

**AMENDMENT NO. 3**  
**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;

**WHEREAS**, the Trustees wish to allow any non-bargained employees (whether or not alumni) to participate in the Plan to the extent such employees are covered by a participation agreement approved by the Trustees; and

**WHEREAS**, the Trustees wish to make certain clarifications to Plan language;

**NOW, THEREFORE, BE IT RESOLVED** that the Rules and Regulations are amended and clarified as follows, effective October 1, 2015:

**Section 1.10, Covered Employment.**

The term "Covered Employment" means employment or work covered by a Written Agreement. The term "~~Covered Employment~~" shall also mean ~~work performed by employees of the Union or a related training or apprenticeship fund on whose behalf contributions are made to the Trust Fund pursuant to an appropriately executed participation agreement that has been accepted by the Trustees in accordance with regulations adopted by the Board of Trustees under the Trust Agreement.~~

**Section 1.13, Employee.**

The term "Employee" means:

- (a) ~~Any individual, union or non-union, in the employment of an Employer who performs one or more hours of work and whose work or work classification is covered by a Written Agreement, or and on whose behalf such Employer is otherwise required to contribute to the Plan pursuant to a Written Agreement. A person will not be an Employee of an Employer unless he or she receives an IRS Form W-2 from the Employer.~~
- (b) ~~An employee, officer or business representative of the Union or a related training or apprenticeship fund who was previously an Employee within the meaning of subsection (a) of this section, who is covered under an appropriately executed participation agreement that has been accepted by the Trustees, and on whose behalf contributions are made to the Trust Fund pursuant to such agreement and in accordance with regulations adopted by the Board of Trustees.~~
- (eb) The term "Employee" shall not include any self-employed person, whether a sole proprietor or partner of a business organization, which is an Employer, any other person excluded as an

Employee pursuant to the provisions of the Trust Agreement, or anyone else whose ownership-participation would jeopardize the tax-exempt status of the Trust Fund or violate the Taft-Hartley Act, or who would be treated as a non-employee under provisions of the Employee Retirement Income Security Act of 1974, as amended.

#### **Section 1.14, Employer.**

The terms "Employer" or "Contributing Employer" include and shall mean any ~~employer that is a corporation or a limited liability company and that is required by a Written Agreement or other writing to make Contributions to the Trust Fund;~~ and for the sole purpose of making Contributions to the Trust Fund or as otherwise required by law, the term "Employer" or "Contributing Employer" may also include the Union and a related training or apprenticeship fund, ~~pursuant to regulations adopted by the Board of Trustees to the extent such entity is required by a Written Agreement to make Contributions to the Trust Fund.~~ An employer shall not be deemed an Employer simply because ~~he~~ it is part of a controlled group of corporations or of a trade or business under common control of which some part is a Contributing Employer.

#### **Section 1.30, Written Agreement.**

The term "Written Agreement" means and includes:

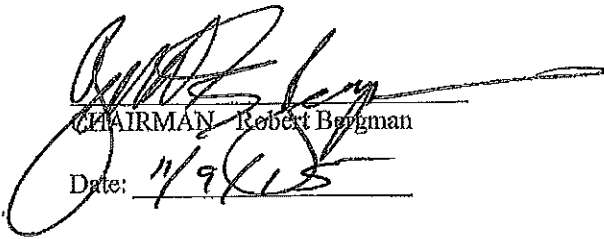
- (a) Any collective bargaining agreement between the Union or the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and the Employer and/or the Utah Mechanical Contractors Association that provides for Contributions into this Trust Fund (including any extension, amendment, renewal or supplement thereof), unless or until rejected by the Trustees; and
- (b) Any non-bargaining participation or other written agreement providing for Employer Contributions into this Trust Fund that is approved by the Trustees.
- ~~(a) Any written agreement between the Employer and the Union and which written agreement provides for Contributions by an Employer(s) into this Trust Fund.~~
- ~~(b) Any other written agreement approved by the Trustees which specifically requires that an Employer make Contributions to the Trust Fund, and as authorized by the Trust Agreement.~~
- ~~(e) Any extension, modification, or renewal of any of the written agreements described in preceding subsections (a) and (b), which specifically provides for the making of Contributions to the Trust Fund.~~

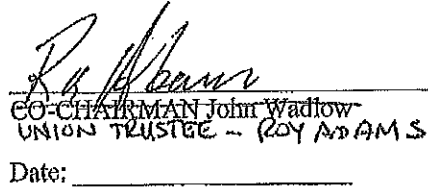
#### **Section 1.32, Non-Bargained Employee**

The term "Non-Bargained Employee" includes and shall mean an Employee as defined in Article I, Section 1.13(b), whose participation is ~~not covered by~~ pursuant to a Written Agreement that is not a collective bargaining agreement.

\* \* \* \*

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. 3 was duly adopted by the Board of Trustees at a meeting duly called and held on November 4, 2015.

  
CHAIRMAN Robert Bergman  
Date: 11/9/15

  
CO-CHAIRMAN John Wadlow  
UNION TRUSTEE - ROY ADAMS  
Date: \_\_\_\_\_