

**AMENDMENT NO. 2018 -2 TO PLUMBERS & PIPEFITTERS
LOCAL UNION NO. 396 PENSION PLAN**

WHEREAS, THE BOARD OF TRUSTEES OF PLUMBERS & PIPEFITTERS LOCAL UNION NO. 396 PENSION PLAN (the Trustees), currently administers and maintains the PLUMBERS & PIPEFITTERS LOCAL UNION NO. 396 PENSION PLAN (the Plan), as amended to date; and,

WHEREAS, the Plan has established appeals procedures; and,

WHEREAS, the right to further amend the Plan has been reserved to the Trustees under the Plan; and,

WHEREAS, the Department of Labor has issued final rules changing the claims review process for benefits under plans which provide disability benefits and are covered by Section 503 of ERISA;

NOW, THEREFORE, the Trustees, having declared and agreed by duly authorized action at a meeting of the Trustees on March 5, 2018, the Plan shall be amended in the following respects, said amendments being hereby incorporated into the Plan:

Effective for all applications for Disability Benefits under the Plan made on or after April 2, 2018, the following shall be added to paragraph M(10) of Section X:

d) All notices of an adverse benefit determination will include:

- 1. An explanation as to why the Plan disagreed with the views of (1) a health care or vocational professional who evaluated the claimant or advised the Plan or (2) a disability determination of the Social Security Administration.**
- 2. If an adverse benefit determination is based on a medical necessity or experimental treatment or similar exclusion or limit, either an explanation of the scientific or clinical judgment for the determination or a statement that such explanation will be provided free of charge upon request.**
- 3. If the adverse benefit determination is following the final level of**


appeal provided by the Plan, the calendar date by which the claimant must file a civil action under ERISA Section 502(a).

- e) Notices of adverse benefit determinations will be provided in a culturally and linguistically appropriate manner.
- f) The Plan's decision to hire, compensate, terminate or promote any individual, such as a claims adjudicator or medical or vocational expert, will not be based on the likelihood that the individual will support an adverse benefit determination.
- g) Before the Plan issues an adverse benefit determination, the Plan Administrator will provide the claimant, free of charge, with any new or additional rationale or evidence considered, relied upon, or generated by the Plan. Any such rationale or evidence will be provided to the claimant sufficiently in advance of the date on which a notice of decision is required to give the claimant a reasonable opportunity to respond prior to that date."

Executed this 5th day of March, 2018 at Youngstown, Ohio.



Union Trustee



Union Trustee



Union Trustee

Union Trustee




Employer Trustee



Employer Trustee



Employer Trustee



Employer Trustee