# AMENDMENT REGARDING HARDSHIP DISTRIBUTIONS IN OTHER PLANS

**ARTICLE I**

**PREAMBLE**

1.1 **Adoption and effective date of Amendment**. The Document Provider, on behalf of the Employer, hereby adopts this Amendment to the Employer's Plan. This Amendment is effective January 1, 2020 (or, if later, the effective date of the Plan), or such earlier date as it was implemented operationally.

1.2 **Superseding of inconsistent provisions**. This Amendment supersedes the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this Amendment. Except as otherwise provided in this Amendment, terms defined in the Plan will have the same meaning in this Amendment.

1.3 **Effect of restatement of Plan**. If the Employer restates the Plan using the Document Provider's pre-approved plan based on The Cumulative List of Changes in Plan Qualification Requirements for Pre-approved Defined Contribution Plans for 2017 (Notice 2017-37) or any earlier Cumulative List, then this Amendment shall remain in effect after such restatement unless the provisions in this Amendment are restated or otherwise become obsolete (e.g., if the Plan is restated onto a plan document which incorporates these provisions).

1.5 **Adoption by Document Provider**. The Document Provider hereby adopts this Amendment on behalf of all of the Document Provider's plans adopted by its adopting employers. The Document Provider means the Sponsor of a Prototype Plan or VS Practitioner of a Volume Submitter Plan as defined in Rev. Proc. 2015-36, or the Provider of a Pre-approved Plan, as defined in Rev. Proc. 2017-41. References to the Document Provider's plans or to pre-approved plans refer to the Prototype Plans, Volume Submitter Plans, and/or Pre-approved Plans sponsored by the Document Provider for use by adopting employers, as the case may be.

**ARTICLE II**

**PARTICIPANT CONTRIBUTIONS NOT IMPACTED BY HARDSHIP DISTRIBUTIONS**

2.1 **Amendment.** Notwithstanding any contrary provision in the Plan, no Participant shall be prohibited from making a Participant Contribution to the Plan that the Participant is otherwise eligible to make under existing Plan terms, merely because the Participant has received a hardship distribution under (or based on the standards described in) Treas. Reg. §1.401(k)-1(d)(3) from another plan maintained by the Employer or a related employer described in Code §414(b), (c), (m), or (o). The term "Participant Contribution” includes any employee contribution or elective deferral described in Treas. Reg. §1.401(k)-1(d)(3)(iii)(C).

 (signature and date)

Document Provider Name: