

LOCAL 697, I.B.E.W. & ELECTRICAL INDUSTRY PENSION FUND
NOTICE AND PROCEDURES TO DETERMINE THE
QUALIFIED STATUS OF DOMESTIC RELATIONS ORDERS
AND TO ADMINISTER DISTRIBUTIONS UNDER SUCH QUALIFIED ORDERS

The Notice and Procedures to Determine the Qualified Status of Domestic Relations Orders and to Administer Distributions Under Such Qualified Order (“Notice”) shall be:

Section 1. Notice

Upon receipt of any domestic relations order by this Plan, the Plan Administrator shall take the following steps:

(a) The Plan Administrator shall promptly notify the Participant and Alternate Payee named in such order of the receipt of a Domestic Relations Order (QDRO) and the Plan's procedure for determining whether such order is a Qualified Domestic Relations Order (QDRO), as defined in Section 2 below, by sending the Participant and the alternate Payee a copy of this Notice.

(b) This notice shall be sent to the Participant and Alternate Payee at the address specified in the order, or if none is specified, at the address of the Participant or Alternate Payee last known to the Plan Administrator.

(c) The Participant and the Alternate Payee are each entitled to designate a representative for receipt of any copies of any notices that are sent with respect to a domestic relations order.

(d) Within a reasonable period of time after receipt of such order, the Plan Trustees shall determine whether such order is a Qualified Domestic Relations Order, in accordance with the provisions of Section 2 below, and notify the Participant and each Alternate Payee, or their representatives, of such determination. In making their determination, the Trustees may seek the advice of legal counsel as to whether the order meets the requirements of Section 2 hereof.

Section 2. Qualified Domestic Relations Orders

In order to constitute a Qualified Domestic Relations Order, the order must meet all the following requirements:

(a) The order must create or recognize the existence of the right of an Alternate Payee to, or must assign to an Alternate Payee the right to receive all or a portion of the benefits payable under the Plan with respect to a Participant. An “Alternate Payee” means any spouse, former spouse, child or other dependent of the Participant who is recognized as having a right to receive all, or a portion of the benefits payable under the Plan with respect to the Participant.

(b) The order must constitute a judgment, decree or order (including approval of a property settlement agreement) which relates to the provision 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 domestic relations law (including a community property law).

(c) The order must specify the following information:

- (1) the name, last known mailing address (if any), social security number, and date of birth of the Participant and the name, mailing address, social security number, and date of birth of each Alternate Payee covered by the order, unless the Plan Administrator has reason to know the address independent of the order.
- (2) 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 shall be determined.
- (3) the name of each Plan to which the order applies.

(d) The order must not require the Plan to provide any type or form of benefit, or any option, not otherwise provided under the terms of this Plan, nor require the plan to provide increased benefits (determined on the basis of actuarial value), nor require the payment of benefits to an Alternate Payee which are required to be paid to an Alternate Payee under a previous Qualified Domestic Relations Order. Notwithstanding the foregoing, the order may require the payment of benefits to an Alternate Payee while the Participant is still employed, provided, however, payments are not required to be made before the date on which the Participant attains (or would have attained) the Plan's early retirement age. Payments may be required in any form in which such benefits may be paid under the Plan to the Participant, except in the form of a joint and survivor annuity with respect to the Alternate Payee and his or her subsequent spouse.

Section 3. Payments During Participant's Employment

In the event the Qualified Domestic Relations Order requires payments to be made to the Alternate Payee while the Participant is employed but after he/she has attained (or would have attained) the Plan's early retirement age, the payments shall be computed as if the Participant had retired on the date on which payments under the order are to begin, taking into account only the present value of benefits actually accrued.

In the event of the death of a Participant prior to early retirement age, the Alternate Payee shall be entitled to benefits hereunder only if, and to the extent, provided under the Qualified Domestic Relations Order.

Section 4. Segregation of Funds

Pending the determination of whether a domestic relations order is a Qualified Domestic Relations Order, the Plan Administrator 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. The segregated amounts are necessary only if the Participant's pension is in pay status or is currently payable.

Section 5. Time Limitations

A determination of the QDRO's qualified status must be made within a reasonable period of time. However, in the case of a segregated amount, if within eighteen (18) months (beginning with the date on which the first payment would be required to be made under the QDRO) a determination cannot be made that the QDRO is qualified, the segregated amounts (including interest) shall be paid to the person entitled to receive payments had there been no order. Any later determination that the order is qualified shall apply prospectively only, and the Alternate Payee may have a cause of action for earlier payments against the Participant, but the Plan is not liable to the Alternate Payee for prior payments.

Section 6. Payee as Participant and Distributee

The Alternate Payee shall be treated as a Participant of this Fund and a distributee for tax purposes so that tax withholding forms and distribution forms (1099-R, W-4P) will be completed for the Alternate Payee.

TIME IS OF THE ESSENCE - NO BENEFIT WILL BE PAID TO ANYONE (PARTICIPANT OR ALTERNATE PAYEE) UNTIL DOMESTIC RELATIONS ORDER IS QUALIFIED!