

**AMENDMENT NO. 2  
CEMENT MASONS PENSION TRUST FUND  
FOR NORTHERN CALIFORNIA**

**PLAN RULES AND REGULATIONS  
AMENDED AND RESTATED AS OF SEPTEMBER 1, 2014**

The undersigned Chairman and Co-Chairman of the Board of Trustees of the Cement Masons Pension Trust Fund for Northern California hereby certify that at a meeting of the Board of Trustees held on **December 11, 2020** the following changes to the Cement Masons Pension Trust Fund for Northern California Active and Retired Plan were adopted effective **December 11, 2020**:

1. Article 10, Section 10.04, subsection (a) is revised to read as follows:
  - 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 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 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 any civil action under §502(a) of ERISA, including the petitioner and any person claiming under the petitioner provided, however, 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 Fund, and any claim or right asserted under the Pension Plan or against the 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. Article 10, Section 10.04, subsection (f) is restated as follows:
  - f. The denial of a claim to which the right to review has been waived, or the decision of the Board of Trustees or its designated committee with respect to a petition for review is final and binding upon all parties, subject only to any civil action the applicant may bring under §502(a) of ERISA. 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.

Following issuance of a written decision of the Board of Trustees on an appeal, there is no further right of appeal to the Board of Trustees or right to arbitration. However, a petitioner may re-establish his or her entitlement to benefits at a later date based on additional information and evidence which was not available to him or her at the time of the decision of the Board of Trustees.

3. Effective for claims or disputes arising on or after December 11, 2020, a new Section 12.09 is added to Article 12 as follows:

**Section 12.09. 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 \_\_\_\_\_ day of \_\_\_\_\_, 2021.

DocuSigned by:

*Brian Gardner*

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Brian Gardner, Chairman

DocuSigned by:

*Greg Levy*

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Greg Levy, Co-Chairman