EAST ALLEN COUNTY SCHOOLS 403(b) PLAN

ADOPTED USING
PDS ADVANTAGE™ 403(b) TAX DEFERRED ANNUITY PLAN
ADOPTION AGREEMENT NO. 1
WITH
BASE PLAN DOCUMENT NO. 1
TABLE OF CONTENTS

I. DOCUMENT PROVIDER INFORMATION ................................................................. 1
   I.1 DOCUMENT PROVIDER ......................................................................................... 1

II. GENERAL PLAN INFORMATION ........................................................................... 2
   II.1 EMPLOYER ........................................................................................................ 2
   II.2 EMPLOYER’S BUSINESS ................................................................................. 2
   II.3 PLAN ADMINISTRATOR ................................................................................. 2
   II.4 PLAN ................................................................................................................ 2
   II.5 PLAN EFFECTIVE DATES .............................................................................. 3
   II.6 VARYING EFFECTIVE DATES ...................................................................... 3
   II.7 PLAN YEAR AND LIMITATION YEAR ......................................................... 4
   II.8 ADOPTION BY OTHER EXEMPT ORGANIZATIONS ................................... 4

III. MERGERS AND SPIN-OFFS ............................................................................... 5
   III.1 SPIN-OFF PLAN .............................................................................................. 5
   III.2 MERGER DOCUMENTATION ....................................................................... 5

IV. GRANDFATHERED PROVISIONS ...................................................................... 6
   IV.1 GRANDFATHERED ANNUITIES .................................................................. 6
   IV.2 GRANDFATHERED IN-SERVICE WITHDRAWAL PROVISIONS ................. 6
   IV.3 GRANDFATHERED VESTING PROVISIONS .................................................. 6

V. PERMITTED CONTRIBUTIONS ............................................................................. 7
   V.1 ELECTIVE 403(B) CONTRIBUTIONS ............................................................... 7
   V.2 AFTER-TAX CONTRIBUTIONS .................................................................... 7
   V.3 ROLLOVER CONTRIBUTIONS ....................................................................... 7
   V.4 EMPLOYER CONTRIBUTIONS ..................................................................... 7

VI. COVERAGE AND ELIGIBILITY .......................................................................... 8
   VI.1 COVERAGE REQUIREMENTS ...................................................................... 8
   VI.2 ELIGIBILITY REQUIREMENTS ................................................................... 9
   VI.3 HOURS OF SERVICE METHOD OF CREDITING ELIGIBILITY SERVICE .... 11

VII. ENTRY DATES AND RETIREMENT DATES .................................................... 13
    VII.1 ENTRY DATES ............................................................................................. 13
    VII.2 ENTRY OPTION .......................................................................................... 13
    VII.3 RETIREMENT DATES ................................................................................. 13

VIII. COMPENSATION AND HCE DETERMINATIONS .......................................... 14
     VIII.1 DEFINITION OF CONTRIBUTION COMPENSATION .............................. 14
     VIII.2 OPTIONAL INCLUSIONS TO CONTRIBUTION COMPENSATION ....... 14
     VIII.3 OPTIONAL EXCLUSIONS FROM CONTRIBUTION COMPENSATION ... 15
     VIII.4 DEFINITION OF COMPENSATION USED FOR ACP TESTING ........... 15
     VIII.5 DEFINITION OF HCE ............................................................................. 16
     VIII.6 DEFINITION OF COMPENSATION USED TO DETERMINE HCES .... 17

IX. EMPLOYEE CONTRIBUTIONS ............................................................................. 18
    IX.1 ELECTIVE 403(B) CONTRIBUTIONS ............................................................ 18
    IX.2 ONGOING AFTER-TAX CONTRIBUTIONS ................................................................
    IX.3 MODIFICATIONS OF CONTRIBUTION ELECTIONS .................................. 21
    IX.4 ROLLOVER CONTRIBUTIONS .................................................................... 21
X. EMPLOYER MATCHING CONTRIBUTIONS .......................................................... 23
  X.1 MATCH FEATURES ................................................................................... 23
  X.2 OPTIONAL LIMITATIONS ON MATCHING CONTRIBUTIONS ...................... 23
  X.3 CONTRIBUTION PERIOD ........................................................................ 24
  X.4 PARTICIPANTS EXCLUDED ...................................................................... 24

XI. EMPLOYER NONELECTIVE CONTRIBUTIONS .............................................. 25
  XI.1 NONELECTIVE CONTRIBUTION FEATURES ............................................. 25
  XI.2 ALLOCATION FORMULA ....................................................................... 25
  XI.3 ADDITIONAL NONELECTIVE CONTRIBUTIONS ....................................... 26
  XI.4 COMPENSATION EXCLUSION ................................................................ 26
  XI.5 CONTRIBUTION PERIOD ........................................................................ 26

XII. ADDITIONAL REQUIREMENTS FOR RECEIVING EMPLOYER CONTRIBUTIONS ........................................................................................................ 27
  XII.1 ALLOCATION REQUIREMENTS .............................................................. 27
  XII.2 EXCEPTIONS TO ALLOCATION REQUIREMENTS ...................................... 28
  XII.3 HOURS OF SERVICE CREDITING ........................................................ 29
  XII.4 DEFINITION OF DISABILITY ................................................................. 29

XIII. VESTING OF EMPLOYER CONTRIBUTIONS ............................................. 30
  XIII.1 REGULAR VESTING SCHEDULE ......................................................... 30
  XIII.2 SPECIAL VESTING EVENTS ................................................................. 32
  XIII.3 FORFEITURES ..................................................................................... 32

XIV. CREDITING VESTING SERVICE .................................................................. 37
  XIV.1 YEARS OF SERVICE CREDITING METHOD ........................................... 37
  XIV.2 VESTING SERVICE EXCLUSIONS ....................................................... 37

XV. CONTRIBUTION LIMITATIONS ................................................................... 38
  XV.1 CODE SECTION 415 LIMITATIONS ..................................................... 38
  XV.2 CODE SECTION 401(M) LIMITATIONS ............................................... 38
  XV.3 CODE SECTION 402(G) LIMITS ............................................................ 38

XVI. INVESTMENT OF PARTICIPANT ACCOUNTS ............................................ 40
  XVI.1 PARTICIPANT DIRECTED INVESTMENTS .............................................. 40
  XVI.2 AVAILABLE INVESTMENTS ................................................................. 40
  XVI.3 TRANSFER OF INVESTMENTS ............................................................. 40

XVII. HARDSHIP WITHDRAWALS .................................................................. 42
  XVII.1 AVAILABILITY .................................................................................... 42
  XVII.2 DEFINITION OF IMMEDIATE AND HEAVY FINANCIAL NEED BASED ON IRS SAFE HARBORS ONLY ................................................................. 42
  XVII.3 HARDSHIP WITHDRAWALS WILL BE EFFECTIVE AS SOON AS ADMINISTRATIVELY FEASIBLE AFTER APPROVAL ........................................... 42

XVIII. NON-HARDSHIP WITHDRAWALS UPON ATTAINMENT OF SPECIFIED AGE ........................................................................................................... 43
  XVIII.1 SOURCES AND CONDITIONS FOR NON-HARDSHIP WITHDRAWALS ................................................................. 43
  XVIII.2 NON-HARDSHIP WITHDRAWAL FEATURES .................................... 43

XIX. LOANS ...................................................................................................... 44
  XIX.1 AVAILABILITY ..................................................................................... 44
EAST ALLEN COUNTY SCHOOLS 403(b) PLAN

ADOPTED USING
PDS ADVANTAGE™ 403(b) TAX DEFERRED ANNUITY PLAN
ADOPTION AGREEMENT NO. 1
WITH
BASE PLAN DOCUMENT NO. 1

I. DOCUMENT PROVIDER INFORMATION

I.1 DOCUMENT PROVIDER

(a) ♦ Name:

Hartford Life Insurance Company

(b) ♦ Address:

200 Hopmeadow Street
Simsbury, CT 06089
II. GENERAL PLAN INFORMATION

II.1 EMPLOYER

(a) ♦ Legal name of employer:
   East Allen County Schools

(b) ♦ Address:
   1240 State Road 930 East
   New Haven, IN 46774

(c) ♦ Employer identification number: 35-1097344

(d) ♦ Employer’s fiscal year ends: December 31

II.2 EMPLOYER’S BUSINESS

(a) (X) Public educational organization
(b) ( ) Church
(c) ( ) Other 501(c)(3) tax exempt organization

II.3 PLAN ADMINISTRATOR

(a) ♦ Name:
   Not applicable

(b) ♦ Address:
   Not applicable

(c) ♦ Phone:

II.4 PLAN

(a) ♦ Plan type:
   (1) ( ) Elective 403(b) contributions only (may include matching contributions)
   (A) ( ) Employer does not maintain plan, but acts only as conduit for employees making elective 403(b) contributions (plan may not provide for employer contributions)
   (2) (X) Elective 403(b) and nonelective contributions
   (3) ( ) Nonelective contributions only
   (4) [X] Governmental plan
   (5) [ ] Non-electing church plan
Unless otherwise elected in this adoption agreement, governmental and non-electing church plans are not legally required to comply with the following:

(A) The maximum age and service requirements described in Sections VI.2.(a) and (b) of the adoption agreement

(B) The limitations on vesting schedules described in Section XII of the adoption agreement (vesting requirements cannot result in discrimination)

(C) The testing provisions described in Sections 7.4 and 7.5 of the base plan document

(D) The distribution requirements in Section 15.6(a) of the base plan document

(E) The "qualified election" requirements described in Section 16.1 of the base plan document

(F) The "automatic annuity" requirements described in Section 16.4 of the base plan document or any provision contingent upon the plan being subject to such requirements

(G) The spousal consent requirements described in Section 17.2 of the base plan document

Plan name:
East Allen County Schools 403(b) Plan

Plan number: 002

II.5 PLAN EFFECTIVE DATES

(a) ( ) New plan effective date (month/day/year): _______________

(b) (X) Restatement effective date (month/day/year): September 1, 2008

(1) Original effective date (month/day/year): August 22, 1974

(2) [ ] Plan name changed upon restatement

(A) Prior plan name:

(3) [ ] Frozen plan

II.6 VARYING EFFECTIVE DATES

(a) [ ] Specific plan provisions have special effective dates

(1) Specified plan provisions and their special effective dates:
II.7 PLAN YEAR AND LIMITATION YEAR

(a) ♦ Plan year is:
   (1) (X) 12 consecutive month period ending (month/day): December 31
   (2) ( ) Other definition of plan year:

(b) ♦ Limitation year is:
   (1) (X) Plan year
   (2) ( ) Employer's fiscal year
   (3) ( ) Calendar year
   (4) ( ) 12-consecutive month period designated by employer
   (5) ( ) Other 12-month period: ________________

II.8 ADOPTION BY OTHER EXEMPT ORGANIZATIONS

(a) ( ) No adoption by other exempt organizations
(b) (X) Adoption by other aggregated exempt organizations
   (Only exempt organizations that are or may be aggregated with the employer may adopt the plan. Another organization is aggregated with the employer if (1) 80% of its directors or trustees are either representatives of or directly or indirectly controlled by the employer (or vice versa) or (2) the other organization's employees are covered under the plan and the organization and the employer coordinate their day-to-day exempt activities.)
   (1) ♦ List of other adopting organizations:
      All Employers of the Sponsor's group of employers under common control.

(c) ( ) Plan covers employees of more than one organization, but plan is not maintained or sponsored by such organizations
   (1) ♦ List of other adopting organizations:
III. MERGERS AND SPIN-OFFS

III.1 SPIN-OFF PLAN
(a) [ ] Plan is spin-off from other plan
   (1) ✷ Name of other plan

III.2 MERGER DOCUMENTATION
(a) [ ] Other plan(s) merged into existing plan
   (Complete Addendum Re: Plan Mergers.)
IV. GRANDFATHERED PROVISIONS

IV.1 GRANDFATHERED ANNUITIES
   (a) [ ] Annuity form of payment grandfathered for certain participants
       (Complete Addendum Re: Grandfathered Annuities.)

IV.2 GRANDFATHERED IN-SERVICE WITHDRAWAL PROVISIONS
   (a) [ ] Prior in-service withdrawal provisions grandfathered for certain participants
       (Complete Addendum Re: Grandfathered Withdrawal Provisions.)

IV.3 GRANDFATHERED VESTING PROVISIONS
   (a) [ ] Pre-EGTRRA vesting schedule grandfathered for certain matching contributions
       (Complete Addendum Re: Grandfathered Vesting Schedules.)
   (b) [ ] Other prior vesting schedule grandfathered
       (Complete Addendum Re: Grandfathered Vesting Schedules.)
V. PERMITTED CONTRIBUTIONS

V.1 ELECTIVE 403(b) CONTRIBUTIONS
(a) [X] Ongoing elective 403(b) contributions

V.2 AFTER-TAX CONTRIBUTIONS
(a) [ ] Plan assets include after-tax contributions:
   (1) [ ] Ongoing after-tax contributions
   (2) [ ] Transferred after-tax contributions
   (3) [ ] Frozen after-tax contributions

V.3 ROLLOVER CONTRIBUTIONS
(a) [X] Rollovers into plan permitted
   (1) [ ] Only covered employees who have met the applicable age and/or
       service requirements may make rollover contributions
   (2) [ ] Participants may roll loans into plan

V.4 EMPLOYER CONTRIBUTIONS
(a) [X] Ongoing nonelective contribution
(b) [ ] Prior nonelective contributions
(c) [ ] Ongoing matching contributions
(d) [ ] Prior matching contributions
VI. COVERAGE AND ELIGIBILITY

VI.1 COVERAGE REQUIREMENTS

(a) ♦ Covered employees for purposes of employer contributions exclude:
   (Persons classified by the employer as independent contractors, who are
   recharacterized as employees of the employer, are automatically excluded from
   coverage unless and until the employer elects to extend coverage to such persons.)

   (1) [ ] Students under Code Section 3121(b)(10)

   (2) [ ] Employees who normally work fewer than 20 hours per week

   (Unless the plan is a governmental or church plan, an employee may only be excluded
   under this provision if (i) the employer reasonably expects the employee to work fewer
   than 1,000 hours during the 12-month period beginning on his hire date and (ii) for each
   plan year ending after such 12-month period, the employee works fewer than 1,000
   hours during the immediately preceding 12 months. If the plan is subject to Title I of
   ERISA, the requirements of ERISA Section 202(a) may apply to require participation by
   any employee who has reached age 21 and completed 1,000 hours of service in the 12-
   consecutive-month period beginning on his employment date or any plan year
   beginning after that date.)

   (3) [ ] Collectively-bargained employees

   (A) [ ] Regardless of the above, collectively-bargained employees

   (covered by an agreement that provides for their participation are
   included as covered employees

   (4) [ ] Non-resident aliens who do not have a United States source income

   (5) [ ] HCEs

   (6) [ ] Employees at the following locations:

   (A) ♦ Excluded locations:

   (7) [ ] Employees who are not employed at a covered location:

   (A) ♦ Covered locations:

   (8) [X] Other excluded employees

   (A) ♦ Excluded employees:

   Any terminated employee not classified as any Superintendent hired before July
   1, 2001, and any Bus Driver, Food Service Employee, Educational Interpreter,
   Language Translators, Secretaries, Paraprofessionals, and Nurses hired before
   January 1, 2006.

   (Unless the plan is a governmental or church plan, if employees are excluded on
   the basis of their expected hours worked, any such employee will nevertheless
   become a covered employee on the date he first reaches age 21 and has
   completed at least 1,000 hours of service in the 12-consecutive-month period
   beginning on his employment date or any plan year beginning after that date.)

(b) ♦ Covered employees for purposes of elective 403(b) contributions exclude:

   (1) [ ] Employees who participate in governmental 457(b) plan that allows
salary deferrals

(2) [ ] Employees who are eligible to make cash or deferred election under 401(k) plan of employer

(3) [ ] Non-resident aliens who do not have a United States source income

(4) [ ] Students under Code Section 3121(b)(10)

(5) [ ] Employees who normally work fewer than 20 hours per week

(Unless the plan is a governmental or church plan, an employee may only be excluded under this provision if (i) the employer reasonably expects the employee to work fewer than 1,000 hours during the 12-month period beginning on his hire date and (ii) for each plan year ending after such 12-month period, the employee works fewer than 1,000 hours during the immediately preceding 12 months. If the plan is subject to Title I of ERISA, the requirements of ERISA Section 202(a) may apply to require participation by any employee who has reached age 21 and completed 1,000 hours of service in the 12-consecutive-month period beginning on his employment date or any plan year beginning after that date.)

(6) [X] Employees who do not elect to make elective 403(b) contributions of more than $200 for the plan year

(7) [ ] Employees of an employer that does not permit its employees to make elective 403(b) contributions

(Select only if the plan covers multiple 501(c)(3) organizations, some of which do not provide for elective contributions, or the employer has historically treated one or more of its geographically distinct units as separate for employee benefits purposes and any such unit does not provide for elective contributions.)

(c) Covered employees for purposes of ongoing after-tax contributions:

(1) ♦ If the plan provides for elective 403(b) contributions, the exclusions selected in (b) above, if any, apply

(2) ♦ If the plan does not provide for elective 403(b) contributions, the exclusions selected in (a) above, if any, apply

VI.2 ELIGIBILITY REQUIREMENTS

(a) Age requirement:

(1) ♦ No age requirement applies for eligibility to make elective 403(b) contributions. If the plan provides for ongoing after-tax contributions in addition to elective 403(b) contributions, no age requirement applies for eligibility to make ongoing after-tax contributions

(2) ♦ Age requirement for other contributions

(A) (X) No age requirement

(B) ( ) Single age requirement for participation: __________ (≤ 21; ≤ 26 for educational organizations if plan provides for 100% vesting upon completion of 1 year of service)

(If the above option is selected, the minimum age requirement will apply for purposes of eligibility to share in allocations of employer contributions and, if the plan does not provide for elective 403(b) contributions, eligibility to make ongoing after-tax contributions.)

(C) ( ) Separate age requirements for participation

(i) [ ] Age requirement to receive nonelective contributions: __________ (≤ 21; ≤ 26 for educational organizations if plan provides for 100% vesting upon completion of 1 year of service)

(ii) [ ] Age requirement to receive regular, additional discretionary, and/or true up matching contributions: __________ (≤ 21; ≤ 26 for educational organizations if plan provides for 100% vesting upon completion of 1 year of service)

(iii) [ ] If the plan does not provide for elective 403(b)
contributions, age requirement to make after-tax contributions: __________ (≤ 21; ≤ 26 for educational organizations)

(b) ♦ Eligibility service requirement:

(1) ♦ No eligibility service requirement applies for eligibility to make elective 403(b) contributions, if the plan provides for ongoing after-tax contributions in addition to elective 403(b) contributions, no eligibility service requirement applies for eligibility to make ongoing after-tax contributions

(2) ♦ Eligibility service requirement for other contributions

(A) (X) No eligibility service requirement

(B) ( ) Single eligibility service requirement

(If the above option is selected, the eligibility service requirement will apply for purposes of eligibility to make after-tax contributions, if any, and for purposes of eligibility to share in allocations of employer contributions.)

(i) ♦ Crediting method:

(a) ( ) Elapsed time:

(1) ♦ Service requirement is:

(A) ( ) __________ months (≤ 24)

(B) ( ) __________ days (≤ 670)

(b) ( ) Hours of service:

(1) ♦ Service requirement is:

(A) ( ) One year

(B) ( ) Two years (unless the plan is a governmental or church plan, employer contributions will be 100% vested)

(C) ( ) Other number of years: __________ (choose only if plan is a governmental or church plan)

(C) ( ) Separate eligibility service requirements for participation

(i) [ ] Service requirement for nonelective contributions:

(a) ♦ Crediting method:

(1) ( ) Elapsed time:

(A) ♦ Service requirement is:

(i) ( ) __________ months (≤ 24 unless plan is governmental or church plan)

(ii) ( ) __________ days (≤ 670 unless plan is governmental or church plan)

(2) ( ) Hours of service:

(A) ♦ Service requirement is:

(i) ( ) One year

(ii) ( ) Two years (unless the plan is governmental or church plan, nonelective contributions will be 100% vested)

(iii) ( ) Other number of years: __________ (choose only if plan is a governmental or church plan)

(ii) [ ] Service requirement for regular, additional discretionary, and/or true up matching contributions:
VI.3 HOURS OF SERVICE METHOD OF CREDITING ELIGIBILITY SERVICE
(Complete only if eligibility service is credited for any purpose by the hours of service method.)

(a) ♦ Required hours:
   (1) ( ) 1,000 Hours required for year of service
   (2) ( ) __________ (< 1,000) Hours required for year of service

(b) [ ] Computation period switches to plan year

(c) [ ] Hours credited using the following DOL equivalency (governmental and non-electing church plans are not required to use DOL equivalencies):
   (1) ( ) 10 hours per day
   (2) ( ) 45 hours per week
   (3) ( ) 95 hours per semi-monthly payroll period
   (4) ( ) 190 hours per month

(d) [ ] Limit hours of service credited during absence from employment (other than...
military leave)

(1) ♦ Number of hours credited for absence (not fewer than hours required to prevent a break in eligibility service) : __________

(2) [ ] Limit does not apply to the following specified absences:
VII. ENTRY DATES AND RETIREMENT DATES

VII.1 ENTRY DATES

(Unless the plan is a governmental or non-electing church plan, an entry date option that is less frequent than semi-annual may only apply to after-tax or employer contributions if any age requirement applicable to the contribution is \( \leq 20 \frac{1}{2} \) (\( \leq 25 \frac{1}{2} \) for educational organizations) and any service requirement is \( \leq 6 \) months)

(a) (X) Daily
(b) ( ) Monthly
(c) ( ) 1st day of each payroll period
(d) ( ) Quarterly (month/day): ______________
(e) ( ) Semi-annually (month/day): ______________
(f) ( ) Annually (month/day): ______________
(g) ( ) Other dates:

(If the plan provides for elective 403(b) contributions, entry for purposes of elective 403(b) contributions and ongoing after-tax contributions, if applicable, will be immediate.)

VII.2 ENTRY OPTION

(a) [X] Participate on entry date coinciding with or next following satisfaction of eligibility requirements

VII.3 RETIREMENT DATES

(a) ♦ Normal retirement date is:
   (1) (X) Attainment of a specified age: 59 1/2 (\( \leq 65 \))
   (2) ( ) Later of age __________ (\( \leq 65 \) or __________ (\( \leq 65 \) or __________ (\( \leq 65 \)) or non-electing church plan) anniversary of commencement

   (A) ♦ Anniversary of commencement of:
   (i) ( ) Employment
   (ii) ( ) Participation

   (3) ( ) Other: __________ (choose only if governmental or non-electing church plan)

(b) ♦ Early retirement date is:
   (1) (X) Not applicable
   (2) ( ) Attainment of a specified age: __________ (\( \leq NRD \))
   (3) ( ) Later of specified age: __________ (\( \leq NRD \)) or completion of: __________ years of vesting service
VIII. COMPENSATION AND HCE DETERMINATIONS

VIII.1 DEFINITION OF CONTRIBUTION COMPENSATION

(a) (X) Safe harbor definition of contribution compensation
   (1) (X) W-2
   (2) ( ) W-2 less moving expenses only
   (3) ( ) Withholding
   (4) ( ) General section 415 (all specific inclusions in 1.415(c)-2(b) and all specific exclusions in 1.415(c)-2(c))
   (5) ( ) Modified section 415 (safe harbor definition in 1.415(c)-2(d)(2): includes only general inclusions in 1.415(c)-2(b)(1) or (2) and all specific exclusions under 1.415(c)-2(c))

(b) ( ) Non-safe harbor definition of contribution compensation
   (1) ( ) Total compensation excluding non-cash compensation
   (2) ( ) Regular rate of pay
   (3) ( ) Other:

VIII.2 OPTIONAL INCLUSIONS TO CONTRIBUTION COMPENSATION

(a) [X] Optional inclusions apply
   (1) (X) All safe harbor inclusions
      (All amounts deferred or excluded from taxable compensation under Code Section 125, 132(f)(4), 402(g)(3), 402(h)(1)(B), 403(b), or 457(b) are added back to compensation for purposes of determining contributions.)
      (A) [X] Where group health plan does not permit cash distribution in lieu of coverage unless participant can certify that he has other health coverage, amounts not receivable because participant cannot make requisite certification are nevertheless deemed to come under Code Section 125
   (2) ( ) Only elective 403(b) contributions
      (Do not select with 1 above.)
   (3) [ ] Specified post-severance payments made before later of (i) end of plan year in which severance occurs or (ii) within 2 1/2 months of severance (choose (A) and/or (B) below):
      (Regular compensation for services, commissions, bonuses, or other similar payments that would have been paid to a participant before termination if his employment had continued are automatically included in compensation if paid within the period specified above, unless specifically excluded in VIII.3.(a)(2)(D) below.)
      (A) [ ] Payments for accrued leave (bona fide sick leave or vacation) the participant would have been able to use such leave if employment continued
      (B) [ ] Amounts received from a non-qualified, unfunded deferred compensation plan that would have been payable at the same time if the participant continued employment, but only to the extent includable in gross income
VIII.3 OPTIONAL EXCLUSIONS FROM CONTRIBUTION COMPENSATION

(a) [ ] Optional exclusions apply
   (1) [ ] Safe harbor exclusions apply
      (Reimbursements or other expense allowances, fringe benefits, moving expenses, deferred compensation, and welfare benefits are all excluded from compensation.)
   (2) [ ] Non-safe harbor exclusions apply
      (If non-safe harbor exclusions are selected for nonelective contributions, compensation may need to be tested to show that it meets the requirements of Code Section 414(s) or nonelective contributions may need to be tested to show that they satisfy Code Section 401(a)(4).)

(A) [ ] Bonuses
(B) [ ] Overtime
(C) [ ] Commissions
(D) [ ] Post-severance payments of regular compensation for services, commissions, bonuses, and other similar payments even if paid before later of (i) end of plan year in which severance occurs or (ii) within 2 1/2 months of severance
(E) [ ] Other:

(3) [ ] Compensation taken into account for a plan year shall not exceed $__________ (must be less than the 401(a)(17) limit)

VIII.4 DEFINITION OF COMPENSATION USED FOR ACP TESTING

(a) (X) Not applicable
   (Select only if (i) plan does not provide for matching contributions or ongoing after-tax contributions, (ii) highly compensated employees cannot receive matching contributions or make after-tax contributions, or (iii) plan is governmental or non-electing church plan.)

(b) ( ) Test compensation definition
   (1) ( ) W-2
   (2) ( ) W-2 less moving expenses only
   (3) ( ) Withholding
   (4) ( ) General Section 415 (all specific inclusions in 1.415(c)-2(b) and all specific exclusions in 1.415(c)-2(c))
   (5) ( ) Modified Section 415 (safe harbor definition in 1.415(c)-2(d)(2): includes only general inclusions in 1.415(c)-2(b)(1) or (2) and all specific exclusions under 1.415(c)-2(c))
   (6) ( ) Optional inclusions in test compensation

(A) [ ] All safe harbor inclusions
   (All amounts deferred or excluded from taxable compensation under Code Section 125, 132(f)(4), 402(g)(3), 402(h)(1)(B), 403(b), or 457(b) are added back to Compensation for purposes of determining contributions.)

(i) [ ] Where group health plan does not permit cash distribution in lieu of coverage unless participant can certify that he has other health coverage, amounts not receivable because participant cannot make requisite certification are nevertheless deemed to come under Code Section 125

(B) [ ] Specified post-severance payments made before later of (i) end of
plan year in which severance occurs or (ii) within 2 1/2 months of severance (choose (i) and/or (ii) below):

(Regular compensation for services, commissions, bonuses, or other similar payments that would have been paid to a participant before termination if his employment had continued are automatically included in compensation if paid within the period specified above, unless specifically excluded in VIII.4.(b)(7)(B)(4) below.)

(i) [ ] Payments for accrued leave (bona fide sick leave or vacation) the participant would have been able to use such leave if employment continued

(ii) [ ] Amounts received from a non-qualified, unfunded deferred compensation plan that would have been payable at the same time if the participant continued employment, but only to the extent includable in gross income

(7) [ ] Optional exclusions from test compensation

(A) [ ] Safe harbor exclusions

(Reimbursements or other expense allowances, fringe benefits, moving expenses, deferred compensation, and welfare benefits are all excluded from compensation)

(B) [ ] Non-safe harbor exclusions

(Compensation will need to be tested to show that it meets Code Section 414(s).)

(i) [ ] Bonuses

(ii) [ ] Overtime

(iii) [ ] Commissions

(iv) [ ] Post-severance payments of regular compensation for services, commissions, bonuses, and other similar payments even if paid before later of (i) end of plan year in which severance occurs or (ii) within 2 1/2 months of severance

(v) [ ] Other irregular or additional compensation:

VIII.5 DEFINITION OF HCE

(a) [X] Not applicable

(Select only if (i) plan does not either exclude HCEs from participation or apply compensation exclusions to HCEs and (ii) plan does not provide for matching contributions or ongoing after-tax contributions or (iii) plan is governmental or non-electing church plan or (iv) employer does not maintain plan.)

(b) ( ) HCE definition

(1) ♦ Look back year:

(A) ( ) Look back year is 12-month period immediately preceding plan year

(B) ( ) Look back year is calendar year beginning within the 12-month period immediately preceding plan year (may select only if plan year is not calendar year)

(2) [ ] Limited to top paid group
VIII.6 DEFINITION OF COMPENSATION USED TO DETERMINE HCES

(Compensation for this purpose includes (i) all amounts deferred or excluded from taxable income pursuant to Code Section 125, 132(f)(4), 402(g)(3), 402(h)(1)(B), 403(b), or 457(b) and (ii) amounts paid before the later of (A) the end of the limitation year in which termination occurs or (B) within 2 1/2 months of termination if such amounts would have been paid to the participant in the course of employment and are regular compensation for services by the participant or commissions, bonuses or other similar compensation. Except as may be selected in (f) below, other post-termination or severance pay is NOT included in compensation for this purpose.)

(a) ( ) W-2
(b) ( ) W-2 less moving expenses only
(c) ( ) Withholding
(d) ( ) General Section 415 (all specific inclusions in 1.415(c)-2(b) and all specific exclusions in 1.415(c)-2(c).)
(e) ( ) Modified Section 415 (safe harbor definition in 1.415(o)-2(d)(2): includes only general inclusions in 1.415(c)-2(b)(1) or (2) and all specific exclusions under 1.415(c)-2(c))
(f) [ ] The following amounts paid after severance from employment, but before the later of (1) the end of the limitation year in which severance occurs or (2) within 2 1/2 months of severance is included as compensation
   (1) [ ] Accrued unused sick, vacation or other leave if the participant would have been able to use such leave if he continued employment
   (2) [ ] Amounts received from a non-qualified, unfunded deferred compensation plan that would have been payable at the same time if the participant continued employment, but only to the extent includable in gross income
IX. EMPLOYEE CONTRIBUTIONS

IX.1 ELECTIVE 403(b) CONTRIBUTIONS
(Complete if plan provides for elective 403(b) contributions.)

(a) ♦ Amount of elective 403(b) contributions:
(1) ♦ Permitted contributions:
(A) ( ) Percentage of compensation: from ________% to _________% of compensation
(B) (X) Up to the maximum allowable under the Internal Revenue Code

(b) [X] Special elections for elective 403(b) contributions
(1) [X] Participant may designate elective 403(b) contributions as Roth contributions
(A) (X) Designation may apply to all or any portion of his elective 403(b) contributions
(B) ( ) Designation must apply to full elective 403(b) contribution

(2) [ ] True-up contribution - participants may contribute up to 100% of compensation for designated payroll periods provided the annual compensation limit in Section IX.1.(a)(1)(A) is not exceeded

(3) [ ] Special bonus election - participants may contribute up to: % of designated bonuses provided the annual compensation limit in Section IX.1.(a)(1)(A), if any, is not exceeded
(Compensation must include bonuses.)

(4) [X] Participant may make catch-up contributions
(A) ♦ The method used to determine percentage of compensation limits when the limit changes during the plan year shall be:
(i) (X) The standard method
(ii) ( ) The alternative method using plan compensation
(iii) ( ) The alternative method using "test compensation"

(5) [ ] Automatic enrollment
(A) ♦ Amount automatically withheld is:
(i) ( ) Percentage of compensation: _________%
(ii) ( ) Dollar amount: $__________
(iii) ( ) Lesser of _________% of compensation or $__________

(B) ♦ Automatic enrollment applies:
(i) ( ) Only to new participants
   (a) [ ] Automatic enrollment for new participants is new or modified feature
      (1) ♦ Effective date (month/day/year): ____________
      (ii) ( ) To new participants with a one-time automatic enrollment period for employees who became participants before the date new or modified automatic enrollment feature first applied to new participants (select only if automatic enrollment is a new or modified feature for existing participants.)

(a) ♦ Applies to prior participants who:
(1) ( ) Are not making elective 403(b) contributions at all
(2) ( ) Are not making elective 403(b) contributions equal to the automatic percentage specified above
(b) ♦ Date new or modified automatic enrollment first applied to new participants (month/day/year): __________

(c) ♦ Date new or modified automatic enrollment will apply to prior participants unless they opt out (month/day/year): __________

(iii) [ ] Automatic enrollment does not apply to certain specified participants:

(a) ♦ Excluded participants:

(C) ♦ Default treatment for automatic enrollment deferrals

(i) ( ) Pre-tax elective 403(b) contributions

(ii) ( ) Roth contributions

(iii) [ ] Default for prior participants making elective 403(b) contributions, but in amount less than automatic percentage, is in the same ratio that the participant’s current elective 403(b) contributions are treated as pre-tax elective 403(b) contributions and/or Roth contributions

(6) [ ] Automatic annual increase in elective 403(b) contributions

(A) ♦ Subject to the employer’s selections in (B) below, automatic increase applies to participants making elective 403(b) contributions each payroll period in an amount less than:

(i) ( ) __________% of compensation

(ii) ( ) $__________

(iii) ( ) The lesser of __________% of compensation or $__________

(B) ♦ Automatic increase applies to the following:

(i) ( ) All participants

(ii) ( ) Certain participants excluded from automatic increase:

(a) [ ] Participants originally hired as covered employees before (month/day/year): __________

(1) [ ] Participants hired before date in (a) above may affirmatively elect to have automatic increase apply to them

(b) [ ] Employees who became participants before (month/day/year): __________

(1) [ ] Employees becoming participants before date in (b) above may affirmatively elect to have automatic increase apply to them

(c) [ ] Participants who are not making elective 403(b) contributions pursuant to the automatic enrollment provisions described in IX.1.(b)(5) above

(1) [ ] Participants who are not subject to automatic enrollment may affirmatively elect to have automatic increase apply to them

(d) [ ] The following group of participants:

(1) ♦ Excluded participants:
(C) ♦ Amount of automatic additional elective 403(b) contribution each payroll period is:

(The automatic increase shall not cause the amount of the elective 403(b) contributions being made on behalf of a participant to exceed the cap specified in IX.1.(b)(6)(A) above. The amount of the automatic increase shall be reduced so that such cap is not exceeded.)

(i) ( ) _________% of compensation
(ii) ( ) $___________
(iii) ( ) The lesser of _________% of compensation or $__________

(D) ♦ Annual increase will be applied effective with:

(i) ( ) First day of payroll period ending on or after each January 1
(ii) ( ) First day of payroll period beginning on or after each January 1
(iii) ( ) First day of payroll period beginning on or after each anniversary of the date the participant was first hired as a covered employee
(iv) ( ) First day of payroll period beginning on or after each anniversary of the date the employee first became an eligible employee
(v) ( ) Other:

(vi) [ ] Participant may elect to have automatic increase effective beginning on a different date

(E) ♦ Default treatment for automatic annual increase:

(i) ( ) Pre-tax elective 403(b) contributions
(ii) ( ) Roth contributions
(iii) ( ) Pre-tax elective 403(b) contributions and/or Roth contributions in the same ratio that the participant’s current elective 403(b) contributions are treated as pre-tax elective 403(b) contributions and/or Roth contributions

(c) ♦ Date of commencement of elective 403(b) contributions

(1) ( ) First payment of compensation made on or after election
(2) ( ) First payroll period beginning on or after election
(3) ( ) First payroll period ending on or after election
(4) (X) As soon as administratively practicable after election

IX.2 ONGOING AFTER-TAX CONTRIBUTIONS

(Complete if plan provides for ongoing after-tax contributions.)

(a) ♦ Method of contributing:

(1) ( ) Both lump sum contribution and payroll withholding from _________% to _________% of compensation
(Lump sum contributions will be limited to the same maximum percentage of Compensation specified with respect to contributions by payroll withholding.)

(2) ( ) Only payroll withholding from ________% to _________% of compensation

(3) ( ) Only lump sum contribution limited to specified percentage of compensation: _________%

(b) [ ] Combined after-tax and elective 403(b) contributions cannot exceed _________% of compensation

(c) ♦ Date of commencement of contributions by payroll withholding
   (1) ( ) First payment of compensation made on or after election
   (2) ( ) First payroll period beginning on or after election
   (3) ( ) First payroll period ending on or after election
   (4) ( ) As soon as administratively practicable after election

IX.3 MODIFICATIONS OF CONTRIBUTION ELECTIONS
(Complete if Section 1. or 2. above has been completed.)

(a) ♦ A participant may change the amount of his elective 403(b) contributions and/or after-tax contributions or change the designation of his elective 403(b) contributions as pre-tax elective or Roth contributions as of:
   (1) ( ) Any enrollment date
   (2) ( ) First day of each month
   (3) ( ) First day of the plan year
   (4) ( ) Any day of the plan year
   (5) ( ) First day of the calendar quarter
   (6) (X) Dates prescribed by administrator
   (7) ( ) Other date: _______________

IX.4 ROLLOVER CONTRIBUTIONS
(Complete if plan provides for rollover contributions.)

(a) ♦ "Direct rollovers" (rollover is made directly to plan from other qualified plan or annuity contract):
   (1) ( ) Are not accepted under the plan
   (2) (X) Are accepted from the following sources:
       (A) [ ] A qualified plan described in Code Section 401(a) or 403(a), excluding both designated Roth contributions and after-tax employee contributions
       (B) [X] A qualified plan described in Code Section 401(a) or 403(a), including both designated Roth contributions and after-tax employee contributions
           (Do not select if preceding selection is marked.)
       (C) [ ] A qualified plan described in Code Section 401(a) or 403(a), including designated Roth contributions, but excluding after-tax employee contributions
           (Do not select if either of the two preceding selections is marked.)
       (D) [ ] A Qualified plan described in Code Section 401(a) or 403(a), excluding designated Roth contributions, but including after-tax employee contributions
           (Do not select if any of the three preceding selections is marked.)
       (E) [ ] An annuity contract described in Code Section 403(b), excluding both designated Roth contributions and after-tax employee
contributions

(F) [X] An annuity contract described in Code Section 403(b), including both designated Roth contributions and after-tax employee contributions

(Do not select if preceding selection is marked.)

(G) [ ] An annuity contract described in Code Section 403(b), including designated Roth contributions, but excluding after-tax employee contributions

(Do not select if either of the two preceding selections is marked.)

(H) [ ] An annuity contract described in Code Section 403(b), excluding designated Roth contributions, but including after-tax employee contributions

(Do not select if any of the three preceding selections is marked.)

(I) [X] An eligible plan under Code Section 457(b) which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state

(J) [X] An individual retirement account or annuity, excluding designated Roth contributions and after-tax contributions

(3) ♦♦♦ After-tax contributions rolled over to the plan are accounted for separately and treated for plan purposes (including in-service withdrawals) as:

(1) (X) Rollover contributions
(2) ( ) After-tax contributions

(4) ♦♦♦ Designated Roth contributions rolled over to the plan are accounted for separately and treated for plan purposes (including in-service withdrawals) as:

(1) (X) Designated Roth contributions
(2) ( ) Rollover contributions

(b) ♦♦♦ "Participant rollovers" (distribution from other qualified plan or annuity contract is first made to individual who then elects to roll it over):

(1) ( ) Are not accepted under the plan
(2) (X) Are accepted from the following sources:

(A) [X] A qualified plan described in Code Section 401(a) or 403(a), excluding designated Roth contributions and after-tax contributions

(B) [X] An annuity contract described in Code Section 403(b), excluding designated Roth contributions and after-tax contributions

(C) [X] An eligible plan under Code Section 457(b) which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state

(D) [X] An individual retirement account or annuity, excluding designated Roth contributions and after-tax contributions
X. EMPLOYER MATCHING CONTRIBUTIONS
If plan does not provide for elective 403(b) contributions, match will apply to ongoing after-tax contributions.

X.1 MATCH FEATURES

(a) ♦ Matching contribution is:
   (1) ( ) Required in specified amount

   (A) ♦ Specified match rate
        (i) ( ) Single match rate: ________%
        (ii) ( ) Dual match rates: ________% of contributions up to specified limit and ________% of contributions above that amount

   (a) ♦ Limit is:
        (1) ( ) Specified percentage of compensation: ________%
        (2) ( ) Specified dollar amount: $________

   (iii) ( ) Other match rate

   (a) ♦ Limit is:

   (B) [ ] Compensation earned before eligibility to participate in match will be excluded

   (C) [ ] Additional discretionary match permitted in amount specified by employer

   (2) ( ) Discretionary

(b) [ ] True up matching contributions provided
(A true up matching contribution is a contribution made during a plan year on behalf of participants to result in the participant receiving the maximum matching contribution designated by the employer.)

(1) ♦ True up matching contribution is:
(A) ( ) Discretionary
(B) ( ) Required

(c) [ ] Match after-tax contributions in addition to elective 403(b) contributions
(Select only if plan provides for both elective 403(b) contributions and ongoing after-tax contributions.)

X.2 OPTIONAL LIMITATIONS ON MATCHING CONTRIBUTIONS

(a) [ ] No match for contributions attributable to following types of compensation:

(b) [ ] No match for elective 403(b) contributions withdrawn before the end of the plan year

(c) [ ] No match for after-tax contributions withdrawn before the end of the plan year

(d) [ ] No match for contributions made before eligibility to participate in match
(e) [ ] No match for catch-up contributions
(f) [ ] No match for contributions above a specified limitation

(1) ♦ Limitation is:
   (A) ( ) % of compensation
   (B) ( ) $________
   (C) ( ) % of compensation, provided that contributions matched cannot exceed $________
   (D) ( ) Discretionary limitation that may be a percentage of compensation and/or a dollar amount

(2) [ ] Compensation earned before eligibility to participate in match excluded in determining limitation

(g) [ ] Total match for plan year cannot exceed $________
(h) [ ] Limitations selected in (a), (b), (c), (d), (e) and (f) above also apply to any additional discretionary match

X.3 CONTRIBUTION PERIOD
(The contribution period for the additional, discretionary match and for true up matching contributions is the plan year.)

(a) ( ) Each month
(b) ( ) Each calendar quarter
(c) ( ) Each calendar year
(d) ( ) Each plan year
(e) ( ) Each payroll period
(f) ( ) Each (other):

X.4 PARTICIPANTS EXCLUDED
(a) [ ] No match for HCEs
XI. EMPLOYER NONELECTIVE CONTRIBUTIONS

Complete if plan provides for nonelective contributions

XI.1 NONELECTIVE CONTRIBUTION FEATURES

(a) ( ) Required in amount specified in allocation formula
(b) (X) Discretionary

XI.2 ALLOCATION FORMULA

(a) ( ) Ratio of compensation allocation formula

(1) [ ] Percentage of compensation allocated to each participant is:

__________% (select if contribution amount is required.)

(b) ( ) Uniform dollar amount allocation formula

(1) ♦♦ ♦♦ 
If contribution amount is required:

(A) ( ) $__________ for the following:

(i) ( ) Each hour worked by the participant
(ii) ( ) Each hour for which the participant is paid
(iii) ( ) Each contribution period
(iv) ( ) Other: __________

(Cannot exceed 12-consecutive months)

(B) ( ) The dollar amount specified in the applicable collective bargaining agreement for each hour worked

(c) ( ) Integrated allocation formula

(1) ♦♦ ♦♦ Integration level:

(A) ( ) Social security taxable wage base
(B) ( ) Percentage of social security taxable wage base: __________%
(C) ( ) Percentage of social security taxable wage base plus specified dollar amount: __________% plus $__________
(D) ( ) Percentage of social security taxable wage base minus specified dollar amount: __________% minus $__________
(E) ( ) Specified dollar amount: $__________

(2) [ ] Integration level for employees who become eligible part way through the contribution period is pro-rated

(3) ♦♦ ♦♦ 
If contribution amount is required:

(A) ♦♦ ♦♦ Percentage of full compensation allocated to each participant:

__________%

(B) ♦♦ Percentage of excess compensation allocated to each participant:

__________%

(Not to exceed the lesser of (1) the percentage selected in (3)(A) above or (2) the following percentage based on the integration level selected in (1)(A), (1)(B), or (1)(C) above: (a) if the integration level is 100% of the social security wage base or not more than 20% of the social security wage base, 5.7%; (b) if the integration level is more than 20%, but not more than 80% of the social security wage base, 4.3%; or (c) if the integration level is more than 80%, but less than 100% of the social security wage base, 5.4%).

(4) [ ] Employer maintains integrated defined benefit or target benefit plan

(A) ♦♦ To meet overall disparity limits:

(i) ( ) Allocate to participant on basis of full compensation rather than excess compensation
(ii) ( ) Reduce disparity under other plan

(d) (X) Other

a) For Superintendent: For any Superintendent hired before July 1, 2001, the amount of any remaining post-employment payments pursuant to the Superintendent’s Employment Separation Agreement.
b) For Bus Drivers: For Bus Drivers hired before January 1, 2006, the amount of any required payments pursuant to the Transportation Association’s Collective Bargaining Agreement.
c) For Food Service Employees: For Food Service Employees hired before January 1, 2006, the amount of any payments required pursuant to EACS Administrative Policy 4212.5.
d) For Educational Interpreters/Language Translators: For Educational Interpreters/Language Translators hired before January 1, 2006, the amount of any payments required pursuant to EACS Administrative Policy 4213.5.
e) For Secretaries: For Secretaries hired before January 1, 2006, the amount of any payments required pursuant to EACS Administrative Policy 4215.
f) For Paraprofessionals: For Paraprofessionals hired before January 1, 2006, the amount of any payments required pursuant to EACS Administrative Policy 4215.5.
g) For Nurses: For Nurses hired before January 1, 2006, the amount of any payments required pursuant to EACS Administrative Policy 4216.

XI.3 ADDITIONAL NONELECTIVE CONTRIBUTIONS

(a) [ ] Employer may make additional, discretionary contribution to be allocated in same manner as required contribution *(may select only if contribution is required)*

(b) [X] Nonelective contributions shall continue for 5 years following participant’s termination of employment

XI.4 COMPENSATION EXCLUSION

(a) [X] Compensation earned by employee prior to becoming eligible to participate excluded in allocating nonelective contribution

XI.5 CONTRIBUTION PERIOD

(a) ♦ General contribution period:
   *(The contribution period for the additional, discretionary nonelective contribution is the plan year.)*

   (1) ( ) Each month
   (2) ( ) Each calendar quarter
   (3) ( ) Each calendar year
   (4) (X) Each plan year
   (5) ( ) Each payroll period
   (6) ( ) Each *(other): ___________________________

(b) [ ] Separate contribution period for compensation used to determine allocations of nonelective contributions: _____________________

26

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XII. ADDITIONAL REQUIREMENTS FOR RECEIVING EMPLOYER CONTRIBUTIONS

XII.1 ALLOCATION REQUIREMENTS

(a) Select available options from (b) below and enter option number next to each applicable type of employer contribution (each available option that is selected must be completed as indicated):

Nonelective contributions [7]

Regular Matching contributions [N/A]

Additional discretionary matching contributions [N/A]

True up matching contributions [N/A]

(b) Available options:

(1) Last day requirement only - must be in covered employment

(2) Last day requirement only - employment with related company or in uncovered employment satisfies requirement

(3) Service requirement only:

(A) Hours of service requirement for nonelective contributions: _________

(B) Hours of service requirement for regular matching contributions: _________

(C) Hours of service requirement for additional discretionary matching contributions: _________

(D) Hours of service requirement for true up matching contributions: _________

(4) Last day and service requirement - must be in covered employment on last day:

(A) Service requirement:

(i) Hours of service requirement for nonelective contributions: _________

(ii) Hours of service requirement for regular matching contributions: _________

(iii) Hours of service requirement for additional discretionary matching contributions: _________

(iv) Hours of service requirement for true up matching contributions: _________

(5) Last day and service requirement - employment with related company or in uncovered employment satisfies requirement:

(A) Service requirement:

(i) Hours of service requirement for nonelective contributions: _________

(ii) Hours of service requirement for regular matching contributions: _________

(iii) Hours of service requirement for additional discretionary matching contributions: _________

(iv) Hours of service requirement for true up matching contributions: _________
contributions: __________

(6) Last day or 501 hours requirement
(This provision excludes from participation only those employees who may be excluded from coverage testing under Code Section 410(b). If an employee is employed by a related company or in an uncovered employment classification on the last day of the plan year, he is considered to have satisfied the last day requirement.)

(7) No last day or hours requirement

XII.2 EXCEPTIONS TO ALLOCATION REQUIREMENTS

(a) Exceptions to allocation requirements for nonelective contributions:

(1) Last day requirement does not apply in cases of:
   (A) Death
   (B) Retirement
      (i) Exception applies only to normal retirement
   (C) Disability

(b) Exceptions to allocation requirements for regular matching contributions:

(1) Last day requirement does not apply in cases of:
   (A) Death
   (B) Retirement
      (i) Exception applies only to normal retirement
   (C) Disability

(c) Exceptions to allocation requirements for additional discretionary matching contributions:

(1) Last day requirement does not apply in cases of:
   (A) Death
   (B) Retirement
      (i) Exception applies only to normal retirement
   (C) Disability

(2) Service requirement does not apply in cases of:
   (A) Death
   (B) Retirement
   (i) Exception applies only to normal retirement
   (C) Disability
   (D) Service requirement doesn't apply for plan year in which employee becomes eligible to participate part-way through plan year

(2) No last day or hours requirement
(C) [ ] Disability
(D) [ ] Service requirement doesn’t apply for plan year in which employee becomes eligible to participate part-way through plan year

(d) [ ] Exceptions to allocation requirements for true up matching contributions:
(1) [ ] Last day requirement does not apply in cases of:
   (A) [ ] Death
   (B) [ ] Retirement
      (i) [ ] Exception applies only to normal retirement
   (C) [ ] Disability
(2) [ ] Service requirement does not apply in cases of:
   (A) [ ] Death
   (B) [ ] Retirement
      (i) [ ] Exception applies only to normal retirement
   (C) [ ] Disability
   (D) [ ] Service requirement doesn’t apply for plan year in which employee becomes eligible to participate part-way through plan year

XII.3 HOURS OF SERVICE CREDITING
(If hours of service crediting is selected for eligibility or vesting service, select same criteria for crediting hours of service.)

(a) [ ] Hours of service credited using DOL equivalency (governmental and non-electing church plans are not required to use DOL equivalencies):
   (1) ( ) 10 hours per day
   (2) ( ) 45 hours per week
   (3) ( ) 95 hours per semi-monthly payroll period
   (4) ( ) 190 hours per month

(b) [ ] Limit hours of service credited during absence from employment (other than military leave.)
   (1) ♦ Number of hours credited for absence: __________ (=> 501 hours)
   (2) [ ] Limit does not apply to absences because of:

XII.4 DEFINITION OF DISABILITY
(If plan provides for 100% vesting on disability, select same criteria.)

(a) ♦ Participant is disabled if (must select at least one option):
   (1) [ ] Eligible for social security disability
   (2) [ ] Eligible for benefits under employer’s long term disability program
   (3) [ ] Determined by the plan administrator
### XIII. VESTING OF EMPLOYER CONTRIBUTIONS

#### XIII.1 REGULAR VESTING SCHEDULE

(a) ♦ Regular, additional discretionary, and true up matching contributions schedule: [N/A]

(Fill in number of selected vesting schedule from below.)

(b) ♦ Nonelective contributions schedule: [1]

(Fill in number of selected vesting schedule from below.)

(c) ♦ Prior matching contributions schedule: [N/A]

(Fill in number of selected vesting schedule from below. If the plan provides for current matching contributions, the number must be the same as the number selected in (a) above.)

(d) ♦ Prior nonelective contributions schedule: [N/A]

(Fill in number of selected vesting schedule from below. If the plan provides for current nonelective contributions, the number must be the same as the number selected in (b) above.)

<table>
<thead>
<tr>
<th>1 immediate</th>
<th>2 3 year cliff</th>
<th>3A other cliff schedule for matching contributions</th>
<th>3B other cliff schedule for nonelective contributions</th>
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<td>100% immediate</td>
<td>0% before 3 years</td>
<td>0% before ___ (&lt;3) years</td>
<td>0% before ___ (&lt;5) years</td>
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<tr>
<td>100% after 3 years</td>
<td>100% after ___ (&lt;3) years</td>
<td>100% after ___ (&lt;5) years</td>
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<td>5 1-5 year graded</td>
<td>6A other graded schedule for matching contributions</td>
<td>6B other graded schedule for nonelective contributions</td>
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(Until the plan is a governmental or non-electing church plan, any schedule completed in 6A or 6B must be at least as favorable as 2-6 year graded vesting.)

SPECIAL SCHEDULES AVAILABLE FOR GOVERNMENTAL AND NON-ELECTING CHURCH PLANS

<table>
<thead>
<tr>
<th>7 5 year cliff</th>
<th>8 3-7 year graded (Choose only if plan is governmental or non-electing church plan.)</th>
<th>9A Other graded schedule for matching contributions</th>
<th>9B Other graded schedule for nonelective contributions</th>
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XIII.2 SPECIAL VESTING EVENTS

(a) [  ] Participants will be 100% vested upon:
   (1) [  ] Death
   (2) [  ] Disability
      (A) Participant is disabled if (must select at least one option):
         (i) [  ] Eligible for social security disability
         (ii) [  ] Eligible for benefits under employer’s long term disability program
         (iii) [  ] Determined by the plan administrator
   (3) [  ] Early retirement

XIII.3 FORFEITURES

(a) ♦ Timing of forfeitures:
   (1) ( ) Immediate upon distribution
   (2) ( ) Upon 1 break in vesting service
   (3) ( ) At end of plan year in which distribution made
   (4) ( ) Only upon 5 consecutive breaks in vesting service
   (5) ( ) Immediate upon termination (choose only if plan is governmental or non-electing church plan)
   (6) ( ) At end of plan year in which terminate (choose only if plan is governmental or non-electing church plan)

(b) ♦ Restoration of forfeitures (complete only if forfeit before 5 consecutive breaks in vesting service)
   (1) ( ) On reemployment before 5 breaks in vesting service (must choose unless plan is governmental or non-electing church plan):
      (A) ( ) Restore forfeited amounts only if repay distribution (required buyback)
      (B) ( ) Restore forfeited amounts and may repay distribution (optional buyback)
      (C) ( ) Restore forfeited amounts and cannot repay distribution (no buyback – available only with cliff vesting)
   (2) ( ) No restoration of forfeitures (choose only if plan is governmental or non-electing church plan)
   (3) [  ] If plan permits repayment of distributions, repayment provisions apply only to distributions of employer contributions

(c) ♦ Treatment of forfeited nonelective contributions:
   (1) ( ) Offset employer’s contribution obligation
(A) ♦ If forfeitures remain after offset:
   (i) ( ) Held in suspense account and offset future contributions
   (ii) ( ) Allocated to participants

(2) ( ) Re-allocate to participants

(3) ♦ Allocation provisions:

(A) ♦ Participants eligible for re-allocation:
   (i) ( ) Last day requirement only - must be in covered employment
   (ii) ( ) Last day requirement only - employment with related company or in uncovered employment satisfies requirement
   (iii) ( ) Service requirement only:
       (a) ♦ Hours of service requirement: __________
   (iv) ( ) Last day and service requirement - must be in covered employment for last day
       (a) ♦ Hours of service requirement: __________
   (v) ( ) Last day and service requirement - employment with related company or in uncovered employment satisfies requirement
       (a) ♦ Hours of service requirement: __________
   (vi) ( ) No last day or service requirement

(B) [ ] Exceptions to last day and/or service requirements:
   (i) [ ] Last day requirement does not apply in cases of:
       (a) [ ] Death
       (b) [ ] Retirement
           (1) [ ] Exception applies only to normal retirement
       (c) [ ] Disability
   (ii) [ ] Service requirement does not apply in cases of:
       (a) [ ] Death
       (b) [ ] Retirement
           (1) [ ] Exception applies only to normal retirement
       (c) [ ] Disability

(C) ♦ Employment requirement for re-allocation:
   (i) ( ) Re-allocate only to participants employed during the plan year by the employer for whom the participant last performed services
   (ii) ( ) Re-allocate to participants employed during the plan year by any employer

(D) ♦ Re-allocation based on:
   (i) ( ) Method of allocating nonelective contribution
   (ii) ( ) Ratio of compensation

(E) [ ] Forfeitures may be used to pay plan expenses:
   (i) ( ) Plan expenses paid before either contributions are offset or forfeitures are re-allocated
   (ii) ( ) Administrator directs whether plan expenses paid before either contributions are offset or forfeitures are re-allocated

(d) ♦ Treatment of non-vested matching contributions forfeited following termination of employment:
(1) ( ) Offset employer’s contribution obligation

(A) ♦ If forfeitures remain after offset:
   (i) ( ) Held in suspense account and offset future contributions
   (ii) ( ) Allocated to participants

(2) ( ) Re-allocate to participants

(3) ♦ Allocation provisions

(A) ♦ Participants eligible for re-allocation:
   (i) ( ) Last day requirement only - must be in covered employment
   (ii) ( ) Last day requirement only - employment with related company or in uncovered employment satisfies requirement
   (iii) ( ) Service requirement only:
       (a) ♦ Hours of service requirement: __________
   (iv) ( ) Last day and service requirement - must be in covered employment for last day
       (a) ♦ Hours of service requirement: __________
   (v) ( ) Last day and service requirement - employment with related company or in uncovered employment satisfies requirement
       (a) ♦ Hours of service requirement: __________
   (vi) ( ) No last day or service requirement

(B) [ ] Exceptions to last day and/or service requirements:
   (i) [ ] Last day requirement does not apply in cases of:
       (a) [ ] Death
       (b) [ ] Retirement
          (1) [ ] Exception applies only to normal retirement
       (c) [ ] Disability
   (ii) [ ] Service requirement does not apply in cases of:
       (a) [ ] Death
       (b) [ ] Retirement
          (1) [ ] Exception applies only to normal retirement
       (c) [ ] Disability

(C) ♦ Employment requirement for re-allocation:
   (i) ( ) Re-allocate only to participants employed during the plan year by the employer for whom the participant last performed services
   (ii) ( ) Re-allocate to participants employed during the plan year by any employer

(D) [ ] Re-allocate only to participants who have made elective 403(b) contributions (or after-tax contributions, if after-tax contributions are matched) for the plan year.
   (Re-allocated match must be included in ACP testing.)

(E) ♦ Re-allocation based on:
   (i) ( ) Ratio of deferral percentages
       (Re-allocated match must be included in ACP testing.)
   (ii) ( ) Ratio of compensation
   (iii) ( ) Ratio that participant’s elective 403(b) contributions (or after-tax contributions, if after-tax contributions are matched)
bears to aggregate of such contributions for all eligible participants

(Re-allocated match must be included in ACP testing.)

(4) [ ] Forfeitures may be used to pay plan expenses:
   (A) ( ) Plan expenses paid before either contributions are offset or
       forfeitures are re-allocated
   (B) ( ) Administrator directs whether plan expenses paid before either
       contributions are offset or forfeitures are re-allocated

(e) ♦♦ ♦♦ Treatment of matching contributions forfeited (1) for failure to satisfy ACP test or (2) because they are attributable to elective 403(b) contributions distributed because of 402(g) limits:

(1) ( ) Offset employer’s contribution obligation
   (A) ♦♦ ♦♦ If forfeitures remain after offset:
       (i) ( ) Held in suspense account and offset future contributions
       (ii) ( ) Allocated to participants who are NHCEs

(2) ( ) Re-allocate to participants who are NHCEs

(3) ♦ Allocation provisions
   (A) ♦♦ ♦♦ Participants eligible for re-allocation:
       (i) ( ) Last day requirement only - must be in covered employment
       (ii) ( ) Last day requirement only - employment with related company or in uncovered employment satisfies requirement
       (iii) ( ) Service requirement only:
           (a) ♦♦ Hours of service requirement: __________
       (iv) ( ) Last day and service requirement - must be in covered employment for last day
           (a) ♦♦ Hours of service requirement: __________
       (v) ( ) Last day and service requirement - employment with related company or in uncovered employment satisfies requirement
           (a) ♦♦ Hours of service requirement: __________
       (vi) ( ) No last day or service requirement

   (B) [ ] Exceptions to last day and/or service requirements:
       (i) [ ] Last day requirement does not apply in cases of:
           (a) [ ] Death
           (b) [ ] Retirement
              (1) [ ] Exception applies only to normal retirement
           (c) [ ] Disability
       (ii) [ ] Service requirement does not apply in cases of:
           (a) [ ] Death
           (b) [ ] Retirement
              (1) [ ] Exception applies only to normal retirement
           (c) [ ] Disability

   (C) ♦♦ Employment requirement for re-allocation:
       (i) ( ) Re-allocate only to participants employed during the plan year by the employer for whom the participant last performed services
       (ii) ( ) Re-allocate to participants employed during the plan year by any employer
(D) [ ] Re-allocate only to participants who have made elective 403(b) contributions (or after-tax contributions, if after-tax contributions are matched) for the plan year.

(Re-allocated match attributable to elective 403(b) contributions must be included in ACP testing.)

(E) ♦♦ Re-allocation based on:

(i) ( ) Ratio of deferral percentages

(Re-allocated match attributable to distributed elective 403(b) contributions must be included in ACP testing.)

(ii) ( ) Ratio of compensation

(iii) ( ) Ratio that participant’s elective 403(b) contributions (or after-tax contributions, if after-tax contributions are matched) bears to aggregate of such contributions for all eligible participants

(Re-allocated match attributable to distributed elective 403(b) contributions must be included in ACP testing.)

(F) [ ] Forfeitures may be used to pay plan expenses:

(i) ( ) Plan expenses paid before either contributions are offset or forfeitures are re-allocated

(ii) ( ) Administrator directs whether plan expenses paid before either contributions are offset or forfeitures are re-allocated
XIV. CREDITING VESTING SERVICE

Complete this Article XIV only if employer contributions are not immediately 100% vested or if early retirement is contingent upon completion of a specified number of years of vesting service or if allocation formula is based on years of vesting service.

XIV.1 YEARS OF SERVICE CREDITING METHOD

(a) ( ) Elapsed time method
(b) ( ) Hours of service method

(1) ◆ Required hours:
   (A) ( ) 1,000 hours required for year of service
   (B) ( ) ________ (<1,000) hours required for year of service

(2) ◆ Hours of service computation period for crediting vesting service
   (A) ( ) Plan year
   (B) ( ) Anniversaries of employment commencement date
   (C) ( ) Calendar year
   (D) ( ) Other 12 month period beginning on (month/day):

(3) [ ] Hours of service credited using DOL equivalency
   (If eligibility service is credited using hours of service method, same options must be selected below as were selected for eligibility service. Governmental and non-electing church plans are not required to use DOL equivalencies.)
   (A) ( ) 10 hours per day
   (B) ( ) 45 hours per week
   (C) ( ) 95 hours per semi-monthly payroll period
   (D) ( ) 190 hours per month

(4) [ ] Limit hours of service credited during absence from employment other than military leave (if eligibility service is credited using hours of service method, same options must be selected below as were selected for eligibility service)
   (A) ( ) Number of hours credited for absence: __________ hours
      (Not fewer than hours required to prevent a break in vesting service.)
   (B) ( ) Limit does not apply to absences because of:

XIV.2 VESTING SERVICE EXCLUSIONS

(a) [ ] Period before employee attains age 18
(b) [ ] Period before the effective date of the plan
(c) [ ] Defined contribution plan exclusion
   (Vesting service completed after 5 consecutive breaks in vesting service is not taken into account in determining a participant's vested interest in his account prior to his break in vesting service.)
XV. CONTRIBUTION LIMITATIONS

XV.1 CODE SECTION 415 LIMITATIONS
(a) ♦♦ ♦♦ If contributions to be made under plan, when combined with contributions to be made under other defined contributions plans maintained by employer (or under contracts maintained by the participant or another employer controlled by the participant), would exceed the 415 limits

(1) (X) Reduce other plans first, then reduce under this plan
(2) ( ) Reduce under this plan first then under other plans
(3) ( ) Reduce pro rata among all plans simultaneously
(4) ( ) Other reduction method (complete Addendum Re: 415 Order of Reduction)

XV.2 CODE SECTION 401(m) LIMITATIONS
(Complete this section only if the plan provides for ongoing after-tax contributions or matching contributions, highly compensated employees may make after-tax contributions or receive matching contributions, and plan is not governmental plan.)

(a) ♦♦ ♦♦ Application of ACP Test

(1) ♦♦ ♦♦ Testing method used on and after effective date or restatement date, as applicable:
   (A) ( ) Current year testing method
   (B) ( ) Prior year testing method
   (i) [ ] This is the first plan year to provide for after-tax contributions or match

   (a) ♦♦ ♦♦ For first plan year, prior year test applied using:
      (1) ( ) 3% contribution assumption for NHCEs
      (2) ( ) Actual contribution percentages of NHCEs for first plan year

(b) ♦♦ ♦♦ Determination of income or loss on after-tax contributions or match in excess of the ACP test

(1) ( ) The method otherwise used to allocate income or loss to participant’s accounts under the plan
(2) ( ) IRS fractional method

(3) [ ] Effective for plan years beginning on and after January 1, 2008, income or loss for the gap period will also be distributed
   (The "gap period" is the period between the end of the plan year in which a failure occurs and the date excess contributions are distributed. For plan years beginning in 2007, gap period income must be distributed. Thereafter, employers may elect whether or not to distribute gap period income.)

XV.3 CODE SECTION 402(G) LIMITS
(a) [X] Participants may direct return of plan contributions that exceed 402(g) limits when combined with contributions to unrelated plans
(b) ♦♦ ♦♦ If Roth contributions are permitted under the plan, excess deferrals from related plans will be allocated and distributed as follows:
   (If a participant directs the return of excess deferrals due to contributions made to unrelated plans, the participant must also direct whether and to what extent the...
distribution will be made from pre-tax elective and/or Roth contributions.)

(1) (X) First from pre-tax elective 403(b) contributions, then from Roth contributions

(2) ( ) First from Roth contributions, then from pre-tax elective 403(b) contributions

(3) ( ) Reduce in ratio that participant’s pre-tax elective and Roth contributions bear to participant’s total elective 403(b) contributions for the calendar year

(4) ( ) Participant directs reduction from Roth and/or pre-tax elective 403(b) contributions

(A) ♦♦♦ ♦♦♦ Default if no direction is:
  (i) ( ) First from pre-tax elective 403(b) contributions, then from Roth contributions
  (ii) ( ) First from Roth contributions, then from pre-tax elective 403(b) contributions
  (iii) ( ) Reduce in ratio that participant’s pre-tax elective and Roth contributions bear to participant’s total 403(b) contributions for the calendar year

(c) ♦♦♦ Increase in 402(g) limit for participants with 15 years of service

(Complete only if employer maintaining plan is an educational organization, hospital, home health service agency, health and welfare service agency, church, or convention or association of churches.)

(1) (X) Will apply

(2) ( ) Will not apply

(d) ♦♦♦ Determination of income or loss on contributions in excess of the 402(g) limit

(1) ( ) The method otherwise used to allocate income or loss to participant’s accounts under the plan

(2) (X) IRS fractional method

(3) ♦♦♦ Income or loss for the gap period will also be distributed

(The "gap period" is the period between the end of the plan year in which a failure occurs and the date excess contributions are distributed.)
XVI. INVESTMENT OF PARTICIPANT ACCOUNTS

XVI.1 PARTICIPANT DIRECTED INVESTMENTS
   (a) [X] Participants direct investment of a portion or all of their accounts:
      (1) Options
         (A) [ ] Plan is intended to comply with ERISA Section 404(c)
             (Select only if the Plan is subject to Title I of ERISA)
         (B) [ ] Participant is named fiduciary for purposes of investment of his account
         (C) [ ] Participant direction restricted to vested portions of accounts only
         (D) [ ] Employer directs investment of the following:

         (E) [X] Percentage increments for investing contributions specified in plan: 1%

   (2) Investment elections may be changed as of:
      (A) ( ) First of month following valuation date
      (B) ( ) Enrollment dates
      (C) (X) Date administrator receives instructions from participant
      (D) ( ) Other dates: __________________________

   (3) If participant fails to direct investments, his account will be invested:
      (A) (X) As directed by the administrator
      (B) ( ) In general fund
      (C) ( ) In default investment fund
      (D) ( ) In the following investment funds:

XVI.2 AVAILABLE INVESTMENTS
   (Complete only if participants direct investments.)
   (a) (X) Employer selects available investment options
      (1) [ ] Participants may also select investment options under self-directed brokerage option
   (b) ( ) Participants select available investment options

XVI.3 TRANSFER OF INVESTMENTS
   (Complete only if participants direct investments.)
   (a) [ ] Transfer percentage increments specified in plan: __________%
       (If transfer percentages are not specified, participants may transfer percentages specified by administrator.)
(b)  [X]  Participants may transfer an optional dollar amount specified by participant
(May select only if transfer percentage is not specified in plan.)

(c)  ♦ Transfer effective dates:
(1)  (  )  First of the month following valuation date
(2)  (  )  Enrollment date
(3)  (X)  Date administrator receives instructions from participant
(4)  (  )  Other dates: ____________________________

(d)  [  ]  Transfer elections must be recorded the number of days prior to the effective
date specified by the administrator
XVII. HARDSHIP WITHDRAWALS
The following hardship withdrawal provisions apply to the funds maintained by The Hartford and may apply to other funds to the extent provided in the applicable Funding Agreements.

XVII.1 AVAILABILITY
(a) [X] Plan permits hardship withdrawals from the following accounts:
   (1) [X] Pre-tax elective 403(b) contributions
   (2) [X] Roth contributions
   (3) [ ] After-tax contributions (cannot be selected if plan permits investments in mutual funds held under a custodial account)
   (4) [ ] Rollover contributions (cannot be selected if plan permits investments in mutual funds held under a custodial account)
   (5) [ ] Nonelective contributions (cannot be selected if plan permits investments in mutual funds held under a custodial account)
   (6) [ ] Matching contributions (cannot be selected if plan permits investments in mutual funds held under a custodial account)
   (7) [ ] Prior nonelective contributions (cannot be selected if plan permits investments in mutual funds held under a custodial account)
   (8) [ ] Prior matching contributions (cannot be selected if plan permits investments in mutual funds held under a custodial account)

XVII.2 DEFINITION OF IMMEDIATE AND HEAVY FINANCIAL NEED BASED ON IRS SAFE HARBORS ONLY
(Safe harbor needs include Code Section 213(d) medical expenses, purchase of a principal residence, post-secondary education/tuition expenses (including room and board), prevention of eviction from or foreclosure on the mortgage of a principal residence, funeral and burial expenses, and repairs to a principal residence for which a casualty loss deduction would be available.)

XVII.3 HARDSHIP WITHDRAWALS WILL BE EFFECTIVE AS SOON AS ADMINISTRATIVELY FEASIBLE AFTER APPROVAL
XVIII. NON-HARDSHIP WITHDRAWALS UPON ATTAINMENT OF SPECIFIED AGE

The following non-hardship withdrawal provisions apply to the funds maintained by The Hartford and may apply to other funds to the extent provided in the applicable Funding Agreements.

XVIII.1 SOURCES AND CONDITIONS FOR NON-HARDSHIP WITHDRAWALS

(Amounts that are held in a 403(b)(7) custodial account may not be withdrawn prior to age 59 1/2.)

(a) [X] Permit withdrawals of pre-tax elective 403(b) contributions at age 59 1/2 (>= 59 1/2)

(b) [X] Permit withdrawals of Roth contributions at age 59 1/2 (>= 59 1/2)

(c) [ ] Permit withdrawals of after-tax contributions at age ________ (>= 59 1/2 if plan permits investments in mutual funds held under a custodial account)

(d) [ ] Permit withdrawals of rollover contributions at age ________ (>= 59 1/2 if plan permits investments in mutual funds held under a custodial account)

(e) [X] Permit withdrawals of nonelective contributions at age 59 1/2 (>= 59 1/2 if plan permits investments in mutual funds held under a custodial account)

(f) [ ] Permit withdrawals of matching contributions at age ________ (>= 59 1/2 if plan permits investments in mutual funds held under a custodial account)

(g) [ ] Permit withdrawals of prior nonelective contributions at age ________ (>= 59 1/2 if plan permits investments in mutual funds held under a custodial account)

(h) [ ] Permit withdrawals of prior matching contributions at age ________ (>= 59 1/2 if plan permits investments in mutual funds held under a custodial account)

XVIII.2 NON-HARDSHIP WITHDRAWAL FEATURES

(a) ♦♦♦ Non-hardship withdrawals will be effective as soon as administratively feasible following administrator’s approval

(b) [ ] Non-hardship withdrawals of nonelective contributions permitted only if 100% vested

(c) [ ] Non-hardship withdrawals of matching contributions permitted only if 100% vested

(d) [ ] Non-hardship withdrawals of prior nonelective contributions permitted only if 100% vested

(e) [ ] Non-hardship withdrawals of prior matching contributions permitted only if 100% vested
XIX. LOANS
The following loan provisions apply to the funds maintained by The Hartford and may apply to other funds to the extent provided in the applicable Funding Agreements.

XIX.1 AVAILABILITY
(a) [X] Plan permits participant loans
(1) [X] Loans not available from following portions of participant’s account:
   (A) [ ] Roth contributions sub-account
   (i) [ ] Balance of Roth contributions sub-account also excluded in determining maximum permissible loan amount
   (B) [X] Other specified sub-accounts:
sub-accounts invested in the general fund, except that such amounts may be used to determine the maximum amount of the loan under Code Section 72(p)
   (i) [ ] Balance of other sub-accounts also excluded in determining maximum permissible loan amount

XIX.2 OPTIONS
(a) [X] Loans repaid through payroll withholding
(b) [X] Preserve provisions of prior loans under merged/spin-off plan or under plan prior to restatement

XIX.3 DEFAULT
(a) ♦ Default occurs at end of calendar quarter following quarter that payment was due
(b) [X] If participant defaults on loan made before January 1, 2002, balance no longer considered outstanding loan
**XX. DISTRIBUTIONS**

### XX.1 FORMS OF PAYMENT

(a) ♦ Available forms

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(A) ♦ If single sum form is also available:

- (i) [X] Annuity is optional form
- (ii) ( ) Annuity is normal form

(B) ♦ Available forms of annuity shall be as specified in the applicable funding arrangement

(C) [X] Survivor percentage under QJSA is 50% unless larger percentage selected below

- (i) ( ) 100% survivor percentage
- (ii) ( ) 66 2/3% survivor percentage

(D) ♦ QPSA purchased with 100% of participant's account

(E) [X] To receive QPSA, spouse must be married to participant for year preceding death

(F) [X] QPSA waiver permitted

- (i) [X] Pre-35 QPSA waivers permitted

(3) [X] Installment payments

(4) [ ] Minimum required distributions

- ( ) Only payable while employee continues employment after required beginning date

- ( ) Payable if payments start at participant's required beginning date, whether or not participant is still employed on that date

- [ ] If participant dies before required beginning date, beneficiary may receive minimum required distributions

(b) [ ] Elimination of annuity and/or installment forms

- (1) [ ] Restatement eliminates annuity form of payment
- (2) [ ] Restatement eliminates installment form of payment

(c) [X] A participant may elect distribution in more than one form of payment

### XX.2 COMMENCEMENT OF BENEFITS WHILE EMPLOYED

(a) [X] A participant who continues employment beyond normal retirement date may elect to commence retirement benefits while employed

(b) [X] A participant who is disabled and continues employment may elect to commence retirement benefits

(1) ♦ Participant is disabled if (must select at least one option):

- (If plan provides for 100% vesting on disability or for a disability exception to a last day or hours allocation requirement, select same criteria.)

- (A) [X] Eligible for social security disability
- (B) [X] Eligible for benefits under employer’s long term disability program
- (C) [ ] Determined by the plan administrator
XX.3 POST 70-1/2 DISTRIBUTIONS

(a) A participant who continues employment beyond April 1 of the calendar year following the year he attains age 70 1/2:

(1) ( ) Is required to commence retirement benefits as of that date ("old rule")
   (This preserves the "required beginning date" rules in effect under Code Section 401(a)(9) prior to the Small Job Protection Act of 1996.)

(2) (X) May elect to commence retirement benefits as of that date ("modified new rule")
   (If this provision is selected, the new "required beginning date" rules in effect under Code Section 401(a)(9) as amended by the Small Business Job Protection Act of 1996 apply, though a participant may elect to start benefits at the time they would have been payable under the old rule. Note: Under the new rules, five percent owners are still required to commence benefits as of April 1 of the calendar year following the year in which they attain age 70 1/2.)

(3) ( ) May not commence retirement benefits as of that date, unless commencement is required under Code Section 401(a)(9) as amended by the Small Business Job Protection Act of 1996 ("new rule")
   (If this provision is selected, the new "required beginning date" rules in effect under Code Section 401(a)(9) as amended by the Small Business Job Protection Act of 1996 apply. Note: Under the new rules, five percent owners are still required to commence benefits as of April 1 of the calendar year following the year in which they attain age 70 1/2.)

(A) Certain participants may elect to commence benefits as of April 1 of the calendar year following the year they attain age 70 1/2:

(i) ( ) Participants who attain age 70 1/2 before January 1, __________
   (This provision may only be selected if the plan adopted the new required beginning date rules within the SBJPA remedial amendment period. The year indicated in the fill-in must be no earlier than 1999 (or the calendar year following the date of adoption of the original amendment making the change in the required beginning date rules, if later) and no later than the calendar year following the year in which the employer's SBJPA remedial amendment period ended.)

(ii) ( ) Participants who have an accrued benefit under the plan on (month/day/year): _______________
   (The date indicated in the fill-in must be no earlier than the date of adoption of the original amendment making the change in the required beginning date rules.)

XX.4 DISTRIBUTIONS ON TERMINATION OF EMPLOYMENT

(a) Participant terminating prior to normal retirement date may postpone distribution:

(1) ( ) Only to later of age 62 or normal retirement date

(2) (X) To required beginning date

(b) [X] Terminated participant may elect partial distribution

(c) [ ] For plans subject to ERISA, participant may waive 30-day waiting period to receive distribution
XX.5 REQUIRED COMMENCEMENT OF DISTRIBUTION TO BENEFICIARIES

(a) ◆ Distribution to beneficiary of participant who dies before his required beginning date will be made:

(1) ( ) In full within 5 years of participant’s death (or by date participant would reach 70-1/2 if participant's spouse is sole beneficiary)
(Select if plan provides only for single sum distributions to beneficiaries – no installments, no annuities, and no minimum required distributions)

(2) ( ) In installments over beneficiary's life expectancy beginning within 1 year of participant’s death (or at date participant would have reached age 70-1/2, if participant's spouse is sole beneficiary)
(Select if plan provides only for installments or annuity payments.)

(3) (X) Either (1) in full within 5 years of participant's death or (2) in installments over the beneficiary's life expectancy, as elected by the participant or beneficiary
(Select if plan provides for (a) single sum payments and (b) installment, annuity, or minimum required distribution payments.)

(A) ◆ If no election is made, distribution will be made

(i) ( ) In full within 5 years of participant’s death (or by date participant would reach 70-1/2, if participant's spouse is sole beneficiary)

(ii) (X) In installments over the beneficiary's lifetime beginning within 1 year of participant’s death (or at date participant would have reached age 70-1/2, if participant's spouse is sole beneficiary)

XX.6 EFFECT OF REEMPLOYMENT ON DISTRIBUTION

(a) ◆ If a participant is reemployed:

(1) (X) No further distribution will be made until subsequent termination and prior form of payment election is null and void

(2) ( ) Participant continues to be eligible to receive distribution of prior account balance and prior form of payment election continues in effect
(Payments made after reemployment may be subject to early distribution taxes, as distribution may no longer be viewed as due to termination of employment.)

(b) ◆ If participant elected optional life annuity, annuity requirements continue to apply to:

(1) ( ) Only prior account
(2) ( ) Full account
(3) (X) Not applicable – plan is not subject to ERISA

XX.7 BENEFICIARIES

(a) ◆ If no beneficiary has been designated the default beneficiary will be participant's spouse or, if none:

(1) (X) Participant's estate
(2) ( ) Participant's surviving children in equal shares or, if none, participant's estate
(3) ( ) Participant's issue, per stirpes, or, if none, participant's surviving parents in equal shares, or, if none, participant's estate
(4) ( ) Other:
XX.8 SPOUSAL PROVISIONS

(a) ♦ Participant’s spouse for default beneficiary and, if applicable, consent purposes means:

   (1) (X) The participant’s spouse as determined under the laws of the state in which the participant resides

   (2) ( ) The person of the opposite sex to whom the participant is married in a legal union between one man and one woman as husband and wife

   (Regardless of the employer’s selection, this definition applies for purposes of applying the minimum distribution rules under Code Section 401(a)(9).)

(b) ♦ Required spousal consents:

   (1) ( ) May be general

   (2) ( ) Must specifically reference beneficiaries and/or optional forms of payment

(c) [ ] Spousal consent is required for all loans

(d) [ ] Spousal consent is required for all in-service withdrawals

(e) [ ] If plan is governmental or non-electing church plan, spousal consent is required to designate a non-spouse beneficiary

   (No spousal consent is required if employer does not maintain plan. If employer maintains plan, spousal consent is automatically required to designate a non-spouse beneficiary, unless the plan is a governmental or non-electing church plan)
XXI. MISCELLANEOUS

XXI.1 GOVERNING LAW
(a) ( ) State in which trustee has principal place of business
(b) (X) State in which employer has principal place of business
(c) ( ) Following state: ________________________________

XXI.2 ELECTIVE TRANSFERS
(a) [X] Permit participant transferring to employment covered by another 403(b) plan to elect to transfer entire account to other plan provided that other plan retains distribution requirements the same as or more restrictive than those provided under the plan
(b) [X] Permit participants to transfer portion or all of their Account to the employer’s defined benefit plan either (i) for the purchase of permissive service credit thereunder or (ii) as repayment of a cashout under such plan

XXI.3 PLAN EXPENSES
(a) ♦ Except to the extent they are reduced by forfeitures, general administrative expenses of the plan are:
   (1) (X) Paid from participants’ accounts
   (2) ( ) Paid from participants’ accounts, except as follows
      (A) ( ) Employer pays expenses for all current participants and the following former participants (if selected):
         (i) [ ] Retired participants with an account balance following retirement
         (ii) [ ] Terminated participants with an account balance following termination

(b) ♦ Method of allocating general expenses among participants’ accounts is:
   (1) (X) Not specified in the plan
   (2) ( ) Specified in the plan
      (Selection of this provision will make the allocation of expenses a one-time, settlor function and remove it as an ongoing fiduciary responsibility.)
      (A) [ ] Except as selected in (B) below, if applicable, general expenses are allocated among participants’ accounts on a pro rata basis (in the ratio that each account balance bears to the sum of all accounts balances)
      (B) [ ] Specific fixed fees are allocated on a per capita basis (each account is allocated the same dollar amount)
         (i) ♦ Fixed fees that are allocated per capita include:
            (a) [ ] Recordkeeping expenses
            (b) [ ] Annual reporting costs
            (c) [ ] Legal fees
            (d) [ ] Audit expenses
            (e) [ ] Claims processing expenses
            (f) [ ] Investment advice service expenses
            (g) [ ] The expenses specified below:
               (Any specified expenses should be similar in nature to the expenses listed above, such that per capita allocation is appropriate.)
Plan expenses directly attributable to a particular participant are:

(1) ( ) Aggregated and treated as a general expense of the plan to be paid in accordance with the employer’s selection in section XXI.6.(a)

(2) (X) Allocated to and paid from that participant’s account

(A) (X) For all current and former participants with an account balance

(B) ( ) Only for the following former participants:

(If Option (B) is selected, expenses directly attributable to current employees and any non-selected group will be aggregated and treated as a general expense of the plan.)

(i) [ ] Retired participants with an account balance following retirement

(ii) [ ] Terminated participants with an account balance following termination

(C) [ ] The plan specifies the expenses that will be allocated directly to a participant’s account as provided in XXI.6.(c) above

(Selection of this provision will make the allocation of expenses a one-time, settlor function and remove it as an ongoing fiduciary responsibility.)

(i) ♦ Expenses allocated directly to a participant’s account include expenses incurred in connection with the following:

(a) [ ] The participant’s application for a hardship withdrawal

(b) [ ] The participant’s application for a non-hardship withdrawal

(c) [ ] The participant’s application for a loan

(d) [ ] Determining whether a domestic relations order received for the participant is a “qualified” order under the code

(e) [ ] The participant’s exercise of investment elections

(1) [ ] Applies only where participant directs investment in self-directed brokerage option

(Select only if Plan permits participants to select investment options as provided in Section XVI.2.(c).)

(f) [ ] The participant’s utilization of investment advice services available under the plan

(g) [ ] The participant’s application for distribution following termination of employment

(h) [ ] Calculating the amount payable to the participant under optional forms of payment

(i) [ ] Processing payment in the form of installments
XXII. SUPERSEDING PLAN PROVISIONS

XXII.1 IF SELECTED BELOW, THE PLAN INCLUDES AN ADDENDUM DESCRIBING PROVISIONS THAT SUPERSEDE ANY INCONSISTENT PROVISIONS OF THE ADOPTION AGREEMENT OR BASE PLAN DOCUMENT

(a) [X] An addendum describing superseding provisions is attached at the end of the plan
## XXIII. FUNDING AGENT INFORMATION

### XXIII.1 IDENTIFICATION OF FUNDING AGENT

(a) (X) **Exclusive contract**
   (Select if annuity contracts or custodial accounts under plan may be purchased or maintained only through one vendor)

   (1) ♦ Name of funding agent:

   Hartford Life Insurance Company

(b) ( ) **Non-exclusive contract**
   (Select if annuity contracts or custodial accounts under plan may be purchased or maintained through more than one vendor)

   (1) ♦ Name of funding agent:

   (List all providers)
XXIV. EXECUTION

This Plan must be signed and dated below by all the indicated parties to be effective

EXECUTED AT _____________________________________________________________,

____________________________________, this ____________ day of __________________________ 20 ______.

East Allen County Schools

By: ________________________________________________
    
Title: ________________________________________________
ADDENDUM
RE: GRANDFATHERED ANNUITIES

A.1 GRANDFATHERED ANNUITY PROVISIONS

(a) ♦ Annuity provisions apply to participants who:

(b) ♦ Grandfathered annuity provisions apply to:
   (1) ( ) Full account
   (2) ( ) Portion of account attributable to:

(c) ♦ Form of annuity:
   (1) ( ) Annuity form is option
   (2) ( ) Annuity is normal form

(d) ♦ Available forms of annuity shall be as specified in the applicable funding arrangement

(e) ♦ Survivor percentage under QJSA is 50% unless larger percentage selected below:
   (1) ( ) 100% survivor percentage
   (2) ( ) 66 2/3% survivor percentage

(f) ♦ On reemployment, if participant elected annuity option, annuity requirements apply to:
   (1) ( ) His full account
   (2) ( ) Only his account earned prior to reemployment

(g) [ ] A participant may elect portion of distribution paid in annuity form
   (1) ♦ QPSA purchased with 100% of participant’s account

(h) [ ] To receive QPSA, spouse must be married to participant for year preceding death

(i) [ ] QPSA waiver permitted
   (1) [ ] Pre-35 QPSA waivers permitted
ADDENDUM
RE: GRANDFATHERED WITHDRAWAL PROVISIONS

A.1 GRANDFATHERED WITHDRAWAL PROVISIONS
(In-service withdrawals from a participant's accounts specified below shall be available to participants who satisfy the requirements described below and are not restricted as specified below)
A.1 PLAN MERGERS
(The following plans were merged into the plan and became subject to the terms of the plan effective as of the merger date.)

(a) [  ] First merger
   (1) ♦ Name of merged plan:

(2) ♦ Date of merger: __________

(b) [  ] Second merger
   (1) ♦ Name of merged plan:

(2) ♦ Date of merger: __________

(c) [  ] Third merger
   (1) ♦ Name of merged plan:

(2) ♦ Date of merger: __________

(d) [  ] Fourth merger
   (1) ♦ Name of merged plan:

(2) ♦ Date of merger: __________

(e) [  ] Fifth merger
   (1) ♦ Name of merged plan:

(2) ♦ Date of merger: __________
ADDENDUM
RE: 415 ORDER OF REDUCTION

A.1 415 ORDER OF REDUCTION

(a) ♦ The employer reduces annual additions among defined contribution plans, welfare benefit funds, individual medical accounts, and simplified medical accounts in the following order:
ADDENDUM
RE: GRANDFATHERED PRIOR VESTING SCHEDULE

A.1 PRE-EGTRRA VESTING SCHEDULE

(a) ♦ The pre-egtrra vesting schedule described below shall apply to matching contributions as provided in (b) below:

(b) ♦ The pre-egtrra vesting schedule described above applies:

(1) ( ) To all regular, additional discretionary, and true up matching contributions made for participants prior to the first plan year beginning on or after January 1, 2002.

(2) ( ) Only to regular, additional discretionary, and true up matching contributions made for participants who do not have an hour of service on or after the first day of the first plan year beginning on or after January 1, 2002.

A.2 OTHER GRANDFATHERED VESTING SCHEDULE

(a) ♦ The prior vesting schedule specified below shall apply to the contributions specified below with respect to the participants who satisfy the requirements also specified below:
ADDENDUM
RE: SUPERSEDING PLAN PROVISIONS

A.1 SUPERSEDING PLAN PROVISIONS

(a) The following provisions supersede other provisions of this Adoption Agreement and/or the Base Plan Document in the manner described:

Expenses that may be charged to participant accounts, as indicated in Section XX1.3(a)(1), will be limited to those plan expenses allowed to be charged to the plan as provided in U.S. Department of Labor Field Assistance Bulletins.
ADDENDUM
RE: ADDITIONAL PLAN PROVISIONS
The following provisions are in addition to, and modify, the provisions of the Adoption Agreement and/or the Base Document. To the extent the following provisions are inconsistent with other provisions of this Adoption Agreement and/or the Base Plan Document, the following provisions shall apply.

ADOPTION AGREEMENT:

XVIII.1 SOURCES AND CONDITIONS FOR NON-HARDSHIP WITHDRAWALS
   (d) ♦ Non-hardship withdrawals permitted from rollover contributions at any time