

**INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 98 PENSION FUND, ANNUITY FUND,
HEALTH AND WELFARE FUND, JOINT TRAINING, RETRAINING, SKILL IMPROVEMENT, SAFETY
EDUCATION, APPRENTICESHIP AND TRAINING FUND, AND THE INTERNATIONAL UNION OF
OPERATING ENGINEERS LOCAL 98 AND EMPLOYERS COOPERATIVE TRUST**

POLICY ON RETURN OF MISTAKEN CONTRIBUTIONS

WHEREAS, the Trustees of the International Union of Operating Engineers Local 98 International Union Of Operating Engineers Local 98 Pension Fund, Annuity Fund, Health and Welfare Fund, Joint Training, Retraining, Skill Improvement, Safety Education, Apprenticeship and Training Fund, and The International Union Of Operating Engineers Local 98 and Employers Cooperative Trust (hereinafter "Funds") recognize that contributing Employers may, from time to time, mistakenly overpay their obligations to the Funds under the Collective Bargaining Agreement or other written agreement; and

WHEREAS, under Section 403(c)(2)(A)(ii) of ERISA, and under Article IX, Section 6 of the Restated Agreement and Declaration of Trust of the International Union of Operating Engineers Local 98 Pension Fund, Article VI, Section 3 of the Agreement and Declaration of the Trust of the International Union of Operating Engineers Local 98 Annuity Fund, Article IX, Section 6 of the Restated Agreement and Declaration of Trust of the International Union of Operating Engineers Local 98 Health & Welfare Fund, Article VII, Section 3 of the Restated Agreement and Declaration of Trust of the Local 98 Engineers Joint Training, Retraining, Skill Improvement, Safety Education, Apprenticeship and Training Fund, and Article VII, Section 3 of the Agreement and Declaration of Trust of the International Union of Operating Engineers Local 98 and Employers Cooperative Trust, such mistaken payments may be returned, at the sole discretion of the Trustees, within six months after the Trustees determine that such contributions were made by mistake; and

WHEREAS, the Trustees have consulted the Funds' actuary and legal counsel, and have determined that it is prudent and necessary to establish a limit on the number of past plan years for which mistaken contributions may be retroactively returned to Employers, to facilitate accurate accounting and actuarial evaluation so that the financial security of the Fund is not jeopardized; and

WHEREAS, after due consideration, the Trustees have established this Policy on Return of Mistaken Contributions, to be uniformly applied to all contributing Employers;

NOW, THEREFORE, the below policy is adopted, effective as implemented.

1. Mistaken contributions are returned only after the Trustees, in their sole and exclusive discretion, are satisfied that such contributions were made by mistake.
2. The Trustees may require any Employer claiming that it made contributions by mistake to provide such proof as is necessary in the opinion of the Trustees, to demonstrate that such contributions were made by mistake. The Trustees may require the Employer to pay the expenses of an independent auditor, chosen by the Trustees, to certify to the amount claimed.
3. Mistaken contributions may be returned by the Trustees to any Employer within six (6) months after the Trustees determine that the contribution was made by mistake, but only if a claim is made by the Employer for the refund of such contribution within twenty-four (24) months after the contribution was received by the Funds.
4. No Employer is entitled to take a unilateral credit for claimed mistaken contributions. Such contributions will be returned only after the Trustees, in their sole discretion, determine that: (1) a mistake has been made; and (2) the return of such contributions will not jeopardize the financial security of the Funds.

5. Contributions shall not be returned to any Employer who has any outstanding unpaid delinquency, including outstanding amounts owed for interest, attorney's fees, and liquidated damages.

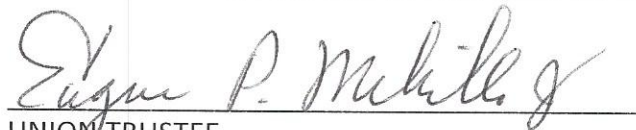
6. Contributions shall not be returned to any Employer who is not currently signatory to a contract providing for contributions to the Funds.

7. Notwithstanding the above, the Administrator may determine generally on a monthly basis, whether any signatory employer has tendered contributions to the Funds in excess of amounts required by written agreements. In the event that excess contributions have been so tendered to the Funds, the Administrator has the authority to implement a protocol to provide credit to that signatory employer that has overpaid and which employer is continuing to tender monthly contributions to the Funds due to its pending work; or the Administrator may determine to return the overpayment to the signatory employer. For any existing overpayments that the Administrator has determined have been made as described above, the Administrator is authorized to advise the signatory employer of the overpayment and the employer's failure to request such overpayment within two weeks of being so advised by the Administrator, the amounts shall be forfeited to the administrative account on behalf of the Funds that is utilized for payment of the Funds' administrative services pursuant to the Funds' Expense Sharing Agreement.

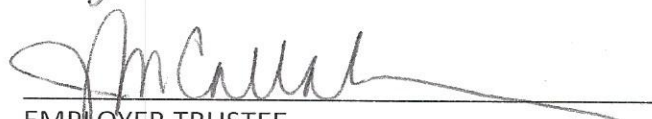
This certifies that the above policy was adopted on the 11th day of March, 2015, to be effective as implemented.

I.U.O.E. LOCAL 98 PENSION, ANNUITY, HEALTH AND
WELFARE, JOINT TRAINING, RETRAINING, SKILL
IMPROVEMENT, SAFETY EDUCATION, APPRENTICESHIP AND
TRAINING FUNDS, AND EMPLOYERS COOPERATIVE TRUST

DATED: 3/11/15


UNION TRUSTEE

DATED: 3/11/15


EMPLOYER TRUSTEE

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