Regulations are amended as follows, effective as of the dates provided herein:

Section 4.4, Disability Retirement.

Effective September 1, 2002:

- (a) **Eligibility Requirements.** A Participant shall be entitled to a Disability Retirement if:
 - (1) He becomes totally and permanently disabled, as defined in this Section 4.4;
 - (2) He has worked at least 500 Hours of Service in Covered Employment during the applicable period, as defined in this Section 4.4;
 - (3) He has attained vested status pursuant to Section 4.6(a); and
 - (4) He has not otherwise commenced retirement benefits under this Plan (other than under Section 4.5).
- (b) **Amount.** The amount of the Disability Retirement Benefit shall be the amount of the Accrued Retirement Benefit. This amount shall not be reduced by any percentage factors.
- (c) **Benefit Payments.**
 - (1) Payment of the Disability Retirement Benefit will commence on the Participant's Annuity Starting Date and will continue thereafter for as long as the Participant remains totally and permanently disabled as herein defined. The Annuity Starting Date for a Disability Retirement shall not be earlier than the first day of the fourth month following the date the disability began.

(2) A Participant with a Disability Retirement Benefit commencing (i.e. a Disability Retirement Annuity Starting Date or the date of conversion of a Contingent Early Retirement Benefit to a Disability Retirement Benefit) on or after ~~January 1, 2018~~ September 1, 2013, shall be entitled to a supplemental disability benefit payable as a lump sum without adjustment for interest equal to the monthly amount payable under the Disability Retirement Benefit multiplied by the number of complete months (if any) by which the Participant's Annuity Starting Date is later than the first day of the fourth month following the date the Participant's disability began. This benefit is in addition to the monthly Disability Retirement Benefit payments described in Section 4.4(c)(1) and is intended to be an auxiliary disability benefit as described under Treasury Regulation § 1.401(a)-20.

(d) Definitions

(1) Totally and Permanently Disabled.

(i) On and After September 1, 2002

A Participant shall be deemed totally and permanently disabled upon determination by the Social Security Administration that he is entitled to a Social Security Disability Benefit in connection with his Old Age Survivor's and Disability Insurance coverage. The Participant's disability onset date as established in his Social Security disability award letter shall be considered the beginning date of the Participant's disability for purposes of this Section 4.4. The Trustees may, at any time, or from time to time, require evidence of continued entitlement to such Social Security Disability Benefit.

(ii) Prior to September 1, 2002

A Participant shall be deemed totally and permanently disabled within the meaning of this Plan only if the Trustees, in their sole discretion, determine on the basis of medical evidence that such Participant is totally unable, as a result of bodily injury, disease, or legal incompetency, to engage in or perform the duties of any occupation for remuneration or profit, and such disability will be permanent and continuous for the remainder of his life. A Participant applying for a Disability Retirement may be required to submit to an examination by a physician or physicians selected by the Trustees and may be required to submit to re-examination periodically as the Trustees may direct.

The Trustees may, in their discretion, require or accept as proof of total and permanent disability, the determination by the Social Security Administration that the Participant is entitled to a Social Security Disability Benefit in connection with his old age and survivor's insurance coverage. Effective March 21, 1991, a Participant will not be considered to be engaged in or performing the duties of any occupation for remuneration or profit

within the meaning of this Plan during the first nine months of employment if the Participant receives Social Security Disability Benefits for such period of employment.

(2) Applicable Period. The applicable period shall be either the two consecutive Plan Years prior to the Plan Year in which the Participant's disability onset date occurs, or the two consecutive Plan Years ending with the Plan Year in which the Participant's disability onset date occurs.

The undersigned Chairman and Co-Chairman of the Board of Trustees of the Utah Pipe Trades Pension Trust Fund hereby certify that the foregoing Amendment No. 10 was adopted by the Board of Trustees at a meeting duly called and held on February 19, 2020.



CHAIRMAN John Stevenson
JEREMY HASLAM

Date: 2-19-20



CO-CHAIRMAN Robert Bergman

Date: 2/19/20