

**AMENDMENT NO. 4  
TO THE  
LABORERS PENSION TRUST FUND  
FOR NORTHERN CALIFORNIA  
PENSION PLAN  
AMENDED AND RESTATED AS OF JUNE 1, 2014**

The undersigned Chairman and Co-Chairman of the Board of Trustees of the Laborers Pension Trust Fund for Northern California hereby certify that at a meeting of the Board of Trustees held on September 10, 2019, the following Amendment to the Laborers Pension Trust Fund for Northern California Pension Plan was adopted pursuant to authority given to the Board by Article IV, Section 1 of the Amended and Restated Trust Agreement establishing the Laborers Pension Trust Fund for Northern California (Amended and Restated September 2008).

1. Effective September 10, 2019, Article IX, Section 9.04, subsection (a) is revised to read as follows:

**Section 9.04. Right of Appeal and Determination of Disputes**

- a. No Participant, Pensioner, Beneficiary or other person has any right or claim to benefits under the Pension Plan, or any right or claim to payments from the Trust Fund, other than as specified in the Plan. Any dispute as to eligibility, type, amount or duration of benefits or any right or claim to payments from the Trust Fund will be resolved by the Board under the Pension Plan provisions, and its decision of the dispute, right or claim will be final and binding on all parties, subject only to any civil action under §502(a) of ERISA, including the petitioner and any person claiming under the petitioner provided, that no legal action may be commenced or maintained against the Plan more than one year after the Board of Trustees' decision upon review. The provisions of this Section shall apply to and include any and every claim to benefits from the Trust Fund, and any claim or right asserted under the Pension Plan or against the Trust Fund, regardless of the basis asserted by the claim and regardless of when the act or omission upon which the claim is based occurred.
2. Effective September 10, 2019, Article IX, Section 9.04, subsection (e) is revised to add the following to the end of the subsection:

A civil action under §502(a) of ERISA arising from the denial of benefits must be filed within one year from the date on which the Board of Trustees provides notice that the claimant's appeal has been denied, regardless of any state or federal statutes establishing provisions relating to limitations of actions.

3. Effective June 1, 2018, the following Article XI, Section 11.07 is renumbered as Article XI, Section 11.08 as follows:

**Section 11.08. Provisions for Former Participants in the Hod Carriers Local 166 Pension Trust Fund**

- a. In accordance with Section 11.05, the respective Boards of Trustees of the Laborers Pension Trust Fund for Northern California (“Laborers Fund”) and the Hod Carriers Local No. 166 Pension Trust Fund (“Hod Carriers Fund”) agreed to the merger of the two Funds effective June 1, 2018 with the Laborers Fund being the surviving Fund. The provisions of the Agreement providing for the Merger of the Hod Carriers Local No. 166 Pension Trust Fund into the Laborers Pension Trust Fund for Northern California (“Merger Agreement”) are hereby incorporated by reference into the Plan.
  - b. Special Service Pension Provisions. A former Hod Carriers Fund Participant covered under the terms the Merger Agreement shall be entitled to a Laborers Fund Service Pension if the sum of Laborers Fund Benefit Units and Hod Carriers Fund Vesting Credit total at least 25 Benefit Units. The Laborers Fund Service Pension provisions shall apply to the Participant’s benefits, regardless of whether the Benefit Units were accrued under the Laborers Fund or Hod Carriers Fund, so long as all other eligibility requirements of Section 3.14 are met.
4. Effective for claims or disputes arising on or after September 10, 2019, the following new Article XI, Section 11.09 is added to read as follows:

**Section 11.09. Waiver of Class, Collective and Representative Actions**

By participating in the Plan, to the fullest extent permitted by law, whether or not in court, Participants, Employees, Pensioners, Beneficiaries, and eligible individuals waive any right to commence, be a party to in any way, or be an actual or putative class member of any class, collective, or representative action arising out of or relating to any dispute, claim or controversy relating to the Plan, and Participants, Employees, Pensioners, Beneficiaries, and eligible individuals agree that any dispute, claim or controversy may only be initiated or maintained and decided on an individual basis.

Executed this 10<sup>th</sup> day of September, 2019.

/s/ Bill Koponen, Chairman

/s/ Oscar De La Torre, Co-Chairman