

**NEW YORK CITY LOCAL 246, S.E.I.U. ANNUITY FUND**  
**Plan Procedures for Determining the Qualified**  
**Status of a Domestic Relations Order**

The New York City Local 246, S.E.I.U. Annuity Fund (the “Fund”) plan of benefits (the “Plan”) contains provisions concerning Qualified Domestic Relations Orders. For purposes of such provisions, the Fund will treat an order (hereinafter referred to as the “Order”) as a Qualified Domestic Relations Order (“QDRO”) if it determines that the following requirements are satisfied:

- (1) The Order is a judgment, decree, or order (including approval of a property settlement agreement) which relates to the provision of child support, alimony payments, or marital property rights to a spouse, former spouse, child, or other dependent of a participant;
- (2) The Order is made pursuant to a state domestic relations law (including a community property law);
- (3) The Order creates or recognizes an Alternate Payee’s right to (or assigns to an Alternate Payee the right to) receive all or a portion of the Participant’s benefits. An “Alternate Payee” is defined as any spouse, former spouse, child or other dependent of the Participant who is recognized in the Order as having a right to receive all (or a portion of) the benefits payable to the Participant under the Plans;
- (4) The Order clearly specifies:
  - (a) the name and mailing address of the Participant and each alternate Payee,
  - (b) the amount or percentage of the benefits to be paid to each Alternate Payee (or the manner in which the amount or percentage is to be determined),
  - (c) the number of payments or the period to which the Order applies, and
  - (d) each plan to which the Order relates; and
- (5) The Order does not require the Fund to provide:
  - (a) any form or benefit option not available under the Plan,

- (b) actuarially increased benefits, or
- (c) benefits that are required to be paid to another Alternate Payee under a separate order previously determined to be a QDRO.

An Order will be deemed qualified even if it requires payment of benefits to an Alternate Payee at any time prior to the Participant's separation from service (whether or not the Participant actually retires on that date). However, such Order will not be deemed qualified unless:

- (1) Payment of benefits to the Alternate Payee is not required prior to the date which is the earlier of:
  - (a) the date on which the Participant is entitled to a distribution under the Plan; or
  - (b) the later of:
    - (i) the date on which the Participant attains age 50, or
    - (ii) the earliest date that the Participant could begin receiving benefits under the Plan if the Participant separated from service;
- (2) Benefit payments are computed as if the Participant had retired on the date on which payments are to begin (based on the present value of benefits actually accrued); and
- (3) Such payments are in a form in which benefits may be paid under the Plan to the Participant.

An Order will be deemed qualified if it provides that, in the event of the Alternate Payee's death before all of the benefits awarded to the Alternate Payee in the Order have been distributed, the remainder of such benefits shall be distributed in a manner provided for under the

Plan rules concerning distribution of a deceased Participant's Accumulated Share and/or benefits.

The Board of Trustees (the "Trustees") of the Fund has delegated to the Benefit Administrator the power and authority to review Orders submitted to the Fund and approve those Orders that comply with these Procedures. Upon receipt of any such Order, the Benefit Administrator will promptly inform the Participant and the Alternate Payee of such receipt and of these procedures. Within a reasonable period thereafter, the Benefit Administrator shall review the Order to determine whether it is "qualified." All notices will be mailed to the Participant and Alternate Payee(s) at the address(es) specified in the Order. The Participant and Alternate Payee(s) may designate representatives for service of notices.

If the Benefit Administrator determines that the Order is not qualified, the Benefit Administrator shall refer the Order to the Fund's legal counsel, who will attempt to resolve the matter. If necessary, the Benefit Administrator shall then refer the Order to the Trustees for disposition. The Trustees have the full power and authority to make final determinations as to the qualified status of Orders where legal or other questions exist as to the validity of the Order or whether such Order is a QDRO. The Trustees shall have the authority to consider, in their sole and absolute discretion, appeals by Participants or Alternate Payees with respect to determinations made by the Benefit Administrator concerning the qualified status of an Order and to make final and binding decisions thereon.

In order to receive payments from the Fund pursuant to a QDRO, the Alternate Payee(s) must furnish the Fund with a copy of the Order, which has been certified by the clerk of the court. Prior to obtaining the court's approval of an Order, the Alternate Payee may furnish the Fund with a copy of the draft Order for the Fund's review of its qualified status.

If the Order is determined to be qualified, the Benefit Administrator will notify the Participant and Alternate Payee(s) in writing of such determination and the date on which payment is scheduled to commence. The Participant and the Alternate Payee(s) may be requested to furnish an acknowledgment of the receipt of the notice of payment of benefits, a general release, a correct mailing address and any other documents that the Trustees or the Benefit Administrator, in their sole and absolute discretion, deem necessary. The Participant and the Alternate Payee(s) may also be required to provide such information, and complete such forms and other documents, as would normally be required of the Participant prior of the payment of benefits under the Plan.

If Fund Counsel or the Benefit Administrator determines that the Order is not qualified, the Benefit Administrator will notify the Participant and Alternate Payee(s) in writing, setting forth the specific reasons for so concluding. The Participant and Alternate Payee(s) shall have the right to appeal such determination, by written request filed with the Benefit Administrator, in accordance with the Fund's benefit claims procedure (which is described in the Fund booklet summarizing the terms of the Plan).

During any period in which the qualified status of an Order is being reviewed (by the Trustees, Fund Counsel, Benefit Administrator, a court, or otherwise), or appealed by the Participant or Alternate Payee(s), the Benefit Administrator shall segregate any amounts that would have been payable to the Alternate Payee(s) during such period had the Order been determined to be qualified, if such amount is known. If such amount is not known, the Benefit Administrator may, in her sole and absolute discretion, delay the payment of benefits that otherwise would be payable to the Participant for a reasonable period of time.

If the Order is determined to be qualified within 18 months after the segregation of benefits, the Fund will pay the segregated amounts (including interest at the actuarial assumption rate) to the person or persons entitled to receive them. If, upon expiration of the 18-month period, the Order is determined not to be qualified, or the issue as to whether such Order is qualified is not resolved, the segregated amounts (including interest at the actuarial assumption rate) will be paid to the person who otherwise would have received the amounts had the Order not been issued.

Any determination that an Order is qualified that is made after the expiration of the 18-month period will apply prospectively only (i.e., the Fund shall not be liable for payments to the Alternate Payee(s) for the period before the Order is determined to be qualified). The 18-month period referred to above commences on the date on which the first payment would be required to be made under the Order.

The Fund (and its Trustees, and the Benefit Administrator) shall be discharged from any obligation or liability to any Participant or Alternate Payee(s) to the extent of any payment made pursuant to a QDRO or these procedures.

The following rules apply in connection with the Fund's interpretation of a QDRO:

- (1) If a QDRO provides that the Alternate Payee's share of the Participant's Individual Account is a portion of the payment to be paid to the Participant and the Alternate Payee dies before the Participant, the Alternate Payee's share will terminate and revert to the Participant.
- (2) If a QDRO provides that the Alternate Payee's share of the Participant's Individual Account is a separate and distinct interest, in the event that the Alternate Payee dies before commencement of benefits, the Alternate Payee's share shall be paid to the Alternate Payee's beneficiary(ies), in accordance with the terms of the Plan.
- (3) The Alternate Payee will not be deemed the spouse of the Participant for any purpose under the Plan, unless otherwise provided by a QDRO.
- (4) If a QDRO requires the Plan to provide the Participant or the Alternate Payee with notices or documents other than those that are required by law, this will not be binding on the Plan and will be disregarded by the Benefit Administrator.
- (5) The Fund shall report any amount that it pays to the Alternate Payee as taxable to such Alternate Payee in accordance with applicable law unless such payments

constitute child support and the Order provides they should be reported as taxable to the Participant.

The Benefit Administrator or Fund Counsel may communicate with the parties and/or their representatives to clarify points of interpretation, but such communication shall not be regarded as legal advice or any recommendation to the parties as to the terms of an Order. The Benefit Administrator may, in its sole discretion, treat any interpretation of an Order agreed to by the parties in a signed writing as a binding and conclusive interpretation of such Order, subject to applicable law and the relevant Plan provisions.

The Trustees and the Benefit Administrator shall have complete authority, in their sole and absolute discretion, to construe the terms of these procedures (and applicable Plan documents relating to any determination to be made hereunder) and to determine the eligibility for, and the amount of, benefits due to a Participant or Alternate Payee under the Plan in connection with a QDRO. All such decisions shall be final and binding on all parties affected thereby.

The Trustees reserve the right to amend any (or all) of the foregoing procedures, in their sole and absolute discretion, at any time and from time to time.

Adopted September 2, 2021