

**QUALIFIED DOMESTIC RELATIONS ORDER PROCEDURES
FOR THE IBEW-NECA MEMPHIS RETIREMENT PLAN
(UPDATED DECEMBER 2023)**

The Board of Trustees for the IBEW-NECA Memphis Retirement Plan (the “Plan”) has instituted the following procedures (“Procedures”) for purposes of processing domestic relations orders it receives and for purposes of complying with applicable laws and Plan provisions. Notwithstanding anything to the contrary herein, if there is any conflict between the provisions of the Plan and these Procedures, the provisions of the Plan shall prevail.

- I. Plan Administrator's Responsibility.** The Plan Administrator for the Plan is TIC International Corporation, 6525 Centurion Drive, Lansing, Michigan 48917. The Plan Administrator is responsible for administering the Procedures. The purpose of the Procedures is to establish reasonable and uniform practices for determining the status of a domestic relations order (an “Order” or “DRO”) and for making distributions pursuant to an Order that is qualified under Internal Revenue Code §414(p) – known as a Qualified Domestic Relations Order (“QDRO”).

- II. Information Available to Prospective Alternate Payees.** The Plan Administrator shall provide any or all of the following information to a prospective Alternate Payee upon its receipt of a signed, written release from the Participant or a subpoena. Once the Plan Administrator receives the proper release or subpoena, the Alternate Payee can receive the following information regarding the status of the Plan Participant including but not limited to:
 - A. An explanation of the terms of the Plan
 - B. Plan Document
 - C. A statement of the Participant's benefit entitlements under the Plan.
 - D. A copy of these Procedures.
 - E. A copy of the Plan’s Model QDRO
 - F. Summary Plan Description

- III. Designated Representative.** An Alternate Payee shall be permitted to designate a representative for a receipt of notices that are sent to the Alternate Payee with respect to the QDRO.

- IV. Procedures after Receipt of an Order.** The Plan will apply the following procedures whenever it receives an Order which purports to be a QDRO:
 - A. Notice to Participant and to Alternate Payee.** Within 20 days after receipt of an Order, the Plan Administrator will notify the Participant and the Alternate Payee (and, upon written request of the Participant and/or Alternate Payee, to the Participant's and/or Alternate Payee's legal representative, if the legal representative is identified by name and address in writing) of the Plan Administrator’s receipt of the Order, and will deliver to the Participant and to each Alternate Payee (and to the Participant's and/or Alternate Payee's legal

representative, as applicable) a copy of the these Procedures. Such notices shall be sent to the address provided in the DRO.

- B. Suspension of Participant Distributions.** Upon receipt of a written notification of adverse interest (e.g., letter from an attorney or request for QDRO information due to a pending DRO), a copy of the QDRO Procedures will be forwarded to the Participant, the Alternate Payee, and their respective counsel, if appropriate. A hold will not be placed on the Participant's benefits based solely on the receipt of notification of an adverse interest or receipt of a proposed QDRO. A hold will only be placed on a Participant's benefit due to receipt of an executed or certified DRO, a Restraining Order, or instructions from the Plan's legal counsel.

During any period in which the issue of whether a DRO is a QDRO is being determined, the Plan will separately account for amounts that would be payable to an Alternate Payee under the terms of the DRO if it were qualified, and will take steps to ensure that such amounts are not distributed to the Participant or any other person. While a hold is in place, the Participant will be prevented from taking a distribution of his benefits. In addition, all benefit payments currently being paid to the Participant will be suspended.

- C. Notice to Legal Counsel.** The Plan Administrator, within 20 days after receipt of the Order, will send a copy of the Order to the Plan's legal counsel for review.

- D. Review of the Order.** The Plan's legal counsel will review the Order within a reasonable period of time to determine whether the Order complies with applicable law and Plan provisions. Under most circumstances, the Plan's legal counsel will complete review of the Order within 60 days of receipt. The parties will be notified if review of the Order will take more than 60 days, along with an estimate as to how much longer the review will take. After review, the Plan's legal counsel will determine whether the Order is a QDRO.

E. Determination of Qualified Status

If the Plan, following the advice of the Plan's legal counsel, determines that the DRO complies with each of the following requirements, then the DRO will be qualified and considered a QDRO:

- a. The Order must create or recognize the existence of an Alternate Payee's right, or assign 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. The Order must be made pursuant to a State or Tribal domestic relations law (including community property law).
- c. The Order must relate to the provision of child support, alimony payments or marital property rights to a spouse, former spouse, or child or other dependent of a Participant.

- d. The Order must clearly specify the names, dates of birth, Social Security Numbers and mailing addresses of the Participant and each Alternate Payee covered by the Order. (**Note that in order to maintain confidentiality, it is acceptable to provide the DOB and SSN separately from the DRO.**)
- e. The Order must specify the amount or percentage of the Participant's benefits to be paid by the Plan to each such Alternate Payee or the manner in which such amount or percentage is to be determined.
- f. The Order must specify the assignment date (i.e., the date to be used to divide the Participant's benefit).
- g. The Order must specify whether the Alternate Payee is entitled to gains/losses from the assignment date through the final date of distribution.
- h. The Order must specify that it applies to the Plan.
- i. The Order must not require the Plan to provide any type or form of benefit or any option not otherwise provided under the Plan.
- j. The Order must 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.

F. Determination that Order is a QDRO. If the Plan's legal counsel determines the Order is a QDRO:

- 1. The Plan Administrator will notify the Participant and each Alternate Payee (and his/her legal representative, as applicable) that the Order is a QDRO and the Plan will make distribution pursuant to the QDRO.
- 2. If the QDRO requires immediate payment, the Plan will pay the designated benefits as soon as administratively feasible following receipt of the election forms completed by the Alternate Payee.
- 3. If the QDRO specifies a determination date, payment of any amount the QDRO requires the Plan to pay during the determination period will include a pro rata share of the earnings, gains and losses in the Participant's Accounts unless otherwise specified in the QDRO.
- 4. The Plan Administrator will direct the Trustee to maintain a separate accounting (which may include a segregated account) for each Alternate Payee until the Plan has completed distribution of benefits under the QDRO.
- 5. The Alternate Payee shall be entitled to file with the Plan a beneficiary designation in the same manner as a Participant in the Plan with respect to the

Alternate Payee's assigned benefit in the Plan as established by the QDRO, unless the QDRO specifically provides otherwise.

6. The Participant has the right to appeal the determination by the Plan Administrator that the Order is a QDRO by filing a written notice of appeal with the Plan Administrator within 45 days of the Plan Administrator's final determination.

G. Determination that Order is Not a QDRO. If the Plan's legal counsel determines the Order is not a QDRO, the Plan Administrator will advise the Participant and each Alternate Payee (and the Participant's and Alternate Payee's respective legal representative, as applicable) of the adverse decision and of the reasons for the adverse decision.

H. DRO Not Qualified within 18 Months

If within an 18-month period the Order has not satisfied the requirement for a QDRO, the Plan shall:

- a. Notify the interested parties in writing that the QDRO file has been closed and that a new Order must be prepared.
- b. Authorize distribution of the segregated amounts to the person who would have been entitled to such amounts if there had been no Order.

V. General Policies Pertaining to QDROs

A. Definition of Alternate Payee. For purposes of processing domestic relations orders, Alternate Payee shall mean the definition under Section 414(p)(8) of the Internal Revenue Code as a "spouse, former spouse, child or other dependent of a participant" who is recognized by a valid domestic relations order as having a right to receive all, or a portion of, the benefits payable under the Plan with respect to such Participant.

B. Requirements for a QDRO. An Order shall be determined to be a QDRO only if it is an original or certified copy of a court judgment, decree or other (including a court-approved property settlement agreement) which relates to the provisions of child support, alimony payments or property rights to a spouse, former spouse, child or other dependent of a Participant made pursuant to a State **or Tribal** domestic relations law. The Order must be signed and dated by the presiding judge or other official authorized by State **or Tribal** law to sign such Orders. Additionally, the Order will be determined to be a QDRO only if:

1. It clearly specifies the name and last known mailing address of the Participant and the name and mailing address of each Alternate Payee covered by the Order.

2. It 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.
3. It clearly specifies the period to which such Order applies.
4. It clearly specifies each Plan to which such Order applies.
5. It does not require the Plan to provide any form of benefit or any option not otherwise provided under the Plan.
6. It does not require the payment of benefits to an Alternate Payee, which are required to be paid to another Alternate Payee under another order previously determined to be a QDRO.
7. It meets other requirements in the law or the Plan

C. Consultation with Legal Counsel. The Plan Administrator will consult with the Plan's legal counsel in case of questions that arise with respect to the interpretation of any provision of the Order or with respect to the qualified status of the Order.

D. Earnings, Gains and Losses. If the Order is silent regarding the calculation of earnings, gains and losses on an assigned benefit, then the Plan will include earnings, gains and losses on the Alternate Payee's assigned benefit as of the date specified in the Order, or, if a date is not specified in the Order, as of the date the Order was issued. If the Order specifies how to calculate earnings, gains and losses on an assigned benefit, then the Plan will follow the terms of the Order.

E. Payment. In the event the Order does not specify when payment is to be made, the Plan Administrator will create an account for the Alternate Payee and provide distribution forms for the Alternate Payee to elect when payment will be made. If the Order specifies when payment is to be made, the Plan will follow the terms of the Order, as long as the order complies with applicable laws and Plan provisions.

F. Social Security Numbers. The Plan requires that all final QDROs include the Social Security Number of both the Participant and the Alternate Payee. Social Security Numbers may also be provided in a separate confidential pleading, if required by the court issuing the Order.

G. Address Changes. The Alternate Payee must keep the Plan informed of any address changes.

H. Payment of Administrative Costs to Process QDRO. In the event that the Plan charges an administrative fee to process the QDRO, such fee shall be allocated as specified in the QDRO, or if the order is silent, between the parties equally.