

**AMENDMENT NUMBER NINE
TO THE
I.A.T.S.E. ANNUITY PLAN
(Revised and Restated as of January 1, 2014)**

WHEREAS, Section 8.12 of the I.A.T.S.E. Annuity Plan (the "Plan") provides that the Trustees may amend the Plan at any time;

WHEREAS, the Plan was established in 1973 as a defined contribution money purchase plan, and IRS approved its conversion to a profit-sharing plan in June 1991;

WHEREAS, effective September 1, 2001 the Plan first added a 401(k) feature, which at that time allowed salary deferrals only by employees of employers that made a non-elective contribution of at least 3% of the employees' salary;

WHEREAS, the Plan has discovered that from on or about January 1999 through June 15, 2019 it has inadvertently accepted contributions from an employer, the Performing Arts Center of Los Angeles ("Center") under its collective bargaining agreement ("CBA") with IATSE Local 18032 (the Association of Theatrical Press Agents and Managers, or "ATPAM"), that were deducted from the salary of five employees for work performed during that period even though the Center was not eligible to remit salary deferrals until June 16, 2019 under the Plan rules (as the Center did not remit the required 3% non-elective contribution);

WHEREAS, as of June 16, 2019, the Center and ATPAM amended their CBA to provide for a 4% non-elective employer contribution that is not deducted from employee wages, which contribution can be and has been accepted under the Plan rules (in addition to any voluntary salary deferrals from employees covered by the CBA);

WHEREAS, Internal Revenue Service allows a plan to be amended retroactively to conform to its operations;

WHEREAS, the Trustees wish to amend the Plan retroactively to allow salary deferrals by employees of the Center under the collective bargaining agreements with ATPAM from on or about January 1999 through June 15, 2019 without a 3% non-elective contribution in order to allow the contributions remitted by the Center for the five employees covered by the CBA to remain in the Plan as intended by the bargaining parties.

NOW, THEREFORE, the Plan, most recently restated as of January 1, 2014, is hereby amended as follows:

1. Section 11.02 is amended effective as of **January 1, 1999 through June 15, 2019** to read as follows:

Collective bargaining units shall be disaggregated for purposes of satisfying the nondiscrimination requirements of Section 401(k) of the Code. In any Plan Year, each collective bargaining unit must satisfy the requirements of Section 11.03 or 11.06, and Section 11.04, or, alternatively, solely for the period January 1, 1999

through June 15, 2019, the collective bargaining unit may satisfy the requirements of Sections 11.08, 11.04, and 11.07.

2. A new Section 11.08 effective as of **January 1, 1999 through June 15, 2019** is added to read as follows:

The Employee must be employed by the Performing Arts Center of Los Angeles (“PACLA”) under its Collective Bargaining Agreement with Local 18032 (the Association of Theatrical Press Agents and Managers, or “ATPAM”).

3. The Plan is amended as follows effective as of **January 1, 1999** solely with respect to the employer and collective bargaining unit described in Section 11.08, to make both the amendments otherwise effective September 1, 2001 (adding a salary deferral feature to the Plan) and the amendments allowing non-safe harbor deferrals effective January 1, 2010) to all be effective January 1, 1999, in particular:
 - a) To make the amendments to Section 1.01 (Account Balance), which became effective September 1, 2001, made effective as of January 1, 1999.
 - b) To make Section 1.07 (Compensation), which was added effective September 1, 2001, made effective as of January 1, 1999.
 - c) To make the amendments to Section 1.08 (Contributions), which became effective September 1, 2001, made effective as of January 1, 1999.
 - d) To make the new definition of “Employer Contribution Account” added to Article I as Section 1.12 effective September 1, 2001, made effective as of January 1, 1999.
 - e) To delete then Section 1.12 (Individual Account), effective as of January 1, 1999.
 - f) To make the new definition of “Highly Compensated Employee,” which was added to Article I as Section 1.16 effective September 1, 2001, made effective as of January 1, 1999.
 - g) To make the new definition of “Limitation Year,” which was added to Article I as Section 1.17 effective September 1, 2001, made effective as of January 1, 1999.
 - h) To make the new definition of “Non-Elective Employer Contributions,” which was added to Article I as Section 1.18 effective September 1, 2001, made effective as of January 1, 1999.
 - i) To make the new definition of “Non-Highly Compensated Employee,” which was added to Article I as Section 1.19 effective September 1, 2001, made effective as of January 1, 1999.

- j) To make the new definition of “Salary Reduction Account,” which was added to Article I as Section 1.30 effective September 1, 2001, made effective as of January 1, 1999.
- k) To make the new definition of “Salary Reduction Agreement,” which was added to Article I as Section 1.31 effective September 1, 2001, made effective as of January 1, 1999.
- l) To make the new definition of “Salary Reduction Contributions,” which was added to Article I as Section 1.32 effective September 1, 2001, made effective as of January 1, 1999.
- m) To make the amendments to Section 2.01 (Participation and Vesting), which were effective as of September 1, 2001, made effective as of January 1, 1999.
- n) To make new Article III (Employee Accounts), which was effective as of September 1, 2001, made effective as of January 1, 1999.
- o) To make new Article IV (Salary Reduction Contributions), which was effective as of September 1, 2001, made effective as of January 1, 1999.
- p) To make new Article XI (Limitations on Elective Deferrals), which was effective as of September 1, 2001, made effective as of January 1, 1999, including the amendments to such Article XI set forth in numbers 1 and 2 of this Amendment.
- q) To make new section 11.07 (Non-Discrimination Testing), which was effective as of January 1, 2010, made effective as of January 1, 1999.
- r) To amend the numbering throughout the Plan as necessary to reflect the above amendments.

This Amendment is intended to be a corrective Plan amendment to allow the contributions from the Center under its collective bargaining agreement with ATPAM for the period through June 15, 2019 to remain in the Plan in accordance with Internal Revenue Service (“IRS”) correction principles and the Fund’s Voluntary Correction Program submission approved by IRS on September 24, 2020, and should be construed consistent with that purpose.

By signing below, the Co-Chairs of the Administrative Committee of the Board of Trustees of the I.A.T.S.E. Annuity Fund hereby signify that this Amendment was adopted as authorized at the Board's regularly scheduled meeting held on January 16, 2020.

UNION TRUSTEE CO-CHAIR
ADMINISTRATIVE COMMITTEE



James B. Wood

10/19/20

Date

EMPLOYER TRUSTEE CO-CHAIR
ADMINISTRATIVE COMMITTEE

Robert W. Johnson

Robert W. Johnson

11/4/20

Date