

PROMULGATION OF RULES AND REGULATIONS  
NECA-IBEW MEMPHIS RETIREMENT PLAN

Whereas Article III, Section 1(j) of the Plan Trust Agreement authorizes the Trustees to adopt such rules and regulations as may be necessary for the administration of the Plan; and

Whereas the Retirement Equity Act of 1984 ("REA '84") provides that pension plans such as the NECA-IBEW Memphis Retirement Plan ("the Plan") will honor Qualified Domestic Relations Orders ("QDROs") and will establish written procedures for determining whether domestic relations orders are qualified and to administer distributions under such qualified orders; and

Whereas REA '84 requires that such procedures are to be provided to the participant and each alternate payee named in the QDRO;

Whereas the Trustees wish to comply with all applicable laws;

Therefore, it is RESOLVED by the Trustees that the following Rules and Regulations be, and they are hereby, adopted.

Rules and Regulations Establishing Procedures for  
Domestic Relations Orders and  
Qualified Domestic Relations Orders

- (1) Within a reasonable time of receipt of a Domestic Relations Order, the Plan Administrator shall notify the participant and each alternate payee that a Domestic Relations Order has been received;
- (2) The participant and each alternate payee shall be sent a copy of these rules and regulations so they will be

informed of the Plan's procedures for determining whether Domestic Relations Orders are qualified;

- (3) The Plan Administrator shall determine within a reasonable time whether the Domestic Relations Order is qualified. In determining whether the Order is qualified, the Plan Administrator shall examine the Order to determine if it:
- (a) Creates or recognizes the existence of an alternate payee's right to, or assigns to an alternate payee the right to, receive all or a portion of the benefits payable with respect to a participant under the Plan;
  - (b) Relates to the provision of child support, alimony payments, or marital property rights to a spouse, former spouse, child or other dependent of a participant;
  - (c) Is made pursuant to a state domestic relations law;
  - (d) Clearly specifies the name, social security address, and last known mailing address of the participant and the name, social security number, and mailing address of each alternate payee covered by the order;
  - (e) Clearly specifies the amount or percentage of the participant's benefits to be paid by the Plan to each alternate payee, or the manner in which such amount or percentage is to be determined;
  - (f) Clearly specifies the number of payments or period to which such Order applies;
  - (g) Clearly specifies each plan to which such Order applies;
  - (h) Does not require the Plan to provide any type or form of benefit, or any option not otherwise provided under the Plan;
  - (i) Does not require the Plan to provide increased benefits (determined on the basis of actuarial value); and

- (j) Does not require the payment of benefits to an alternate payee that are required to be paid to another alternate payee under another order previously determined to be a QDRO.
- (4) If the Plan Administrator determines that the information in the Order is insufficient or the Order is otherwise deficient, the Plan Administrator shall notify the participant and the alternate payee of the deficiency, in order to allow the Domestic Relations Order to be corrected.
- (5) If the Order is resubmitted, it shall again be reviewed by the Plan Administrator for compliance in accordance with the standards set out in Section 3 above and pursuant to the other provisions set out herein. Upon resubmission, the Plan Administrator shall have a reasonable amount of time to determine whether the resubmitted Order is qualified.
- (6) Upon determining whether the Order is qualified, the Plan Administrator shall notify the participant and the alternate payee of that decision.
- (7) If the Domestic Relations Order is deemed qualified, the participant and the alternate payee shall be notified of the eligibility of the alternate payee for benefits and of the Plan's procedures for providing benefits.
- (8) At the time that the alternate payee is notified of his or her eligibility, the alternate payee shall also be notified of his or her right to designate a representative to receive copies of notices sent out with respect to the QDRO.
- (9) During the period in which the issue of whether a Domestic Relations Order is a QDRO is being determined, the Plan shall separately account for the amounts ("Segregated Amounts") which would have been payable to the alternate payee during such period if the Order had been determined to be a QDRO.
- (10) If within the eighteen (18) month period beginning with the date on which the first payment would be required to be made under the Domestic Relations Order ("18-month period") the Order is determined to be a QDRO, the Plan Administrator shall allocate and/or pay the

Segregated Amounts to the person or persons entitled thereto.

- (11) If within the 18-month period it is determined that the Order is not a QDRO, or if the issue as to whether such Order is a QDRO is not resolved, then the Plan Administrator shall allocate and/or pay the Segregated Amounts to the person or persons who would have been entitled to such amounts if there had been no Order.
- (12) Any determination that an Order is a QDRO which is made after the close of the 18-month period shall be applied prospectively.
- (13) The Plan Administrator shall have the discretion to consult with Fund Counsel concerning the provisions of the Domestic Relations Order to determine whether said Order is qualified.

These rules and regulations shall be effective August 23, 1984 pursuant to P.L. 98-397, Title I, Section 104(a), 98 Stat. 1433.

IN WITNESS WHEREOF, these Rules and Regulations have been executed to the parties hereto on this \_\_\_ day of \_\_\_\_\_, 1996.

  
Chairman

  
Secretary/Treasurer