

LABORERS LOCAL UNION NO. 754 PENSION PLAN

SUMMARY OF MATERIAL MODIFICATIONS

To: Eligible Participants under the Laborers Local Union No. 754 Pension Plan
From: Board of Trustees
Date: May 21, 2025
Re: Changes to the Laborers Local Union No. 754 Pension Plan

This document is a Summary of Material Modification (“SMM”) intended to notify you of important changes to the benefits provided to you under the Laborers Local Union No. 754 Pension Plan (the “Plan”). You should take the time to read this SMM carefully and keep it with the copy of the Summary Plan Description (“SPD”) that was previously provided to you. If you have any questions regarding these changes to the Plan, please contact the Fund Office at 215 Old Nyack Trunpike Chestnut Ridge, New York 10977 or (845) 425-0210.

The Board of Trustees of the Laborers Local Union No. 754 Pension Fund are pleased to announce the following changes to the Pension Plan. Effective January 1, 2025, the Suspension of Benefits section of the Summary Plan Description reads as follows:

B. Suspension of Benefits

Suspension of Early and Normal Pension Benefit

SUSPENSION OF BENEFITS BEFORE 1982. If an Early or Normal Pensioner became employed before 1982 in the same industry, in the same trade, and in the same geographical area covered by this Plan, or by a plan with which this Plan had a reciprocal agreement, at the Pensioner's Pension Date, a pension benefit payment shall not have been payable for any month before 1982 in which the Pensioner worked at such employment or self-employment for any length of time.

SUSPENSION OF BENEFITS AFTER 1981. In the event an Early or Normal Pensioner works at least 40 hours in Prohibited Employment in the Plan Area in a month, after 1981, for which the Pensioner is entitled to an Early or Normal Pension payment hereunder as the result of successful application for such payment, the Pensioner's pension payment hereunder for such month shall be withheld and forfeited provided the proper notice is provided to the Pensioner by the Trustees.

PROHIBITED EMPLOYMENT. For the purposes of this section, Prohibited Employment means an hour of employment, (whether union or non-union, whether in self-employment or employed, whether contributions are required to be made to the Fund on account of such hour or not), for which the Pensioner is compensated by an employer:

- A. in the same industry in which Employees covered by the Plan worked at the effective date of the affected Pensioner's pension; and
- B. in the same profession, trade, or craft in which the affected Pensioner worked at any time that was classed as Covered Employment for the Pensioner.

PLAN AREA. For the purposes of this section, "Plan Area" means New York State.

APPLICATION FOR DETERMINATION. If a Pensioner is planning a return to employment, or it is within the first 5 days of them already working, they must write the Board of Trustees, give the particulars of the job involved, provide a job description from the employer, and ask the Trustees for approval. This will be considered their Application for Determination.

The Board of Trustees will make a determination, at the Board of Trustees meeting following their receipt of the application, and authorize the Fund Office to provide a written response, as described in Section 10.07 below. The Board will act in a uniform, nondiscriminatory manner and in accordance with Section 203(a)(3)(B) of ERISA and the regulations which apply, which can be found in the Code of Federal Regulations starting at 29 CFR Sec. 2530.203-3.

Pensioners are warned not to rely upon any opinion of any individual concerning Prohibited Employment, because the work performed under similar job descriptions and classifications varies greatly from employer to employer. Pensioners returning to work shall only rely on the determination made by the Board of Trustees.

NOTIFICATION. Pensioners who have submitted an Application of Determination will receive notification, delivered personally or by first class mail, regarding whether their Pension will be suspended based on their Application.

No pension benefit payment may be withheld from a Pensioner in any month unless, and until, during the first such month the Trustees notify the Pensioner of the suspension. Such notification shall contain:

- A. a description of the reason pension payments are being suspended;
- B. a general description of this Article;
- C. a copy of this Article;
- D. a statement that an appeal of the Trustees' decision in the matter may be accomplished using the Plan's claim denial appeal procedure;
- E. a statement that the Department of Labor regulations dealing with suspension of benefits may be found in Section 2530.203-3 of the Code of Federal Regulations; and a copy of the Section of this Article dealing with recovery of payments that should have been withheld.

PRESUMPTION. Subject to correction by actual evidence, the Trustees may presume that a Pensioner who works at least some time in Prohibited Employment in a month has or will work at least 40 hours in such Prohibited Employment in that month unless, within five days of the start of such employment, the Pensioner notifies the Trustees of such commencement and has not

refused to cooperate with reasonable requests by the Trustees to assist them in administering the provisions of this Article.

RESUMPTION OF PENSION PAYMENTS. In order that the payment of monthly pension benefits be resumed under this Plan once a suspension described in the first two Sections of this Article has taken place, the Pensioner must notify the Trustees in writing that the Pensioner has ceased working in Prohibited Employment.

If the resumption of payment occurs prior to 1988, the Trustees shall resume the pension payments to the Pensioner in the same monthly amount that the Pensioner had been receiving prior to suspension. If the resumption of payments occurs after 1987, the Trustees shall resume the pension payments to the Pensioner in a monthly amount, adjusted annually to the extent required by law, which shall reflect any additional benefit earned.

In either event such payments shall resume with the first day of the third calendar month following the calendar month in which the Trustees receive the Pensioner's notice called for in this Article. Subject to the next Section, should the Pensioner be due any payments for months in which the Pensioner did not work the proscribed duration of Prohibited Employment, such withheld payments shall be paid upon recommencement of pension payments.

RECOVERY. In the event a Pensioner receives a monthly pension payment for a month for which the Trustees have the right to withhold and forfeit such payment, the Trustees shall recover such payment by reducing the payments otherwise payable to the Pensioner for the months immediately following the Pensioner's cessation of work in Prohibited Employment for which payment is not due until the third month following the Pensioner's notification to the Trustees called for in the preceding Section. If the reductions described in the prior sentence are not sufficient to permit recovery of payments that should not have been made, the Trustees shall recover such unrecovered difference by reducing the otherwise size of future recommenced monthly pension payments by no more than 25% until such recovery is complete.

EXCEPTION. The provisions of this Article shall not apply to any pension benefits paid to a Pensioner after the March in the calendar year that immediately follows the calendar year in which the Pensioner reaches age 70 ½.

Sincerely,

The Trustees