

OPERATING ENGINEERS LOCAL 101 HEALTH & WELFARE FUND
SIXTH AMENDMENT TO THE PLAN DOCUMENT

WHEREAS, the Operating Engineers Local 101 Health and Welfare Fund Combination Plan Document and Summary Plan Description dated January 1, 2012, provides that the Plan may be amended by the Board of Trustees from time to time;

WHEREAS, it is the desire of the Trustees to amend the Plan;

NOW, THEREFORE, BE IT RESOLVED that the Plan document and Summary Plan Description shall be amended as follows, effective as stated below:

Section Two – Eligibility

Section Two shall be amended at Section H, effective February 10, 2014, by adding the following subsection:

Waiver of Dependent Child Age 19-26 Coverage

A Dependent child age 19-26 may waive coverage under the Plan by filing a written waiver of coverage with the Fund Office. By waiving coverage, the Dependent child and the Participant relieve the Plan from any liability or obligation for claims that may have resulted if the Dependent child had been covered under the Plan. A waiver of coverage will be effective the first day of the month after the signed waiver is received by the Fund Office. A waiver of coverage form is available from the Fund Office. Upon waiving coverage, as applicable, the Dependent child will receive a certificate of creditable coverage from the Fund Office.

If a Dependent child age 19-26 is still eligible to be a Dependent under the Plan, the Dependent child can once again be covered under the Plan by submitting a written revocation form acceptable by the Trustees to the Fund Office. The Dependent child will again become eligible for coverage for claims incurred the first day of the month after the revocation form is received by the Fund Office. Claims for the Dependent child will not be paid if a new and complete enrollment form is not on file with the Fund Office.

Section Eleven – Benefit Exclusions and Limitations

Section Eleven shall be amended effective November 6, 2013 by deleting current exclusion 19:

19. Genetic or chromosomal testing, counseling or therapy.

and inserting in its place the following exclusion 19:

19. Genetic or chromosomal testing, counseling or therapy other than approved limited genetic testing for certain treatments related to Oncotype DX Breast Cancer Assay and BRAC 1 and BRAC 2 testing (subject to the Plan's guidelines on medical necessity, a copy of which can be obtained from the Fund Office).

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Section Seventeen – Definitions


Section Seventeen shall be amended at number 40. by deleting in its entirety and replacing with below:

Effective February 10, 2014, the term "Spouse" means an individual who, under any state law, is the legal spouse of, and not divorced nor legally separated from, an eligible Employee at the time a Benefit becomes payable from the Fund. This term includes an individual married to an eligible Employee of the same sex who were legally married in a jurisdiction that recognizes such marriages but who are domiciled in a state that does not recognize such marriages.


The foregoing amendment shall be effective as stated above:

IN WITNESS WHEREOF, we have approved this amendment Sixth Amendment this ____ day of _____ 2014.

APPROVED:



Rodger Kaminska, Co-Chairman



Douglas H. Hall, Co-Chairman