NORTHERN CALIFORNIA TILE INDUSTRY HEALTH AND WELFARE PLAN  
(As revised January 1, 2018)  

NINTH AMENDMENT

Pursuant to the powers conferred upon them by Section 5.5 of Article V of the Restated Agreement and Declaration of Trust to adopt and from time to time amend, alter or otherwise change the Welfare Plan, the Board of Trustees, acting at its meeting of May 21, 2019, amended the Northern California Tile Industry Health and Welfare Plan as follows, to be effective immediately, and authorized the Chairman and Secretary to authenticate the same by affixing their signatures thereto:

1. Effective July 1, 2019, amend Article III, Section F in its entirety to state as follows:

   F. Medicare-Eligible Dependents

   Medicare-eligible dependents covered under an HMO must be enrolled in the applicable Medicare advantage plan offered by their HMO, reside in the applicable Medicare advantage service area of their HMO, and assign their Medicare to the HMO. If both the Medicare-eligible retiree and the Medicare-eligible dependent spouse or domestic partner are enrolled in Medicare Part B, then the retiree can elect the Self-Funded PPO Plan for him or herself and the dependent. If there is a non-Medicare-eligible dependent, then the retiree cannot elect the Self-Funded PPO Plan.

2. Effective July 1, 2019, amend Article IV, Section A.1, in its entirety to state as follows:

   1. Effective for individuals retiring on or after January 1, 2000, a retiree not covered by a plan of benefits resulting from his or her active employment will be eligible for retiree medical benefits under the Northern California Tile Industry Health and Welfare Plan if he or she meets all of the following eligibility requirements at retirement, and maintains coverage continuously thereafter:

      (a) the individual is actually receiving a pension from the Northern California Tile Industry Defined Benefit Plan; and

      (b) the individual is at least 60 years of age, or the individual retired under the Rule of 85 provisions of the Defined Benefit Plan; and

      (c) the individual had 5,000 hours of covered employment reported to the Northern California Tile Industry Trust Funds (or any predecessor Funds), or the B.A.C. Tile Local 29 Health and Welfare Trust Fund, or any combination of those Funds, on his or her behalf during the ten years preceding his or her application for retirement; and

      (d) the individual meets one of the three requirements in subparagraphs (i)-(iii), below:

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(i) the individual was eligible for Health and Welfare Benefits under the Northern California Tile Industry Health and Welfare Plan as an active employee for at least six of the twelve months immediately preceding retirement, with at least three of these six months due to active employment (i.e., not self-payments), except that effective for individuals retiring on or after October 1, 2010, any month in calendar years 2009, 2010 and 2011 will be disregarded when applying the activity test in (i) above if the individual:

1) has worked in Industry Service under the Northern California Tile Industry Defined Benefit Plan for at least 20 years, and

2) has been available for dispatch and was on the out-of-work list and actively seeking employment through the Union's hiring hall for all periods of unemployment from covered employment in the twenty-four months immediately preceding retirement; or

(ii) effective for individuals retiring on or after January 1, 2010, the individual is at least 65 year of age, is eligible for Medicare, was eligible for Health and Welfare Benefits under the Northern California Tile Industry Health and Welfare Plan as an active employee for at least six of the twenty-four months immediately preceding retirement, has been available for dispatch, was on the out-of-work list and actively seeking employment through the Union's hiring hall for all periods of unemployment from covered employment in the twenty-four months immediately preceding retirement, and has worked in Industry Service under the Northern California Tile Industry Defined Benefit Plan for at least 20 years; or

(iii) effective for individuals retiring on or after October 1, 2010, the individual:

(A) retired under the Rule of 85 provisions of the Defined Benefit Plan, and

(B) was eligible for Health and Welfare Benefits under the Northern California Tile Industry Health and Welfare Plan as an active employee for at least six of the twenty-four months immediately preceding retirement, and

(C) has been available for dispatch, was on the out-of-work list and actively seeking employment through the Union's hiring hall for all periods of unemployment from covered employment in the twenty-four months immediately preceding retirement; and

(e) the individual applied for coverage within 60 days of retirement; and

(f) effective July 1, 2019, if the individual and any dependent spouse or domestic partner is eligible for Medicare then the individual can elect one of the following options: (1) if electing an HMO, he or she must elect the applicable Medicare advantage plan offered by their HMO,
reside in the applicable Medicare advantage service area of their HMO, and assign their Medicare to the HMO; or (2) if the individual and the eligible dependent spouse or domestic partner are both Medicare eligible and have both enrolled in Medicare Part B, and there are no non-Medicare-eligible dependents, then the retiree can elect the Self-Funded PPO Plan.

3. Effective July 1, 2019, amend Article IV, Section F in its entirety to state as follows:

F. Benefits Provided to Retirees

Effective July 1, 2019, the retiree may choose to be covered under any of the HMO plans then offered to active employees, or, if the retiree and any dependent spouse or domestic partner are Medicare eligible and have enrolled in Medicare Part B, and there are no non-Medicare eligible dependents, the Self-Funded PPO Plan, or, only for non-Medicare retirees who reside outside of the geographic areas served by the HMO plans then offered to active employees, the United HealthCare PPO Plan for such retirees. Retirees and dependents covered under an HMO must elect the applicable Medicare advantage plan offered by their HMO, reside in the applicable Medicare advantage service area of their HMO, and assign their Medicare to the HMO. Effective January 1, 2003, regardless of which medical plan a retiree enrolls in, he or she will also be eligible for prescription drug, dental and vision benefits. Retirees enrolled prior to January 1, 2003, shall be eligible for prescription drug, dental and vision benefits in accordance with their elections made at the time of their retirement.

IN WITNESS of the adoption of this amendment, the Chairman and Secretary hereby subscribe their names, on the dates indicated.

[Signature]  
Chairman  
Date: 6-13-2019

[Signature]  
Secretary  
Date: 6-13-19

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