

QDRO PROCEDURES

**I.B.E.W. LOCAL 25 PENSION FUND
I.B.E.W. LOCAL 25 401K FUND AND/OR
ANNUITY FUND OF THE ELECTRICAL INDUSTRY OF L.I.
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PROCEDURES CONCERNING DOMESTIC RELATIONS ORDERS

The Board of Trustees (the "Board") of the I.B.E.W. Local 25 Pension Fund, I.B.E.W. Local 25 401K Fund and/or the Annuity Fund of the Electrical Industry of L.I. (the "Plans") will administer all domestic relations orders or draft domestic relations orders ("Orders") received with respect to any one of the Plans. The Board will follow these Procedures in making any determination as to whether such an Order is a qualified domestic relations order (a "QDRO"), under Section 414(p) of the Internal Revenue Code ("Code") and Section 206(d) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), and all applicable government regulations and guidance. Where appropriate, the terms "Board" or "Board of Trustees" may also refer to any individual or individuals appointed or employed by the Board to carry out its responsibilities in connection with the evaluation and/or implementation of domestic relations orders.

QUALIFIED DOMESTIC RELATIONS ORDERS MUST BE INDIVIDUAL TO EACH OF THE ABOVE FUNDS.

Procedures for Determining the Qualified Status of an Order

I. Receipt of Document

- A. Upon receipt of an Order, the Board will send written notice that it has received the Order, to each party named in the Order. If the parties are represented by counsel, notice will be sent to their respective counsel. The

addresses specified in the Order shall generally be used.

- B. A copy of these Procedures shall be enclosed with the notice.

II. Separate Accounting

If any payments from any of the Plans are to be made (1) either (i) under Plan provisions or (ii) under the Order, and (2) at any time after the Board's receipt of the Order, but before a final determination has been made as to whether the Order is a QDRO (by the Board, or by judicial or other review), then any of the Plans shall separately account for any amounts that would be payable to an alternate payee under the Order, should the Order be ultimately determined to be a QDRO. However, amounts that the Board determines would be payable to the Plan participant or any beneficiary, regardless of whether the Order is a QDRO, do not require a separate accounting.

III. Suspension of Payments

- A. If Plan benefits are currently being paid to a participant when the Order is received by the Board, then the Board may suspend all or a portion of the participant's benefit payments. No actuarial adjustment will be made in connection with any make-up payments relating to this suspension.
- B. If the Board is notified in writing that an Order is being sought, then they may delay payment of Plan benefits for a reasonable time. No actuarial adjustment will be made in connection with any make-up payments relating to this delay.

IV. QDRO Determination





The Board will submit the Order to its counsel to review and advise if it constitutes a qualified domestic relations order.

Initial Determination that Order is a QDRO

Should the counsel initially determine that the Order is a QDRO, then the Board shall give written notice to the Parties or to any designated recipient that the Order is a QDRO.

Initial Determination that Order is Not a QDRO

Requirements for Qualification. For any Order to constitute a QDRO, it must:

- A. be a domestic relations order; that is, a judgment, decree, or order (including approval of a property settlement agreement) which relates to the provision of child support, alimony payments, or marital, or marital property rights to a spouse, former spouse, child or other dependent of a participant, and which is made pursuant to a state domestic relations law (including a community property law);
- B. create or recognize the existence of an alternate payee's right to, or assign to an alternate payee the right to, receive all or a portion of the benefit payable with respect to a participant under any of the Plans;
- C. be properly certified and signed;
- D. Clearly specify:
 -  the name and last known mailing address (if any) and Social Security number of the participant and each alternate payee (the "Parties") covered by the Order,
 -  the number of payments or the period to which such order applies and when payments to an alternate payee are to begin,
 -  the Plan to which such order applies; and
 -  the amount or percentage of the participant's vested benefit to be paid by

any of the Plans to each alternate payee, or the manner in which such amount or percentage is to be determined.

✎ The Order should clearly provide guidance to the Board with respect to the following issues:

- (i) future accruals;
- (ii) future increased vesting and its effect on the alternate payee's interest in the participant's accrued benefit; and
- (iii) the effect of either the participant or the alternate payee predeceasing the other.

E. not require:

✎ any of the Plans to provide any type or form of benefit, or any option, not otherwise provided under any of the Plans (except that an Order may provide that payments to the alternate payee will commence prior to the participant's actual retirement, as described in item F below), or to pay the benefits awarded to the alternate payee in the form of a joint and survivor annuity for the lives of the alternate payee and the alternate payee's subsequent spouse,

✎ any of the Plans to provide increased benefits (determined on the basis of actuarial value), or

✎ 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 qualified domestic relations order with respect to the participant.

F. In case an Order calls for payments to an alternate payee before a participant has

separated from employment covered by any of the Plans, the Order may require that payment of benefits be made to an alternate payee as soon as practicable after the Order is determined to be a QDRO and after the participant has reached the "earliest retirement age" under any of the Plans, or at such other time which complies with Code, ERISA and judicial decisions.

The term "alternate payee" is any spouse, former spouse, child, or other dependent of a participant who is recognized by a 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.

- G. Comply with all requirements of the Code, ERISA, their regulations and judicial decisions.

Review of Order. Within a reasonable time after receipt of an Order, the Board will determine whether the Order is or is not a QDRO.

V. Initial Determination that Order is a QDRO

Should the counsel initially determine that the Order is a QDRO, then the Board shall give written notice to the Parties or any designated recipients that the Order is a QDRO.

VI. Initial Determination that Order is Not a QDRO

Should the counsel initially determine that the Order is not a QDRO, then the Board and/or their counsel shall give written notice to all Parties or counsel. The written notice shall state the reasons for the initial determination and/or provide suggested amendments to the Order, which would allow the Order to satisfy the Code and ERISA requirements. In addition, the Board or its legal counsel may directly contact the Parties' counsel to advise them to amend the Order appropriately.

VII. General Procedure - Amendment of the Order

- A. The Parties' will submit one or more draft, revised Orders to the Board and/or the Board's legal counsel. The Board's legal counsel will review each draft and notify the parties' counsel by written notice, if and how the draft should further be amended.
- B. It is expected that the Board or its legal counsel will ultimately inform the parties' counsel that the draft, revised Order meets the requirements for a QDRO. Then, after the Board receives a certified copy of the revised Order, as entered by a judge, they will inform the parties' counsel, by written notice, that the revised Order is a QDRO and that the Alternate Payee's interest has been duly noted in the Participant's file.

VIII. Dispute of Initial Determination

- A. Any Party or their counsel may dispute an initial determination regarding an Order by mailing written notice to the Board or its legal counsel within ninety (90) days after the initial determination was mailed.

The written notice of dispute should be mailed to Fund Counsel:

Gary A. Thayer, Esq.
Archer, Byington, Glennon & Levine LLP
534 Broadhollow Road, Suite 430
Melville, New York 11747

- B. Should any Party or their counsel dispute an initial determination, as provided in the preceding paragraph, then the Board shall confer with its legal counsel regarding the determination. Each Party or their counsel will be given reasonable opportunity to submit written material to the Board or its counsel, in support of his/her position. Upon advice of its

counsel, the Board may issue a final determination.

IX. Notice of Final Determination

The Board will give written notice to each Party or Counsel, in the event of a final determination, judicial review or other action.

X. After the Determination

Determinations Binding. All determinations made and actions taken by the Board will be conclusive and binding upon any of the Plans, the participant, the participant's spouse and beneficiaries, and any alternate payee named in the Order received by the Plan.

QDRO Procedures Modifications. The Board will have the right to amend or modify these Procedures at any time in accordance with the amendment procedures of any of the Plans and without notice to any Party; provided, however, that the Board will make available to each Party to a pending QDRO determination a copy of the amended or modified procedures. No amendment or modification, unless required by law or applicable regulation, will cause an order previously determined to be a QDRO to fail to retain that status, or cause an order previously determined not to be a QDRO to be recharacterized as a QDRO.