

**AMENDMENT NO. 1**  
**to the**  
**LOCAL 805 PENSION AND RETIREMENT PLAN**

**WHEREAS**, the Board of Trustees of the Local 805 Pension and Retirement Trust Fund (the “Trustees”) have established the Local 805 Pension and Retirement Plan (the “Plan”), as amended and restated effective as of April 1, 2014; and

**WHEREAS**, Section 11.1 of the Plan provides that the Trustees may amend or modify the Plan at any time; and

**WHEREAS**, the Trustees now desire to amend the Plan;

**NOW, THEREFORE**, the Plan is hereby amended, effective as of April 1, 2014, as follows:

1. Section 1.12 of the Plan is deleted and replaced with the following:


1.12 **“Employee”** means any person employed by an Employer in a classification covered by the Collective Bargaining Agreement with the Union, or employees of this Fund, or of the Local 805 Welfare Fund, or of the Union. Any employee who is working for a contributing Employer will receive credited service for vesting for future service with such Employer when he leaves covered employment. The term “leased employee” shall mean any person who is not an employee of an Employer and who provides services to the Employer if such services are provided pursuant to an agreement between the recipient and any other person, such person has performed such services for the Employer (or for the Employer and related persons) on a substantially full-time basis for a period of at least one year, and such services are performed under primary direction or control by the Employer.

2. Section 1.28 of the Plan is deleted and replaced with the following:

1.28 **“Spouse (Surviving Spouse)”** means the person to whom the Participant is (or was, in the case of a Surviving Spouse) legally married under federal law. A former Spouse will be treated as a Spouse or Surviving Spouse to the extent provided under a qualified domestic relations order as described in Section 414(p) of the Code.

**IN WITNESS WHEREOF**, the Trustees have caused this instrument to be executed on the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Employer Trustee

  
\_\_\_\_\_  
Union Trustee

\_\_\_\_\_  
Employer Trustee

\_\_\_\_\_  
Union Trustee

\_\_\_\_\_  
Employer Trustee

\_\_\_\_\_  
Union Trustee

2. Section 1.28 of the Plan is deleted and replaced with the following:

1.28 "Spouse (Surviving Spouse)" means the person to whom the Participant is (or was, in the case of a Surviving Spouse) legally married under federal law. A former Spouse will be treated as a Spouse or Surviving Spouse to the extent provided under a qualified domestic relations order as described in Section 414(p) of the Code.

IN WITNESS WHEREOF, the Trustees have caused this instrument to be executed on the 9 day of Feb, 2016.

\_\_\_\_\_  
Employer Trustee

*William M. O'Bayley*  
\_\_\_\_\_  
Union Trustee

\_\_\_\_\_  
Employer Trustee

\_\_\_\_\_  
Union Trustee

\_\_\_\_\_  
Employer Trustee

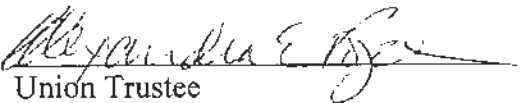
\_\_\_\_\_  
Union Trustee

2. Section 1.28 of the Plan is deleted and replaced with the following:

1.28 “Spouse (Surviving Spouse)” means the person to whom the Participant is (or was, in the case of a Surviving Spouse) legally married under federal law. A former Spouse will be treated as a Spouse or Surviving Spouse to the extent provided under a qualified domestic relations order as described in Section 414(p) of the Code.

IN WITNESS WHEREOF, the Trustees have caused this instrument to be executed on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Employer Trustee

  
Union Trustee

\_\_\_\_\_  
Employer Trustee

\_\_\_\_\_  
Union Trustee


\_\_\_\_\_  
Employer Trustee

\_\_\_\_\_  
Union Trustee

2. Section 1.28 of the Plan is deleted and replaced with the following:

1.28 "Spouse (Surviving Spouse)" means the person to whom the Participant is (or was, in the case of a Surviving Spouse) legally married under federal law. A former Spouse will be treated as a Spouse or Surviving Spouse to the extent provided under a qualified domestic relations order as described in Section 414(p) of the Code.

IN WITNESS WHEREOF, the Trustees have caused this instrument to be executed on the 17<sup>th</sup> day of Feb, 2016.

  
\_\_\_\_\_  
Employer Trustee

\_\_\_\_\_  
Union Trustee

\_\_\_\_\_  
Employer Trustee

\_\_\_\_\_  
Union Trustee

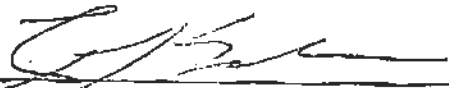
\_\_\_\_\_  
Employer Trustee

\_\_\_\_\_  
Union Trustee

2. Section 1.28 of the Plan is deleted and replaced with the following:

1.28 "Spouse (Surviving Spouse)" means the person to whom the Participant is (or was, in the case of a Surviving Spouse) legally married under federal law. A former Spouse will be treated as a Spouse or Surviving Spouse to the extent provided under a qualified domestic relations order as described in Section 414(p) of the Code.

IN WITNESS WHEREOF, the Trustees have caused this instrument to be executed on the 19 day of Feb, 2016.

  
\_\_\_\_\_  
Employer Trustee

\_\_\_\_\_  
Union Trustee

\_\_\_\_\_  
Employer Trustee

\_\_\_\_\_  
Union Trustee

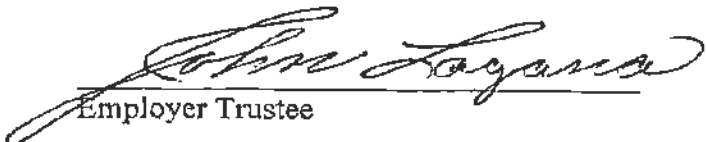
\_\_\_\_\_  
Employer Trustee

\_\_\_\_\_  
Union Trustee

2. Section 1.28 of the Plan is deleted and replaced with the following:

1.28 "Spouse (Surviving Spouse)" means the person to whom the Participant is (or was, in the case of a Surviving Spouse) legally married under federal law. A former Spouse will be treated as a Spouse or Surviving Spouse to the extent provided under a qualified domestic relations order as described in Section 414(p) of the Code.

IN WITNESS WHEREOF, the Trustees have caused this instrument to be executed on the \_\_\_\_ day of \_\_\_\_\_, 2016.

  
\_\_\_\_\_  
Employer Trustee

\_\_\_\_\_  
Union Trustee

\_\_\_\_\_  
Employer Trustee

\_\_\_\_\_  
Union Trustee

\_\_\_\_\_  
Employer Trustee

\_\_\_\_\_  
Union Trustee

2. Section 1.28 of the Plan is deleted and replaced with the following:

1.28 "Spouse (Surviving Spouse)" means the person to whom the Participant is (or was, in the case of a Surviving Spouse) legally married under federal law. A former Spouse will be treated as a Spouse or Surviving Spouse to the extent provided under a qualified domestic relations order as described in Section 414(p) of the Code.

IN WITNESS WHEREOF, the Trustees have caused this instrument to be executed on the 29 day of Feb., 2016.

Arthur Katz  
Employer Trustee

\_\_\_\_\_  
Union Trustee

\_\_\_\_\_  
Employer Trustee

\_\_\_\_\_  
Union Trustee

\_\_\_\_\_  
Employer Trustee

\_\_\_\_\_  
Union Trustee