PLAN AMENDMENT NO. 4
TO THE OPERATING ENGINEERS LOCAL 12 DEFINED CONTRIBUTION PLAN

The Fund's Auditor has advised that currently $5.00 should be charged to the individual account of each Participant and Alternate Payee monthly effective August 1, 2021 to cover the administrative expenses of the Plan. The Local Union has advised that it is willing to continue to absorb a portion but not all of the administrative costs of administering the Plan for a limited period of time.

The SECURE Act has modified the Required Beginning Date of Plan Participants as of the effective date of the SECURE Act. The Plan has been administered in accord with the SECURE Act as of the effective date of the SECURE Act. The IRS is to provide guidance to Plans as to appropriate language for a Plan Amendment but as of this date yet to finalize the proposed language. The Trustees wish to assure a timely Amendment which will be modified as necessary by further Amendment following action by the IRS.

In light of all of the foregoing, pursuant to Article IX Section 10 of the Plan, the Board of Trustees has authorized Chair and Secretary to execute this Plan Amendment. All provisions of this Plan Amendment are effective upon adoption.

(1) Article III, Section 2 is amended by modifying the final sentence of the Section as amended by Plan Amendment No. 3 to read as follows:

> "Effective August 1, 2021 through July 30, 2022 individual accounts shall be charged $3.00 per month on the 25th day of each month. Effective August1, 2022 through July 30, 2023 individual accounts shall be charged $4.00 per month on the 25th day of each month. Effective August 1, 2023 and thereafter individual accounts shall be charged $5.00 per month on the 25th day of each month. These monthly rates may be changed at any time by action of the Board of Trustees in order to assure payment of all operating expenses of the Plan."

(2) Article V, Section 4(g) of the Plan is amended by inserting the following introductory paragraph to that subsection to read as follows:

> "The SECURE Act amended provisions of the Code related to Required Minimum Distribution dates, referred to in this Plan as the Required Beginning Date. In accord with the SECURE Act for Participants and Alternate Payees with individual accounts born before July 1, 1949 the Required Beginning Date is April 1 of the calendar year following the

calendar year of attainment of age 70 ½ subject to the preexisting exceptions and exclusions of this subsection For Participants and Alternate Payees with individual accounts born on and after July 1, 1949 the Required Beginning Date is April 1 of the calendar year following the calendar year of attainment of age 72 subject to the preexisting exceptions and exclusions of this subsection As to any such Participants and Alternate Payees born on and after July 1, 1949 any reference in this Plan to age 70 ½ shall be deemed a reference to age 72 This change is effective in accord with the SECURE Act, preempts any contrary provision of the Plan and shall be interpreted in accord with IRS guidance and regulations under the required minimum distribution provisions of the SECURE Act This Plan also adopts any exception provided in the CARES Act as to required minimum distributions and the corresponding Required Beginning Date under this Plan "

Executed this 23 day of Feb, 2021

Ronald J. DeLorski
Chair, Board of Trustees

Secretary, Board of Trustees