

**SUMMARY OF MATERIAL MODIFICATION TO
THE ANNUITY FUND OF IUOE LOCAL 94-94A-94B, AFL-CIO**

As a result of the devastating effects that Hurricane Sandy has had on Local 94 members and their families and the struggles that still continue in the wake of the storm, the Board of Trustees (“Trustees” or “Board”) of the Annuity Fund of IUOE Local 94-94A-94B, AFL-CIO (“Fund”) have decided to temporarily liberalize some of the plan rules regarding participant loans in accordance with recent guidance released by the federal government. These temporary changes are made with the hope that they will provide Participants (and their families) who suffered economic hardships caused by Hurricane Sandy with some needed emergency relief; and will become effective beginning on December 7, 2012 and will continue until February 1, 2013.

Accordingly, this document is a Summary of Material Modification (“SMM”) intended to notify you of such temporary changes in the participant loan provisions set forth under Article 9 of the Fund. This summary is intended to satisfy the requirements for issuance of a SMM under the Employee Retirement Income Security Act of 1974. You should take the time to read this summary carefully and keep it with the copy of the Summary Plan Description (“SPD”) that was previously given to you. If you need another copy of the SPD or if you have any questions regarding these changes to the Fund, please contact the Fund Office during normal business hours at: 331-337 West 44th Street, New York, 10036, telephone number (212)459-8948. This SMM is also available online at www.local94.com or at www.ibenefitscenter.com.

Loans from the Fund

Generally speaking, under the current terms of the Fund, you (as a Participant) are permitted to borrow up to the amount of eligible expenses for which you are applying, so long as your loan request does not exceed 50% of the balance currently in your Individual Account under the Fund, or \$50,000 minus your highest outstanding loan balance (active or defaulted) from the Fund during the one-year period ending on the day before the date on which such loan is made, whichever is less. You are generally eligible for a loan if you are currently actively employed in covered work and have been so employed for at least three years. In addition, a loan may only be taken for one of the six specific reasons described on pages 15 and 16 of the SPD. However, none of these reasons specifically apply to expenses related to damage caused by a hurricane or natural disaster. You can only have one loan outstanding at a time.

As a result of the temporary changes approved by the Trustees, beginning December 7, 2012 and continuing until February 1, 2013, a Participant whose principal residence (or place of employment) (or the principal residence or place of employment of a Participant’s parent(s), children, spouse or other dependents) on October 26, 2012 was located in one of the counties on that date that have been identified as covered disaster areas¹ may apply for an emergency relief loan from their Individual Account to cover the

¹ Covered disaster areas are identified as federally declared disaster areas in the News Releases issued by the Internal Revenue Service (“IRS”) for Victims of Hurricane Sandy, which are found on IRS.gov at -

following types of expenses they (and/or certain of their family members) have incurred as a result of the devastating effects of Hurricane Sandy: (a) personal, family, living or funeral expenses (including temporary housing, medical and transportation expenses); or (b) repair or rehabilitation of a primary residence (regardless of whether you are a homeowner or rent) or repair or replacement of its contents. In addition, you may be permitted to have up to two outstanding loans at a time.

All existing Fund rules regarding participant loans remain in full force and effect during this temporary period, except that a Participant who has not defaulted on a loan from the Fund after December 31, 1995 may apply for an emergency relief loan even if he or she has an outstanding loan, provided that the combined amount of the two loans does not exceed the regular maximum limit of the lesser of 50% of his or her Individual Account balance or \$50,000. **In addition, all applications for an emergency relief loan must be completed and received by the Fund Office no later than by January 15, 2013. If you fail to submit a fully completed loan application by that date, your request for an emergency relief loan will be denied.**

Please remember that the purpose of these temporary rules is to provide relief for Participants affected by Hurricane Sandy. Because the primary purpose of the Fund is to encourage long-term retirement savings, we do not recommend that Participants take emergency relief loans, unless they are needed to address the effects of the Hurricane and other sources of assistance have been exhausted or determined to be unavailable to you.

The Board (or its duly authorized designee), reserves the right, in its sole and absolute discretion, to amend, modify or terminate the Fund, or any benefits provided under the Fund, in whole or in part, at any time and for any reason, in accordance with the applicable amendment procedures established under the Fund and its related Trust Agreement. The Trust Agreement is available upon request at the above address and may be inspected by you free of charge during normal business hours.

No individual other than the Board (or its duly authorized designee) has any authority to interpret the plan documents, make any promises to you about benefits under the Fund, or to change any provision of the Fund. Only the Board (or its duly authorized designee) has the exclusive right and power, in its sole and absolute discretion, to interpret the terms of the Fund and decide all matters arising under the Fund.

<http://www.irs.gov/uac/Newsroom/Help-for-Victims-of-Hurricane-Sandy>. As of December 7, 2012, the following counties have been designated as a covered disaster area by the IRS:

Connecticut: Fairfield, Middlesex, New Haven, and New London Counties and the Mashantucket Pequot Tribal Nation and Mohegan Tribal Nation located within New London County;

New Jersey: Atlantic, Bergen, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Somerset, Sussex, Union and Warren;

New York: Bronx, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Sullivan, Suffolk, Ulster and Westchester;

Rhode Island: Newport and Washington counties.