

**UNITE HERE LOCAL 25 AND
HOTEL ASSOCIATION OF WASHINGTON, D.C.
HEALTH AND WELFARE FUND
AGREEMENT AND DECLARATION OF TRUST
Amended and Restated Effective October 5, 2006**

AMENDMENT 4

The UNITE HERE Local 25 and Hotel Association of Washington, D.C. Health and Welfare Fund Agreement and Declaration of Trust is hereby amended as follows, effective on the date of adoption:

1. The first and second whereas clauses are amended to read as follows:

WHEREAS, effective June 15, 1976, the Hotel Association of Washington, D.C. (the "Association") and the UNITE HERE Local 25, Mid-Atlantic Joint Board of Washington, D.C. of the UNITE HERE International Union, formerly known as the Hotel and Restaurant Employees Local 25 of the Hotel and Restaurant Employees and Bartenders' International Union, AFL-CIO of Washington, D.C. (the "Union") entered into an Agreement and Declaration of Trust establishing The Hotel and Restaurant Employees Local 25 and Hotel Association, Cafeteria and Other Subscribing Employers Dental Care Fund which Trust has subsequently been amended to include various additional benefits; and

Deleted: optical care, health care and training and apprenticeship

WHEREAS, the Agreement and Declaration of Trust currently provides for the Fund to receive contributions and provide benefits for: (1) dental and optical care; and (2) health insurance benefits for "A List" banquet waiters and waitresses and platoon bartenders; and.

Deleted: ; and (3) training and apprenticeship benefits

2. Article I, Section C is amended to read as follows:

"Benefits" means dental, optical, health insurance, or other benefits within the meaning of Section 501(c)(9) of the Code to be provided pursuant to the terms of the Plans.

Deleted: training and apprenticeship,

3. Article I, Section N is amended to read as follows:

"Plans" means, either collectively or individually: (a) the Dental/Optical Program; (b) the Health Insurance Benefits Program; or (c) any other benefits within the meaning of Section 501(c)(9) of the Code as established by the Trustees pursuant to this Agreement.

Deleted: the Training Benefits Program; or (d)

4. Article 1, Section P is deleted and the remaining Sections of Article I are re-lettered accordingly.

5. Article II(B) is amended to read as follows:

General Purpose of Trust Fund. The Trust Fund shall be used for the purpose of providing dental care benefits, health benefits, optical care benefits, and training benefits, as decided by the Trustees, and shall further provide the means for financing the expenses of the Trustees and the operation and administration of the Trust Fund in accordance with this Agreement.

Notwithstanding any provision of this Agreement to the contrary, the Trustees shall at all times keep separate records in respect of all contributions received and expenditures paid in connection with the Dental/Optical Program, and the Health Insurance Benefits Program. It is understood that no portion of the Fund attributable to Contributions for one such Plan shall be

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utilized on behalf of any other such Plan, except that joint expenses (e.g., administration) and income attributable to such assets shall be prorated in a manner to be decided by the Trustees. Notwithstanding the foregoing, to the extent any amounts exist in the Trust Fund that were previously designated for training and apprenticeship benefits, such amounts shall be reallocated to be available for any other covered benefit, including the Dental/Optical Program and the Health Insurance Benefit Program.

6. Article IV, Section (I)(1) is amended to read as follows:

To establish and administer programs to provide ~~benefits under~~ the applicable Plans, to set and determine all terms and conditions applicable for benefits payable under the Plans and Trust, including all issues of eligibility for payments and the timing and amount of benefit payments, and to adopt rules and regulations setting forth the same, which shall be binding on the Employees and their beneficiaries.

Deleted: (a) benefits under the Dental/Optical Program, (b) benefits under the Health Insurance Benefits Program, or (c) benefits under the Training Benefits Program on behalf of the Employees in

7. Article VI, Section A is amended to read as follows:

Benefits. The Trustees shall have full authority to determine all questions of nature, amount, and duration of ~~Benefits~~ to be provided based on what it is estimated the Fund can provide without undue depletion or excessive accumulation.

Deleted: benefits

Deleted: ; provided, however, that no benefits other than dental care benefits, optical care benefits, health benefits and training benefits may be provided for or paid under this Agreement

IN WITNESS WHEREOF, this amendment was adopted by the Board of Trustees on March 14, 2022.

By:

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