

IBEW Pension Benefit Fund
International Brotherhood of Electrical Workers, AFL-CIO, CLC
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QUALIFIED DOMESTIC RELATIONS ORDER (ODRO) POLICY AND PROCEDURE

A domestic relations order is a judgment, decree or order that relates to the provision of child support, alimony payment or marital property rights to a spouse, former spouse, child or other dependent of a Participant.

For the purposes of these procedures, the term "alternate payee(s)" means any spouse, former spouse, child or other dependent of a Participant who is recognized by a domestic relations order as having a right to receive all, or a portion of, the benefits payable under the Plan with respect to such Participant.

a. **RECEIPT OF ORDER**

Upon receipt of a certified copy of a domestic relations order, the Plan Administrator will promptly notify the Participant and the alternate payee(s) named in order of the receipt of such order and will enclose a copy of these procedures.

The order will be referred to Plan Legal Counsel to render an opinion within 60 days (or such earlier period as shall be provided by Treasury Regulations) as to whether the domestic relations order is a "qualified domestic relations order" as defined by Section 206(d)(3)(B) of ERISA.

b. **REQUIREMENTS FOR QUALIFICATION**

In order to constitute a qualified domestic relations order, a domestic relations order must meet all of the following requirements:

- i. **Pursuant to State Law.** The domestic relations order must be made pursuant to a State domestic relations law (including a community property law).
- ii. **Recognition of Right.** The domestic relations order must create or recognize the existence of an alternate payee(s)' right to, or assign to an alternate payee the right to, receive all or a portion of the benefits payable with respect to a Participant under the Plan.
- iii. **Required Information.** The domestic relations order must clearly specify the following information:
 - (1) **Name/Address.** The name and last known mailing address of the Participant and the name and mailing address of each alternate payee covered by the domestic relations order.
 - (2) **Amount of Benefit to be Paid.** The amount or percentage of the Participant's benefits to be paid by the Plan to each alternate payee, or the manner in which such amount or percentage is to be determined.

- (3) Number of Payments or Period of Payments. The number of payments or period to which such order applies; and
- (4) Each Plan to Which Order Applies. The specific name of each plan to which such order applies.

iv. Potential Disqualifying Features. The domestic relations order must not require:

- (1) The Plan to provide any type or form of benefit or any option not otherwise provided under the Plan;
- (2) The Plan to provide increased benefits, or
- (3) The payment of benefits to any alternate payee that are required to be paid to another payee under another order previously determined to be a qualified domestic relations order.

c. UPON DETERMINATION THAT ORDER IS QUALIFIED

Upon determination that the order is qualified, Plan Legal Counsel will notify the attorneys representing the persons named in the order of the qualified status of the order. If no attorney is identified, notification will be sent directly to the persons named in the order.

In any event, Plan Legal Counsel shall notify the Participant of the qualified status of the order and the Plan's obligation to honor the order and make payments to the alternate payee upon benefits becoming due.

d. UPON DETERMINATION THAT ORDER IS NOT QUALIFIED

If the order fails to meet one or more of the requirements of paragraph B above or if clarification of its intent is needed, it will not be considered qualified and Plan Legal Counsel will notify the attorneys representing the persons named in the order of the determination that the order is not qualified and shall set forth the specific reasons for the conclusion. If no attorney is identified, notification will be sent directly to the persons named in the order. The Participant and the alternate payee(s) may appeal any determination made in accordance with the Plan's appeal procedure, a copy of which shall be included with the determination letter.

e. UNABLE TO DECIDE

In the event the Trustees are unable to make a determination whether an order is or is not a qualified domestic relations order prior to the next scheduled distribution of benefits to the Participant whose benefits are subject to the order, the Trustees shall segregate in a separate account the amount that would have been payable to the alternate payee(s) had the order been determined to be a qualified domestic relations order and shall continue to

segregate such amounts until the earlier of the date a determination is made or the expiration of 18 months.

If within such 18 months, the Trustees determine the order to be a qualified domestic relations order, the Trustees shall pay the segregated amounts (plus any interest earned thereon) to the person or persons entitled to receive them. If, within the 18 months the order is determined not to be a qualified domestic relations order or, after the 18-month period has expired, no determination is made, the segregated amounts (plus any interest) shall be paid to the person who would have received the amounts if there had been no order. Thereafter any determination that an order is a qualified domestic relations order shall apply prospectively (i.e. the Plan shall not be liable for payments to an alternative payee(s) for the period before the order was determined to be a qualified domestic relations order). The Plan shall be discharged from any obligation or liability to any Participant or alternate payee(s) to the extent of any payment made pursuant to these procedures, provided the Trustees have acted in accordance with their fiduciary responsibility.

The Trustees may require any Participant and any alternate payee(s) to furnish to the Trustees, such releases, documents or information as the Trustees require for the administration of the Plan and this article.

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