

**SEVENTH AMENDMENT  
TO THE  
IRON WORKERS DISTRICT COUNCIL OF SOUTHERN OHIO & VICINITY  
PENSION TRUST**

**(As Amended and Restated Effective February 1, 2014)**

WHEREAS, the Board of Trustees (“Trustees”) of Iron Workers District Council of Southern Ohio & Vicinity Pension Fund and its resulting Plan (“Plan”) previously adopted an Agreement and Declaration of Trust (“Trust”), as amended and restated from time to time, and currently administers and maintains the Plan for the sole and exclusive benefit of those Participants and Beneficiaries covered thereunder; and

WHEREAS, in accordance with those documents, the Plan may be amended from time to time by the Trustees; and

WHEREAS, the Trustees desire to amend the Plan consistent with the Agreement and Declaration of Trust, as amended and restated February 7, 2018, whereby any legal action involving the Plan must be filed exclusively in the United States District Court for the Southern District of Ohio at Dayton, Ohio.

NOW THEREFORE, BE IT RESOLVED BY THE TRUSTEES, that the Plan (and Summary Plan Description) shall be amended effective on and after February 7, 2018, as follows:

Section 6.04 entitled, **Claims Review Procedure**, shall be amended to add the following new subsection (f):

***Section 6.04 – Claims Review Procedure.***

- (f) **Restriction on Venue.** An Employee, Participant, Pensioner, Beneficiary, Dependent, Surviving Spouse, or any other individual or entity asserting any right under this Plan, or hereby bound directly or indirectly or with rights or obligations hereunder, shall only bring an action in connection with the Plan exclusively in the United States District Court for the Southern District of Ohio at Dayton, Ohio.

This Plan shall be construed under and in accordance with the law and the laws of the United States of America. In the event there is a matter involving state law which is not preempted by federal law, Ohio law shall be the controlling state law.

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**EIGHTH AMENDMENT  
TO THE  
IRON WORKERS DISTRICT COUNCIL OF SOUTHERN OHIO & VICINITY  
PENSION TRUST**

**(As Amended and Restated Effective February 1, 2014)**

WHEREAS, the Board of Trustees (“Trustees”) of Iron Workers District Council of Southern Ohio & Vicinity Pension Fund and its resulting Plan (“Plan”) previously adopted an Agreement and Declaration of Trust (“Trust”), as amended and restated from time to time, and currently administers and maintains the Plan for the sole and exclusive benefit of those Participants and Beneficiaries covered thereunder; and

WHEREAS, in accordance with those documents, the Plan may be amended from time to time by the Trustees; and

WHEREAS, the Trustees seek to adopt this amendment to comply with the Setting Every Community Up for Retirement Enhancement Act of 2019 (“SECURE Act”).

NOW THEREFORE, BE IT RESOLVED BY THE TRUSTEES, that the Plan (and Summary Plan Description) shall be amended effective on and after January 1, 2020, as follows:

**ARTICLE I**

**DEFINITIONS**

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***Section 1.22 - Required Beginning Date.***

Consistent with the Setting Every Community Up for Retirement Enhancement Act of 2019 (“SECURE ACT”), the “Required Beginning Date” for participants who attain age 70 ½ after December 31, 2019 is April 1 of the calendar year following the latter of (1) the calendar year in which the Participant reaches age 72; or (2) the calendar year in which the Participant retires. If a Participant reached age 70 ½ on or before December 31, 2019: (1) a Participant’s “Required Beginning Date” is April 1 of the calendar year following the calendar year in which the Participant reaches age 70-1/2; provided, however, prior to April 1, 1988, for a Participant who reaches age 70-1/2, other than a 5% owner, the Required Beginning Date is April 1 of the calendar year in which the Participant ceases work in Covered Employment, if that is later; and (2) notwithstanding the immediately preceding paragraph, effective for calendar years beginning in 2003, the Participant’s “Required Beginning Date” shall be April 1 of the calendar year following the later of: (i) the calendar year in which the Participant attains age 70½; or (ii) except in the case of a 5-

percent owner (as defined in Code Section 416(i), the calendar year in which the Participant retires.

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## ARTICLE V

### HUSBAND-AND-WIFE AND SURVIVING SPOUSE PENSIONS

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#### *Section 5.03 - Preretirement Surviving Spouse Pension.*

- (a) If a Participant who has a Qualified Spouse dies after August 22, 1984 and before his pension payments start, a Preretirement Surviving Spouse Pension shall be paid to his surviving Spouse provided:
  - (i) he had met the service requirements for a pension, whether immediate or deferred, and
  - (ii) he had at least one hour of Service after December 31, 1975.
- (b) A Spouse is a Qualified Spouse for the purpose of this Section if the Participant and Spouse have been married to each other throughout the year immediately before his death, or if the couple were divorced after being married for at least one year and the former spouse is required to be treated as a Qualified Spouse under a Qualified Domestic Relations Order within the meaning of Section 206(d)(3) of ERISA and Code Section 414(p).
- (c) If the Participant described in (a) above died at a time when he would have been eligible for a pension (other than a Disability Pension or after July 1, 2008 a Regular Disability Pension) had he retired, the surviving Qualified Spouse shall be entitled to a lifetime benefit determined in accordance with the provisions of Section 5.02 as if the Participant had retired the day before he died.
- (d) If the Participant described in (a) above died before he would have been eligible for a pension payment had he retired (other than a Disability Pension or after July 1, 2008 a Regular Disability Pension), the surviving Qualified Spouse shall be entitled to a Preretirement Surviving Spouse Pension determined as if the Participant had separated from service under the Plan on the earlier of the date he last worked in Covered Employment or the date of his death, had survived to the earliest age at which a pension other than a Disability Pension would be payable to him under the Plan, retired at that age with an immediate 50% Husband-and-Wife Pension, and died the next day. In other words, the Preretirement Surviving Spouse Pension begins when the Participant would have

attained the earliest retirement age for which he would have qualified and the amount is 50% of what the Participant's pension amount would have been, after adjustment, if any, for the early retirement and for the 50% Husband-and-Wife Pension form. The amount shall be determined under the terms of the Plan in effect when the Participant last worked in Covered Employment unless otherwise expressly specified.

- (e) (i) Effective for any Participant described in (a) above who died on or after October 11, 2007 as the result of an on-the-job injury with at least 29 Pension Credits and who died at a time when he would have been eligible for an Early Retirement under the provisions of Section 3.08 of the Plan, but no other pension (other than a Disability Pension) had he retired, the surviving Qualified Spouse shall be entitled to a lifetime benefit determined in accordance with the provisions of Section 5.02 as if the Participant had retired the day before he died; provided, however, there shall be no adjustment as described under the provisions of Section 3.09 of the Plan for Early Retirement.
- (ii) Effective for any Participant described in (a) above who died on or after October 11, 2007 as the result of an on-the-job injury before attaining age 55 with at least 29 Pension Credits, his surviving Qualified Spouse would be eligible to receive a Preretirement Surviving Spouse Pension determined as if the Participant had separated from service under the Plan on the earlier of the date he last worked in Covered Employment or the date of his death, and had survived to the earliest age at which a pension (other than a Disability Pension) would be payable to him under the Plan, retired at that age without an Early Retirement adjustment as of the date the Participant would have attained age 55 if he had lived, but with an Early Retirement adjustment of .5% (6% per year) for the number of months that he was younger than age 55 had he lived at the time that the benefit commences with an immediate 50% Husband-and-Wife Pension, and died the next day. In other words, the Preretirement Surviving Spouse Pension can begin immediately because the Participant is treated as if he had attained age 55 and would be qualified to begin a benefit and the amount is 50% of what the Participant's pension amount would have been, without any Early Retirement adjustment of .5% per month (6% per year) for the number of months that the deceased Participant was younger than age 55 had he lived at the time that the benefit commenced and with a further adjustment

for the Husband and Wife Pension form.

- (f) Notwithstanding any other provision of this Article, a Preretirement Surviving Spouse Pension shall not be paid in the form, manner or amount described above if one of the alternatives set forth in this section applies.
- (i) If the Actuarial Present Value of the benefit, at the time of distribution, is less than \$5,000, the Trustees shall make a single-sum payment to the Spouse in an amount equal to that Actuarial Present Value as described in Section 1.01 in full discharge of the Preretirement Surviving Spouse Pension.
  - (ii) A Surviving Spouse who is the Participant's Beneficiary under Section 3.14 may elect to receive the Death Benefit as provided in that section. In that case, the Actuarial Present Value of her Preretirement Surviving Spouse Pension, as described in Section 3.14, shall be reduced (but not below zero) by the amount of the Death Benefit and she shall be paid a monthly annuity based on the remaining value, if any, of the Preretirement Surviving Spouse Pension commencing the later of the month following the month the Participant died or the month the surviving spouse is eligible for the Preretirement Surviving Spouse Pension.
  - (iii) The Spouse may elect in writing, filed with the Trustees, and on whatever form they may prescribe, to defer commencement of the Preretirement Surviving Spouse Pension until a specified date that is no later than the first of the month on or immediately before the date on which the Participant would have reached age 70-1/2 (the SECURE Act changes this to age 72 if the Participant would have reached age 70 1/2 after December 31, 2019). The amount payable at that time shall be determined as described in Subsections 5.03(c) and (d), except that the benefit shall be paid in accordance with the terms of the Plan in effect when the Participant last had an hour of Service (unless otherwise specified) as if the Participant had retired with a 50% Husband-and-Wife Pension on the day before the surviving Spouse's payments are scheduled to start, and died the next day.
  - (iv) Effective as of May 1, 2010, a Participant can elect to have the benefit provided to his surviving Spouse in accordance with either Subsections 5.03(c), (d) of (e), as may be applicable, to be determined based upon the benefit that would have been awarded to the Spouse if such Participant had selected and commenced receipt of a 100% Husband-and-Wife Pension in accordance with the provisions of Section

5.07 of the Plan, and then died the next day. The election to have the benefit payable to the surviving Spouse equal the amount that would have been paid under a 100% Husband-and-Wife Pension shall not otherwise alter the adjustments otherwise imposed upon the receipt of such benefits as set forth in Subsections 5.03(c), (d) of (e). The Participant must submit the election, in writing, to the Trustees in a form and manner as they may prescribe; provided, however, that such election will only be valid if the Participant's Spouse also consent, in writing, to such distribution and files an election with the Trustees agreeing to defer commencement of the Preretirement Surviving Spouse Pension, if she becomes eligible for such benefit, until the date that Participant would have attained Normal Retirement Age under the Plan.

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## ARTICLE XII

### MINIMUM DISTRIBUTION REQUIREMENTS

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#### *Section 12.02 - Time and Manner of Distribution*

- (a) 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.
- (b) If the Participant dies before distributions begin, the Participant's entire interest will be distributed, or begin to be distributed, no later than as follows:
  - (i) If the Participant's surviving Spouse is the Participant's sole designated Beneficiary, distributions to the surviving Spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died, or by December 31 of the calendar year in which the Participant would have attained age 70 ½ (the SECURE Act changes this to age 72 if the Participant would have attained age 70 ½ after December 31, 2019), or later.
  - (ii) If the Participant's surviving Spouse is not the Participant's sole designated Beneficiary, distributions to the designated Beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died.
  - (iii) If there is no designated Beneficiary as of September 30 of the year following the

year of the Participant's death, the Participant's entire interest will be distributed by December 31 of the calendar year containing the fifth anniversary of the Participant's death

- (iv) If the Participant's surviving Spouse is the Participant's sole designated Beneficiary and the surviving Spouse dies after the Participant but before distributions to the surviving Spouse begin, this Section 12.02(b), other than Section 12.02(b)(i), will apply as if the surviving Spouse were the Participant.

For purposes of this Section 12.02(b) and Section 12.05, distributions are considered to begin on the Participant's Required Beginning Date (or, if Section 12.02(b)(iv) applies, the date distributions are required to begin to the surviving Spouse under Section 12.02(b)(i)). If annuity payments irrevocably commence to the Participant before the Participant's Required Beginning Date (or to the Participant's surviving Spouse before the date distributions are required to begin to the surviving Spouse under Section 12.02(b)(i)), the date distributions are considered to begin is the date distributions actually commence.

- (c) Unless the Participant's interest is distributed (in the form of an annuity purchased from an insurance company or) in a single sum on or before the Required Beginning Date, as of the first distribution calendar year distributions will be made in accordance with Sections 12.03, 12.04 and 12.05 of this Article.

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