

**AMENDMENT 9  
TO THE  
RESTATED WESTERN STATES 401(k) RETIREMENT FUND OF THE OPEIU**

The Trustees adopt this Amendment 9 to the Restated Western States 401(k) Retirement Fund of the OPEIU:

**Section 13.6 is hereby amended as follows:**

13.6 Small Balance Cashouts and Procedures to Reflect Automatic Rollover Rules. On and after March 28, 2005, these provisions shall apply to lump-sum distributions of \$5,000 or less. If the present value of the Employee's or Associate Employee's vested account shall be \$1,000 or less, the Administrator may distribute the Account Balance in a lump sum to the Employee without the necessity of an application or the consent of the Employee's spouse or waiver of the joint and survivor annuity option on the Employee's Normal Retirement Date (age 62), or earlier, if the Employee so requests, subject to tax withholding requirements if the Employee does not elect to roll over the amount into an individual retirement account or eligible retirement plan.

If the present value of the Employee's or Associate Employee's vested account shall be more than \$1,000 but not more than \$7,000, distribution shall likewise be made only in a lump sum, but shall be made only upon application by an Employee eligible for distribution upon termination of the Employee's employment before retirement, subject to tax withholding requirements, if the Employee does not elect to roll over the amount into an individual retirement account or eligible retirement plan. Spousal consent and a waiver of the joint and survivor annuity option shall not be required for distribution of accounts of \$7,000 or less.

If the present value of the Employee's or Associate Employee's account shall exceed \$7,000, an application for retirement shall be required, and spousal consent to one of the optional forms of payment in this Article 13 and, if a form of payment other than the 50 percent joint-and-survivor option is selected, a spousal waiver of that form of distribution shall be required. Upon termination of employment before retirement, a distributee may elect an eligible rollover distribution, to be paid in a direct rollover to an eligible retirement plan specified by the distributee.

Where spousal consent is required, the failure of an Employee or Associate Employee to obtain spousal consent to the form of benefit distribution shall be deemed a revocable election to defer commencement of payment of any benefit until the later of age 62 or the Employee's actual retirement date.

**Section 13.9(b) is hereby amended as follows:**

(b) Time and Manner of Distribution.

- (1) 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. That term shall mean April 1 of the calendar year following the later of: the calendar year in which the Participant attains age 73 (age 70½ for Participants born prior to July 1, 1949, and age 72 for Participants born on July 1, 1949 through July 1, 1951), or the calendar year in which the Participant retires from employment under the Plan. Attainment of age 70½ shall have the meaning set forth in Treas. Reg. § 1.401(a)(9)-2, Q/A-3.

Adopted at a Trust meeting on September 25, 2023, to be effective January 1, 2024 except as otherwise noted above.

*Howard Bell*

Co-Chair



Co-Chair