

**PLUMBERS LOCAL UNION NO. 519
SAM BLOOM SCHOLARSHIP FUND**

AMENDMENT NO. 1

The Scholarship Plan of the Plumbers Local Union No. 519 Sam Bloom Scholarship Fund, effective May 1, 1998, is hereby amended as follows:

I. Article 1, Section 1-1, Child is hereby amended by deleting said Section in its entirety and substituting, in lieu thereof, the following:

Section 1.1 Child The term "child" or "children" shall mean a natural born or adopted child of the Employee through the end of the calendar year in which the child's 25th birthday occurs and the child is either living in the Employee's household or is a full-time student at a college or university as defined herein.

II. Section 2.1, Eligible Employee is hereby amended by deleting said Section in its entirety and substituting, in lieu thereof, the following:

Section 2.1 Eligible Employee

- (a) In order to be an eligible employee, the employee must be working in a classification under a collective bargaining agreement or other written agreement for which an employer is required to make a contribution to this Fund. For a period not to exceed 12 months an employee shall remain eligible while working for an employer outside the geographic jurisdiction of the Union provided that the employer is bound to make contributions under a Welfare or Pension Reciprocal Agreement.
- (b) An employee who is not working for or available for work with a contributing employer either at the time scholarship is applied for or payment of an approved scholarship is to be made, shall not be eligible under these rules. A person who is working full-time at the trade for a non-contributing employer shall be considered as unavailable for work under these rules. This section shall not apply in the event of death while an employee is eligible.
- (c) A person shall become an Eligible Employee at the end of the second Plan Year following the completion of at least 500 hours of employment for an Employer.

- (d) An Eligible Employee who dies shall remain an Eligible Employee until loss of eligibility as described below.
- (e) An Eligible Employee shall no longer be considered as an eligible employee if:
 - (1) the employee has less than 250 hours of employment for an Employer in a Plan Year; or
 - (2) in the event the employee is not in full compliance with all requirements of the Plan, or
- (f) The Board of Trustees may alter, amend or waive these eligibility requirements as necessary in order to further the purposes of the Plan. The Trustees shall notify all Eligible Employees, the Union and the Employers in the event such action is taken.

III. Section 3.2, Number, Amount of Scholarships is hereby amended by deleting said Section in its entirety and substituting, in lieu thereof, the following:

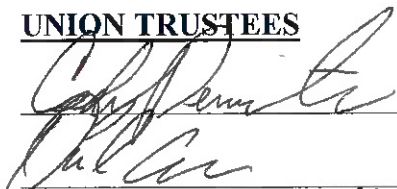
Section 3.2 Number, Amount of Scholarships.

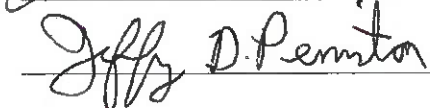
The Board of Trustees shall determine, based on available resources, the number and amount of scholarships to be given in any Plan Year. Effective school year 2017-2018 the maximum number of semesters per Child shall be 10 semesters of Undergraduate education and 4 semesters of Post-Graduate education. The Trustees shall give as much advance notice to Eligible Employees of the number and amount of scholarships for the Plan Year.

EXCEPT AS HEREIN AMENED, the Scholarship Plan shall remain in full force an effect.

IN WITNESS WHEREOF, the Board of Trustees has caused this amendment to be signed this 13th day of December, 2018, effective May 1, 2018.


UNION TRUSTEES

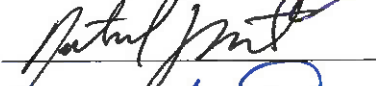






Jeff D. Permitt

EMPLOYER TRUSTEES









PLAN DOCUMENT

OF THE

PLUMBERS LOCAL UNION NO. 519
SAM BLOOM SCHOLARSHIP FUND

Effective Date May 1, 1998, Amended and Restated May 1, 2015

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ARTICLE I

DEFINITIONS

Section 1.1 **Child.** The term “child” or “children” shall mean a natural born or adopted child of the Employee through the end of the calendar year in which the child’s 25th birthday occurs who is a dependent on the Employee for support and can be claimed as an exemption on the Employee’s federal income tax return and the child is either living in the Employee’s household or is a full-time student at a college or university as defined below.

Section 1.2 **College or University.** The term “College” or University” shall mean a federal, state, parochial, church or private educational instituting legally authorized to provide a program of education beyond high school conducting regular classes and courses of study required for eligibility to or certification of a bachelor’s degree or higher or provides a program which is acceptable for full credit towards such a degree.

Section 1.3 **Employee.** The term “Employee” as used herein shall mean:

- (a) Any Employee represented by the Union and working for an Employer as defined herein.
- (b) An Officer or salaried Employee of the Employer, elected or appointed Officers or Employees of the Union, or International Parent body, or any Association entering into contractual relations with the Union; providing that the Trustees agree to accept such Officers or Employees.
- (c) Employees, if any, of this Fund or any other Trust Fund established pursuant to a collective bargaining agreement who are not employed by an Employer as defined in Section 1.4, and who are proposed and accepted for such benefits by the Trustees. As to such personnel as are Employees of the Trust Fund, or any other Trust Fund established pursuant to such collective bargaining agreements, the Trustees of such Trust Fund shall be deemed to be an Employer within the meaning of this Trust Agreement and may provide benefits for said Employees out of said Trust Fund, on the same basis as for other Employees.
- (d) A person, represented by or under the jurisdiction of the Union, who shall be employed by a governmental unit or agency.

Section 1.4 **Employer.** The term “Employer” as used herein shall mean:

- (a) An Employer who is bound by a collective bargaining agreement with the Union.

- (b) The Union shall be considered as the Employer of the Employees of the Union.
- (c) The Trustees of this Trust Fund, or any other Trust Fund established pursuant to a collective bargaining agreement with the Union.

Section 1.5 ERISA. The term “ERISA” as used herein shall mean the Employee Retirement Income Security Act of 1974 and any amendments as may from time to time be made thereto, any regulations promulgated pursuant to the provisions of ERISA, and any binding decisions or rulings by any court or agency interpreting or construing said law.

Section 1.6 Plan. The term “Plan” or “Scholarship” shall mean the plan, program, method, rules, and procedures for the payment of benefits from the Trust Fund established by the Agreement and Declaration of Trust and amendment thereto.

Section 1.7 Plan Year. The term “Plan Year” means the twelve month period from May 1 to the following April 30.

Section 1.8 Scholarship Fund. The term “Scholarship Plan” shall mean the Plan Document of the Plumbers Local Union No. 519 Sam Bloom Scholarship Fund.

Section 1.9 Trustees. The term “Trustees” as used herein shall mean the Trustees designated in this Trust Agreement. The first Trustees under this Agreement shall be those serving on the effective date of this Agreement pursuant to the terms of the Agreement and Declaration of Trust.

- (a) The term “Employer Trustees” as used herein shall mean the Trustees appointed by the Employers or the Employer Trustees as provided hereunder.
- (b) The term “Union Trustees” as used herein shall mean the Trustees appointed by the Union.

Section 1.10 Union. The term “Union” as used herein, shall mean PLUMBERS LOCAL UNION NO. 519 its successors and assigns, and such other Union or Unions as may from time to time be accepted for participation hereunder such terms and conditions as may be required by the Trustees.

ARTICLE II

ELIGIBLE EMPLOYEE

Section 2.1 **Eligible Employee**

- (a) In order to be an eligible employee, the employee must be working in a classification under a collective bargaining agreement or other written agreement for which an employer is required to make a contribution to this Fund.
- (b) An employee who is not working for or available for work with a contributing employer either at the time scholarship is applied for or payment of an approved scholarship is to be made, shall not be eligible under these rules. A person who is working full-time at the trade for a non-contributing employer shall be considered as unavailable for work under these rules.
- (c) A person shall become an Eligible Employee at the end of the second Plan Year following the completion of at least 500 hours of employment for an Employer.
- (d) An eligible employee shall no longer be considered as an eligible employee if:
 - (1) the employee has less than 250 hours of employment for an Employer in a Plan Year; or
 - (2) the employee dies; or
 - (3) in the event the employee is not in full compliance with all requirements of the Plan.
- (e) The Board of Trustees may alter, amend or waive these eligibility requirements as necessary in order to further the purposes of the Plan. The Trustees shall notify all Eligible Employees, the Union and the Employers in the event such action is taken.

ARTICLE III

SCHOLARSHIP PROGRAM

Section 3.1 **Eligibility**

Only Children of Eligible Employees may receive a benefit under the Scholarship Plan.

Section 3.2 Number, Amount of Scholarships.

The Board of Trustees shall determine, based on available resources, the number and amount of scholarships to be given in any Plan Year. The Trustees shall give as much advance notice to Eligible Employees of the number and amount of scholarships for the Plan Year.

Section 3.3 Applications

The child of an Eligible Employee shall be required to file an application for a scholarship on a form provided by the Board of Trustees which shall contain such information as the Board of Trustees may deem appropriate for consideration of a scholarship. As a condition for application, the child must be accepted and enrolled in an accredited college or university on a full time or part time basis in a degree producing program or in courses of study which are acceptable for full credit towards such a degree.

Section 3.4 Scholarship Selection

The Board of Trustees shall establish the criteria pursuant to which scholarships shall be made available to Children of Eligible Employees who make application for a scholarship. Minimum criteria for scholarships shall be determined by the Board of Trustees in their sole discretion, from time to time. The Trustees shall provide written notice to all Eligible Employees of the selection process in effect from time to time, as well as the due date for applications for a scholarship.

Section 3.5 Maintenance of Scholarship

The Board of Trustees shall establish the minimum requirements pursuant to which children of Eligible Employees receiving scholarships must maintain in order to continue the scholarship. Such minimum requirement may include verification from the college or university that the scholarship recipient was a student for the school year in which the child received the scholarship. Such minimum criteria as established by the Board of Trustees shall be communicated to applicants. Nothing contained in this Plan shall limit the authority of the Board of Trustees to amend or alter such minimum requirements.

Section 3.6 Payment of Scholarship

A scholarship shall be equally divided and paid per semester, per quarter or per trimester depending upon the college's system. The scholarships may be disbursed directly to the college or university on behalf of the individual or may be reimbursed to the eligible employee upon proof of payment of covered expenses.

Section 3.7 Covered Expenses

Covered Expenses for which reimbursement may be made by the Plan to Eligible Employees shall include the following:

- a) Tuition;
- b) Books;
- c) A computer to be used by the child during the course of study at the college or University on a one time only basis.

ARTICLE IV

ADMINISTRATION

Section 4.1 Board of Trustees

The Board of Trustees shall administer and control the operation of the Scholarship Plan in accordance with provisions of the Scholarship Trust Agreement. The Board of Trustees, or any other person to whom the Board of Trustees may allocate or delegate such authority, shall, from time to time, establish rules for the interpretation, application and administration of the Plan. In making any such determination rule, the Board of Trustees shall pursue uniform policies and shall not unreasonably discriminate in favor of, or against, any person or group of persons.

Section 4.2 Claims, Notices and Inquiries

All applications for a scholarship shall be made on a specific form provided by the Trustees. All applications for scholarships, notices of mailing address, notices of appeal and any and all other inquiries and matters concerning this Plan shall be submitted to the Board of Trustees address as follows:

Board of Trustees of the
Plumbers Local Union No. 519
Sam Bloom Scholarship Fund
c/o National Employee Benefits Administrators
2010 N.W. 150th Avenue
Suite 100
Pembroke Pines, Florida 33028

Section 4.3 Response to Claims and Inquiries

All inquiries shall be answered promptly. The final decision for approval of a scholarship shall be made by the Board of Trustees.

Section 4.4 Denial of Benefits

If any claim for benefits is denied, suspended, or terminate, in whole or in part, then the claimant shall be furnished with a Notice of denial, suspension or termination no later than 30 days after the final decision has been made. The Notice shall be provided in writing, by certified mail, and shall set forth:

- (1) the specific reasons for the denial, suspension or termination of benefits, and;
- (2) the specific references to the pertinent provisions of the Plan upon which the action is based and a copy of the Plan provisions shall be furnished with this Notice; and
- (3) a description of any additional material or information necessary for the claimant to perfect the claim, along with an explanation of why such material or information is necessary; and
- (4) in the event of a suspension of benefits, reference to Department of Labor Regulation, 29 CFR Section 2530.203-3(c); and
- (5) an explanation of the Claims Review Procedure.

Section 4.5 Claims Review Procedure

- (a) Requests for Review - If a claim for benefits is denied, suspended or terminated, in whole or in part, then the claimant may appeal to the Board of Trustees for a full and fair review. In order to file an appeal, a written Notice of Appeal must be submitted within 60 days after the Notice of denial, suspension or termination is received by the claimant (or such later time as the Board of Trustees deems reasonable). The Notice of Appeal shall briefly describe the grounds upon which the appeal is based and shall be signed by the claimant. The claimant shall be allowed to review all pertinent documents during the normal business hours, and shall be permitted to submit comments and a statement of issues of consideration by the Board of Trustees.
- (b) Representation - A claimant may designate an attorney, or any other duly authorized person, to act as his or her representative at any state of the Claims

Review Procedure. Any rights provided to the claimant during the Claims Review Procedure shall automatically extend to the representative designated by the claimant. A designation of representative shall be signed by the claimant and the representative, and shall be submitted in writing.

- (c) Claims Review Board – The Board of Trustees shall rule on all appeals brought under this section. A decision to grant or deny an appeal shall be based solely on the record before the Board of Trustees, unless the Board of Trustees determines, in its sole discretion, that a hearing is necessary for the proper resolution of the appeal. The Board of Trustees shall decide, by majority vote, to grant or deny an appeal. The final decision shall be made by the Board of Trustees, in writing, and shall be made no later than 60 days after receipt of the Notice of Appeal, unless special circumstances (such as the need for a hearing) require an extension of time. In no event, however, should the decision of the Board of Trustees be made later than 120 days after receipt of the Notice of Appeal. If an appeal is denied, in whole or in part, then the decision shall set forth the specific reasons for the action, with specific references to those Plan provisions upon which the decision is based. The claimant shall be promptly provided with a copy of this decision. The decision of the Board of Trustees shall be final and binding.

Section 4.6 Exhaustion of Claims Review Procedure

No action in law or in equity shall be brought to contest a denial, suspension or termination of benefits until the claimant has complied with the procedures provided in Section 4.5 (Claims Review Procedure), unless the Board of Trustees fails to render a decision within 120 days after receipt of the Notice of Appeal. In no case, however, shall any action be brought unless instituted within one year from the time the claimant received the Notice of denial, suspension or termination provided in Section 4.4 (Denial of Benefits).

ARTICLE V

FUNDING

Section 5.1 Funding Policy and Method

The Board of Trustees shall establish a funding policy and method, and shall review, at least annually, such funding policy and method in order to promote the purpose of this Plan.

Section 5.2 Basis of Payments to the Scholarship Fund

Each Employer required to contribute to the Scholarship Fund shall make such contributions and in such amounts as are required by the applicable provisions of the collective

bargaining agreement or other written agreement. In addition, the Trustees are authorized to accept contributions from the proceeds of charity events sponsored by the Board of Trustees for purposes of funding this plan and charitable contributions.

Section 5.3 Basis of Payments from the Scholarship Fund

All benefits and expenses shall be paid in accordance with the provisions of this Plan and the Trust Agreement and consistent with ERISA, the Internal Revenue Code and other applicable laws.

ARTICLE VI

MISCELLANEOUS

Section 6.1 Construction

The terms and conditions of this Plan shall be construed subject to the purposes and provisions of the Trust Agreement establishing the Trust Fund and subject to ERISA, the Internal Revenue Code and all other applicable laws.

Section 6.2 Standards of Proof

The Board of Trustees shall be the sole judge of the standards of proof required in any case. In the application and interpretation of this Plan, the decision of the Board of Trustees shall be final and binding on the Eligible Employee, the Union, Employers and other persons.

Section 6.3 Benefits not Assignable

The right of any persons to any payment under this Plan shall not be subject to assignment, elimination or voluntary or involuntary transfer, and to the fullest extent permitted by law, shall not be subject to attachment, execution, garnishment, sequestration or other legal or equitable process. In the event any person attempts to assign, transfer or dispose of such right, or if an attempt is made to subject set right to such process, such assignment, transfer or disposition shall be null and void.

Section 6.4 Merger

This Plan may merge or consolidate with any other Plan, or transfer assets or liabilities to any other Plan under such terms and conditions as are acceptable to the Board of Trustees.

Section 6.5 Termination of Plan

In the event that the termination of the Scholarship Plan, the Board of Trustees shall follow the procedures contained in the Trust Agreement, ERISA, the Internal Revenue Code, and all other applicable law. In the event there are any funds remaining after the payment of benefits and expenses, any remaining funds shall not revert to the Employers.

Section 6.6 Incorporation by Reference

This Scholarship Plan is maintained for the exclusive purpose of providing, benefits to children of Eligible Employees, and is intended to satisfy all the requirements of ERISA and the Internal Revenue Code. In the event any requirement of such laws have been omitted such law shall be deemed to be incorporated herein by reference.

Section 6.7 Amendment of Scholarship Plan

This Scholarship Plan may be amended at any time by majority vote of the Board of Trustees, a copy of any amendment to this plan shall be made available to the Union, the Employers and Eligible Employees.

ARTICLE VII

UNIFORMED SERVICES EMPLOYMENT AND RE-EMPLOYMENT RIGHTS ACT OF 1994

This Plan is subject to the Uniformed Services Employment and Re-Employment Rights Act of 1994.

For purposes of this article, "Service in the Uniformed Services" shall mean the performance of duty on a voluntary or involuntary basis in a uniformed service that includes active duty, active duty for training, initial act of duty for training, inactive duty training, full-time National Guard duty and a period for which a person is absent for examination used to determine fitness for duty. Uniformed Services shall include the Arm Forces, the Army National Guard and the Air National Guard, the Commission Core of the Public Health Service and any other category of persons designated by the President of the United States of America in time of war or emergency.

Any Child who is absent by reason of Service in the Uniformed Services may elect to continue their eligibility for a scholarship under this Plan by extending the age limitation set forth in Section 1.1 of this Plan by increasing the maximum age limitation by one month for each month that the child is in service in the Uniformed Services, subject to a maximum of sixty months.

IN WITNESS WHEREOF, the Board of Trustees of the **SCHOLARSHIP PLAN OF THE PLUMBERS LOCAL UNION NO. 519 SAM BLOOM SCHOLARSHIP FUND** have caused this Scholarship Plan to be signed this 7 day of September, 2016 to be effective May 1, 2015.

UNION TRUSTEES

Stephen Fuschberg
William W. W.
John J. J.
John J. J.

EMPLOYER TRUSTEES

Wayne M. M.
Wayne M. M.

Witnessed by: Quinn D. D.