

# WRERA Adoption Agreement and Amendment

For use with TIAA-CREF's Non-ERISA  
Deferral-Only Specimen 403(b)  
Basic Plan Document



**Financial Services**

# Worker, Retiree and Employer Recovery Act of 2008 (WRERA) Adoption Agreement Amendment

This amendment of the Plan (hereinafter referred to as "the Amendment") is comprised of this Worker, Retiree and Employer Recovery Act of 2008 (WRERA) Adoption Agreement Amendment (the "Adoption Agreement Amendment") and the corresponding Basic Plan Document Amendment. The Amendment is adopted to reflect the provisions of WRERA. The Amendment is intended to provide good faith compliance with WRERA and related guidance until the Plan is formally restated to incorporate such guidance. The Amendment is effective January 1, 2009, and such provisions apply to Plan operations during the period beginning on December 1, 2009, and ending on December 31, 2009. The IRS will not consider the Plan to have failed to operate in accordance with its terms merely because during the period beginning on January 1, 2009, and ending on November 30, 2009, the Plan's operation conflicted with the provisions of the Amendment pertaining to required minimum distributions (RMDs) for 2009. The Amendment supersedes the existing provisions of the Plan to the extent that those provisions are inconsistent with the provisions of the Amendment.

## EMPLOYER INFORMATION

Name of Plan Seward County Community College 403(b) TDA Plan

Plan Sequence Number \_\_\_\_\_ Account Number 387176

## DISTRIBUTIONS *Complete Parts A through B*

### Part A. 2009 RMD Payment Election

May Participants and Beneficiaries who would have otherwise been required to receive RMDs for 2009 but for the enactment of Code Section 401(a)(9)(H) choose whether to remove their 2009 RMD or Extended 2009 RMD from the Plan (*select one*)?

**Option 1:**  Yes. (*Complete the following*)

If a Participant or Beneficiary does not choose whether to remove their 2009 RMD or Extended 2009 RMD, the Employer will (*select one*):

**Suboption (a):**  retain such amount within the Plan.

**Suboption (b):**  distribute such amount to the Participant or Beneficiary.

**NOTE:** *If no suboption is selected, Suboption (a) will apply.*

**Option 2:**  No. (*Complete the following*)

The Employer will (*select one*):

**Suboption (a):**  retain such amount within the Plan.

**Suboption (b):**  distribute such amount to the Participant or Beneficiary.

**NOTE:** *If no suboption is selected, Suboption (a) will apply.*

**NOTE:** *If no option is selected, Option 1 will apply.*

### Part B. Definition of Eligible Rollover Distribution

For purposes of the Direct Rollover distribution provisions of the Plan, the following will also be treated as Eligible Rollover Distributions (*select one*):

**Option 1:**  2009 RMDs and Extended 2009 RMDs.

**Option 2:**  2009 RMDs.

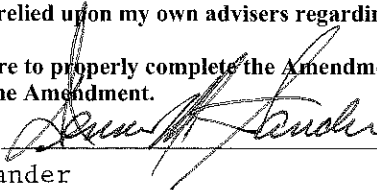
**Option 3:**  Neither 2009 RMDs nor Extended 2009 RMDs.

**NOTE:** *If no option is selected, Option 1 will apply.*

## EMPLOYER SIGNATURE

### Signature of Employer

1. I acknowledge that I have relied upon my own advisers regarding the completion of the Amendment and the legal and tax implications of amending this Plan;
2. I understand that my failure to properly complete the Amendment may result in disqualification of the Plan; and
3. I have received a copy of the Amendment.

Signature of Adopting Employer  Date Signed 12/07/2011  
Type Name Dennis M. Sander Title Dean of Finance & Operations

# Worker, Retiree and Employer Recovery Act of 2008 (WRERA) Basic Plan Document Amendment

The amendment of the Plan (hereinafter referred to as "the Amendment") is comprised of this Worker, Retiree and Employer Recovery Act of 2008 (WRERA) Basic Plan Document Amendment (the "Basic Plan Document Amendment") and the corresponding Adoption Agreement Amendment. The Amendment is intended to provide good faith compliance with WRERA and related guidance until the Plan is formally restated to incorporate such guidance. The Amendment is effective January 1, 2009, and such provisions apply to Plan operations during the period beginning on December 1, 2009, and ending on December 31, 2009. The IRS will not consider the Plan to have failed to operate in accordance with its terms merely because during the period beginning on January 1, 2009, and ending on November 30, 2009, the Plan's operation conflicted with the provisions of the Amendment pertaining to required minimum distributions (RMDs) for 2009.

## DEFINITIONS

### **2009 RMD**

**2009 RMD is added to the Plan as a new defined term with the following definition:**

Means a required minimum distribution that would have been distributed to a Participant or Beneficiary for 2009 but for the enactment of Code Section 401(a)(9)(H).

### **EXTENDED 2009 RMD**

**Extended 2009 RMD is added to the Plan as a new defined term with the following definition:**

Means one or more payments in a series of substantially equal distributions (that include the 2009 RMD) made at least annually and expected to last for the life (or life expectancy) of the Participant and the Participant's designated Beneficiary, or for a period of at least 10 years.

### **ELIGIBLE ROLLOVER DISTRIBUTION**

**The Plan's definition of Eligible Rollover Distribution is modified by adding the following as a new paragraph to the end.**

Notwithstanding the foregoing, solely for purposes of applying the Direct Rollover distribution provisions of the Plan, 2009 RMDs and Extended 2009 RMDs distributed for 2009 will be treated as Eligible Rollover Distributions, unless otherwise elected in the Adoption Agreement Amendment.

## CONTRIBUTIONS

**The Basic Plan Document Section titled Rollover is modified by adding the following to the end:**

If the Plan allows rollover contributions, 2009 RMDs and Extended 2009 RMDs distributed for 2009 will be considered Eligible Rollover Distributions and may be rolled over to the Plan in accordance with this section and the Plan's existing rollover contribution elections.

## DISTRIBUTIONS

**The Basic Plan Document Section titled Required Minimum Distribution Requirements is modified by adding the following, as the next alphabetically ordered paragraph, to the end.**

### **Temporary Waiver of Required Minimum Distribution Requirements**

Notwithstanding anything in the Plan or the definition of Distribution Calendar Year to the contrary, Participants and Beneficiaries who would have been required to receive a 2009 RMD or Extended 2009 RMD but for the enactment of Code Section 401(a)(9)(H) will be given the choice to receive such distributions for 2009 unless otherwise indicated in the Adoption Agreement Amendment.

If a Participant or Beneficiary described above is allowed to remove their 2009 RMD or Extended 2009 RMD but does not elect to receive such amount, the 2009 RMD or Extended 2009 RMD will be retained in the Plan unless otherwise indicated in the Adoption Agreement Amendment.

In addition, notwithstanding anything in the Plan to the contrary, if a Beneficiary's balance is required to be distributed under Code Section 401(a)(9)(B)(ii), the five-year period described in such section shall be determined without regard to calendar year 2009.