

**AMENDMENT ONE**  
**To the**  
**HOD CARRIERS LOCAL UNION 166**  
**PENSION TRUST AGREEMENT**

Recitals

WHEREAS, it has been determined that the recently adopted Trust Agreement for the Hod Carriers Local 166 Pension Trust should be amended to conform the liquidated damages and interest provisions to the current practices of the Laborers Funds Administrative Office of Northern California, Inc.;

WHEREAS, it has been determined that the liquidated damages and interest procedures for the Laborers Funds Administrative Office of Northern California, Inc. are reasonable;

THEREFORE, the Trust Agreement is amended as follows:

Amendment

Article I, Sections 8 and 9 of the Hod Carriers Local 166 Pension Trust Agreement are amended in their entirety effective July 1, 2017, as follows:

8. **Liquidated Damages.** A liquidated damage fee of \$150.00 will be imposed if the Employer's original report is recorded as received by the designated bank depository after the 25<sup>th</sup> day of the month following employment.
9. **Interest.** Interest will be charged at a rate of 1.5% per month (18% per annum) on all delinquent contributions. Interest will be determined from the date the contribution was due to the date payment is recorded as received by the designated bank depository. If the delinquency arises because the Employer failed to make a payment, interest will be imposed on the total amount due. If the Employer makes a payment by the due date, but pays less than the required amount, interest will be imposed on the unpaid balance of the required contribution. Interest will accrue from the date until the delinquencies have been corrected. The accrual of interest will be calculated in a daily basis.

**Supplemental Reports: Interest and Liquidated Damages.** All supplemental reports received will be charged interest at a rate of 1.5% per month (18% per annum) on the daily balance from the original due date of the contribution to the date the supplemental payment was recorded as received by the designated bank depository. If no liquidated damage fee was assessed to the original report, then a liquidated damage fee of \$150.00 will be imposed to the Supplemental report. Only one liquidated damage fee will be imposed per work month regardless of the number of Supplemental reports that are submitted.

NORTHERN CALIFORNIA DISTRICT  
COUNCIL OF LABORERS

NORTHERN CALIFORNIA MASON  
CONTRACTORS MULTI-EMPLOYER  
BARGAINING ASSOCIATION

/s/ \_\_\_\_\_  
Oscar De La Torre, Business Manager

/s/ \_\_\_\_\_  
Bob Mazza

WALL AND CEILING ALLIANCE

/s/ \_\_\_\_\_  
Frank Nunes

BOARD OF TRUSTEES

The Board of Trustees has authorized the Chair and Co-Chair to sign the above Amendment on behalf of the full Board of Trustees agreeing to be bound by First Amendment to the Trust Agreement.

UNION TRUSTEES

EMPLOYER TRUSTEES

/s/ \_\_\_\_\_  
Oscar De La Torre, Chair

/s/ \_\_\_\_\_  
Bob Mazza, Co-Chair