

AMENDMENT NO. 2 TO THE  
PENSION PLAN FOR THE  
BAY AREA PAINTERS AND TAPERS PENSION TRUST FUND  
(Ninth Restatement)  
(Restated Effective January 1, 2019)

1. **Effective January 1, 2020, Section 1.15 is amended in its entirety to read as follows:**

**“Section 1.15.** “Employer” or Contributing Employer” means any corporation, individual or partnership which has presently in force or hereafter executes, or is a member of a chapter of the Association or is a member of any employer association, which has executed on its behalf, or is otherwise bound by, a Collective Bargaining Agreement with a Local Union or District Council, which Agreement provides for Contributions into the Pension Trust Fund, and shall also include any employer who may be authorized by the Trustees to make payments into the Pension Trust Fund on behalf of particular employees. The terms also include any District Council or Local Union, a Joint Labor-Management Fund or Joint Apprenticeship Committee or Committees or other related entities on which the District Council or Union is represented, trade associations affiliated with the Union, and the Board of Trustees pursuant to regulations adopted by the Board of Trustees.

An employer shall not be deemed a Contributing Employer simply because it is part of a controlled group of corporations (within the meaning of Section 1563(a) of the Internal Revenue Code, determined without regard to Section 1563(a)(4) and (e)(3)(C)), or of a trade or business under common control (within the meaning of Section 414(c) of the Internal Revenue Code), some other part of which is a Contributing Employer.

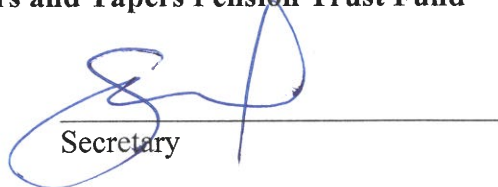
For purposes of identifying Highly Compensated Employees and applying the rules on participation, vesting and statutory limits on benefits under the Fund but not for determining Covered Employment, the term “Employer” includes all members of an affiliated service group with the Employer within the meaning of Internal Revenue Code §414(m) and all other businesses aggregated with the Employer under Internal Revenue Code §414(o).”

In accordance with Section 15.01 of the Bay Area Painters and Tapers Pension Plan, the Board of Trustees of the Bay Area Painters and Tapers Pension Trust Fund do hereby adopt this Amendment No. 1 to the Ninth Restatement of the Pension Plan.

**Bay Area Painters and Tapers Pension Trust Fund**



Chairman



Secretary

Approved November 20, 2020