**AMENDMENT TO IMPLEMENT SECURE AND SECURE 2.0 PROVISIONS FOR**

**TAX-EXEMPT 457(b) PLANS**

**Instructions**

FIS has developed an amendment which may be used to update 457(b) plans of tax-exempt organizations for SECURE and SECURE 2.0. The amendment is limited to tax-exempt 457(b) plans and is not suitable for other plans. It reflects the IRS guidance received to date. It addresses both SECURE and SECURE 2.0 and overrides any prior SECURE amendment.

We anticipate that most employers can simply fill in the identifying information in section 2.1, check Election 2.2(a) and sign the amendment. Sections 2.3-2.6 list the amendment’s default provisions. If an employer wishes to override one or more of those defaults, to reflect options the law makes available, the employer can check Election 2.2(b) and make the appropriate Elections in sections 2.3-2.6. Each Article 3-6 is self-contained and lists the statutory citation for ease of reference.

**Can a document sponsor sign this amendment on behalf of the employer?**

No. There is no preapproved plan program for 457(b) plans and therefore the employer must sign the amendment.

**When should this amendment be adopted?**

Tax-exempt 457(b) plans must adopt this amendment on or before the last day of the first plan year beginning in 2025. Unlike other plans, they do not have the option to wait until 2026 to adopt this amendment.

**Can I modify this amendment?**

Yes. This is a good faith amendment, and the IRS has not reviewed or approved it.

**Will FIS update this amendment?**

We may update this amendment to reflect IRS guidance, as warranted.

Please check the Relius.net [Other Resources](https://www.relius.net/News/OtherResources.aspx?T=P) page to find the most current version of the amendment.

**Are other documents available?**

In addition to the Amendment, we have provided a sample Summary to distribute to the participants and a sample Adopting Resolution (for an employer to evidence adoption of the Amendment). We have not provided a unanimous written consent or other form to actually adopt the amendment, because this will vary depending on local law and on the structure of the employer.

**AMENDMENT TO IMPLEMENT SECURE AND SECURE 2.0**

**ARTICLE 1**

**PREAMBLE**

1.1 **Adoption and effective date of Amendment**. The Employer hereby adopts this Amendment to the Plan identified below. Where articles specify effective dates, their provisions begin on that date or as soon thereafter as administratively practicable.

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. Many Articles include definitions which are specific to that Article.

1.3 **Numbering.** Except as otherwise provided in this Amendment, any “Section” reference in this Amendment refers only to this Amendment and is not a reference to the Plan. The Article and Section numbering in this Amendment is solely for purposes of this Amendment, and does not relate to the Plan article, section, or other numbering designations.

1.4 **Intention; Construction**. The purpose of this Amendment is to amend the Plan in accordance with the statutes described below and related IRS guidance. The provisions of this Amendment, and any policies or procedures adopted or modified pursuant to it, shall be interpreted and applied in a manner consistent with these statutes and any related guidance issued by the IRS or DOL, whether issued before or after the date of this Amendment. The Plan Administrator may, but is not required to, reduce such policies or procedures to writing. The statutes include:

* SECURE 2.0 Act of 2022 (“SECURE 2.0”) enacted as Division T of the Consolidated Appropriations Act of 2023,
* Setting Every Community Up for Retirement Enhancement Act of 2019 (“SECURE”) enacted as Division O of the Further Consolidated Appropriations Act of 2019,

**ARTICLE 2**

**IDENTIFICATION; ELECTIONS**

2.1 **Identifying information.**

 A. Name of Employer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 B. Name of Plan: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 C. Type of Plan: 457(b) plan of tax-exempt employer (non-governmental)

2.2 **Operating Elections**. Many subsequent Articles of this Amendment refer to elections appearing in this Article 2. Each of Sections 2.3 through 2.7 refers to a corresponding Article. For example, Section 2.4 has the elections related to Article 4. The definitions in those Articles apply to the elections in the corresponding Section of this Article 2, and those elections have the same effective date as the corresponding Article. Each Section of this Article lists the default provisions which will apply if no election is made. If you accept the default(s), there is no need to complete the Section. The following is a summary of the Articles.

* Article 3. Increases de minimis distribution limit to $7,000.
* Article 4. Implements RMD distribution changes.
* Article 5. Authorizes qualified disaster recovery distributions.
* Article 6. Authorizes qualified long-term care distributions.
* Article 7. Recognizes tribal court orders as QDROs.

***Check (a) or (b).***

(a) [ ] All defaults apply. *Skip the rest of Article 2 and sign the amendment.*

(b) [ ] One or more defaults do not apply. *Complete those sections in Article 2 for which you do not accept the default; then sign the amendment.*

2.3 **Article 3 – Increase in *De Minimis* Distributions**. The $5,000 limit on de minimis distributions IS increased to $7,000, effective January 1, 2024, except as specified below.

(a) [ ] Article 3 does not apply.

(b) [ ] Article 3 applies effective on the first day of the first plan year beginning in 2024.

(c) [ ] Article 3 applies to distributions made after \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. (*Enter date after December 31, 2023.*)

(d) [ ] Describe additional modifications: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (*E.g., lower limit.*).

2.4**Article 4 – RMDs.**RMDs to an EDB of a Participant who dies prior to the Participant’s RBD will be made as elected below. In the absence of an election in this Section 2.4, the Plan’s existing provisions governing Beneficiary elections under the 5-Year Rule shall apply, substituting the 10-Year Rule for the 5-Year Rule.

(a) [ ] **Beneficiary election.** The EDB may elect application of the 10-Year Rule or the Life Expectancy Rule. If the Beneficiary does not make a timely election *(Select one of (1) or (2))*:

 (1) [ ] **10-Year Rule.** The 10-Year Rule shall apply to the EDB.

 (2) [ ] **Life Expectancy Rule.** The Life Expectancy Rule shall apply to the EDB.

(b) [ ] **10-Year Rule.** The 10-Year Rule shall apply to the EDB.

(c) [ ] **Life Expectancy Rule.** The Life Expectancy Rule shall apply to the EDB.

(d) [ ] **Shorter Period.** The entire interest of the EDB shall be distributed no later than December 31 of the \_\_\_\_\_\_ *(enter a number of years, not exceeding “tenth”)* year following the year of the Participant’s death. [*Note that distributions pursuant to this election may be eligible rollover distributions.]*

(e) [ ] **Other:** *(Describe, e.g., the 10-Year Rule applies to all Beneficiaries other than a surviving spouse Beneficiary.) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

2.5 **Article 5 – Qualified Disaster Recovery Distributions**. The Plan Administrator may adopt a disaster relief policy, as described in Article 5, which includes the ability to make Qualified Disaster Recovery Distributions (QDRDs), except as limited below:

(a) [ ] The Plan is not authorized to provide QDRDs and Article 5 does NOT APPLY.

(b) [ ] QDRDs are available only for contributions in which the Participant is fully vested.

(c) [ ] QDRDs may be distributed only with respect to the following contributions*:* [Check all that apply]

 (1) [ ] Elective deferrals

 (2) [ ] Employer matching contributions

 (3) [ ] Employer nonelective contributions

 (4) [ ] Transferred accounts

 (5) [ ] Describe: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2.6 **Article 6 – Qualified Long-Term Care Distributions**. In the absence of an election below, Article 6 does NOT apply. To activate qualified long-term care distributions (QLTCDs), check (a).

(a) [ ] Article 6 applies and Participants can receive QLTCDs effective \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. (*Enter date after December 29, 2025.*)

(b) [ ] QLTCDs are available only for contributions in which the Participant is fully vested.

(c) [ ] QLTCDs may be elected only with respect to the following pre-tax accounts*:* [*Check all that apply.*]

 (1) [ ] Elective deferrals

 (2) [ ] Employer matching contributions

 (3) [ ] Employer nonelective contributions

 (4) [ ] Transferred accounts

 (5) [ ] Describe: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(d) [ ] QLTCDs are not available if the Participant has severed employment.

(e) [ ] Describe additional limitations: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**ARTICLE 3**

**INCREASE IN *DE MINIMIS* DISTRIBUTION LIMIT – SECURE 2.0 §304**

3.1 **Application.** This Article 3 will apply unless the Employer elects in Section 2.3(a) for this Article not to apply. It is effective for distributions made after December 31, 2023, unless Section 2.3(b) or (c) is selected.

3.2 **$7,000 Limit.** The limit on *de minimis* distributions described in Treas. Reg. §1.457-6(e) is increased from $5,000 to $7,000. This Article is subject to any modifications described in Section 2.3. This Article does not make *de minimis* distributions available if the Plan does not otherwise provide for them.

**ARTICLE 4**

**REQUIRED MINIMUM DISTRIBUTIONS – SECURE §§ 114, 401; SECURE 2.0 §§107, 201, 202, 204**

4.1 **Application.** The Plan will comply with the provisions of Code § 401(a)(9), as amended by SECURE and SECURE 2.0, effective as of the dates specified in those statutes. For calendar years beginning after 2024, the plan will make RMDs as required by Treas. Reg. §1.401(a)(9)-1 through -9, and, to the extent they are consistent with such regulations, the provisions of the Plan as amended by this Article. The purpose of Section 2.4 and this Article 4 is to delineate optional provisions which relate to RMDs and to provide a frame of reference for practitioners in applying the law. This Article specifically supersedes any prior or contemporaneous amendment addressing RMDs.

4.2 **Delay of Required Beginning Date.** A Participant’s RBD shall not be earlier than April 1 of the calendar year following the year the Participant attains RMD Age as determined in accordance with Treas. Reg. § 1.401(a)(9)-2. This Amendment does not modify any Plan provision implementing a uniform RBD, as described in Treas. Reg. § 1.401(a)(9)-2(b)(4). This Section is effective for distributions after December 31, 2019.

4.3 **Spousal Distributions.** If a Participant dies prior to the Participant’s RBD, and the Participant’s sole Designated Beneficiary is the Participant’s surviving spouse, then the RMDs to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died, or by December 31 of the calendar year in which the Participant would have attained RMD Age, if later. However, this Section will apply only if the Plan, prior to this Amendment, permitted a surviving spouse to delay RMD distributions as described in Code § 401(a)(9)(B)(iv). This Section is effective for distributions after December 31, 2019.

4.4 **Optional Distribution Timing.** The Employer operationally may delay implementation of Sections 4.2 and 4.3 with regard to the timing and form of some or all distributions paid in 2020 or between January 1, 2023 and July 31, 2023. Distributions pursuant to this Section, which are not RMDs, will be treated as eligible rollover distributions for purposes of the direct rollover provisions of Code §401(a)(31), except to the extent otherwise permitted in IRS guidance. See Notice 2023-54, § IV.

4.5 **Spouse Using ULT.** This Section 4.5 applies if the Plan is a Defined Contribution Plan and is effective January 1, 2024. It is limited to situations in which a Participant dies and his or her surviving spouse is the sole designated beneficiary.

1. If the Participant dies before the RBD, then any RMDs paid under the Life Expectancy Rule to the spouse shall be determined under the ULT if the Participant would have attained RMD Age after 2023.
2. If the Participant dies after 2022 and on or after the RBD, then, unless the surviving spouse elects otherwise, any RMDs paid under the Life Expectancy Rule to the spouse shall be determined under the ULT, as described more fully in Prop. Treas. Reg. §1.401(a)(9)-5(g)(3)(ii)(C).

4.6 [**Reserved]**

4.7 **Commercial Annuities.** The Plan Administrator may adopt and implement nondiscriminatory policies relating to the purchase and use of commercial annuities in connection with RMDs. Such policies shall comply with Code §401(a)(9), and with IRS guidance as modified by SECURE §§201, 202, and 204.

4.8 **New RMD Tables.** Effective January 1, 2022, any Plan reference to the life expectancy tables detailed in Treas. Reg. §1.401(a)(9), such as the ULT, the Single Life Table, or the Joint and Last Survivor Table, refers to these tables as published in Treas. Reg. §1.401(a)(9)-9 from time to time, and is subject to adjustment as described in Treas. Reg. §1.401(a)(9)-9(f).

4.9 [**Reserved]**

4.10 **Beneficiary Distributions.** This Article will not apply to qualified annuities described in SECURE §401(b)(4)(B). In general, this Section applies to Participants who die on or after the SECURE 410 Effective Date. See Section 4.10(c) regarding the limited application of this Section to certain accounts of Participants who died before the SECURE 410 Effective Date.

1. **Death before RBD.** If the Participant dies before the Participant’s RBD, the Plan will distribute or commence distribution of the Participant’s Vested Accrued Benefit not later than as follows:

**(1) No Designated Beneficiary.** If there is no Designated Beneficiary as of September 30 of the year following the calendar year of the Participant's death, the Beneficiary's entire interest will be distributed under the 5-Year Rule.

**(2) Eligible Designated Beneficiary (EDB).** If the distributee of a Participant’s account is an EDB, the Beneficiary’s entire interest will be distributed under the Life Expectancy Rule unless the 10-Year Rule applies. The Employer may elect application of the Life Expectancy Rule or the 10-Year Rule in Section 2.4 In the absence of an election in Section 2.4, the Plan’s provisions with regard to election of the 5-Year Rule will apply, substituting the 10-Year Rule for the 5-Year Rule. A permitted Beneficiary election must be made no later than the earlier of December 31 of the calendar year in which distribution would be required to begin under the Life Expectancy Rule, or by December 31 of the calendar year which contains the tenth anniversary of the Participant's (or, if applicable, surviving spouse's) death.

**(3) Other Designated Beneficiaries.** If the distributee of the Participant’s account is a Designated Beneficiary who is not an Eligible Designated Beneficiary, then the Beneficiary’s entire interest will be distributed under the 10-Year Rule.

1. **Death after RBD.** If the Participant dies on or after the Participant’s RBD, the Participant’s remaining interest will be distributed at least as rapidly as under the method of distribution being used as of the date of the participant's death, using the Life Expectancy Rule. See Treas. Reg. § 1.401(a)(9)-5(d). If the Beneficiary is not an EDB, the Plan will distribute the remaining account in full no later than December 31 of the tenth year following the year of the Participant’s death.
2. **Beneficiary Death.** If an EDB receiving distributions under the Life Expectancy Rule dies before receiving distribution of the Beneficiary’s entire interest in the Participant’s account, the Plan will distribute that interest in full no later than December 31 of the 10th year following the year of the EDB’s death. Similarly, if a Participant died before the SECURE 410 Effective Date, and the Beneficiary died after such Effective Date, but prior to receiving full distribution of the Beneficiary’s interest, the Plan will distribute that interest in full no later than December 31 of the tenth year following the year of the Beneficiary’s death.
3. **Minor child.** If a child of the Participant was receiving distributions under the Life Expectancy Rule, when the child reaches the age of Majority, the Plan will distribute the child’s account in full no later than 10 years after that date, provided the child is not otherwise an Eligible Designated Beneficiary, such as a disabled or chronically ill individual (as defined in Treas. Reg. § 1.401(a)(9)-4(e)(4), (5)).
4. **Optional Relief.** The Plan operationally may apply the relief granted in Notices 2022-53, 2023-54, and 2024-35.

4.11 **Definitions.** The following definitions apply for this Article 4 and Section 2.4:

(a) An “**RMD**” is a Required Minimum Distribution as described in Code §401(a)(9).

(b) A Participant’s “**RBD**” is the Participant’s Required Beginning Date as described in Code §401(a)(9)(C), and Treas. Reg. § 1.401(a)(9)-2.

(c) With regard to RMDs during the 2020, 2021, and 2022 calendar years, a Participant’s “**RMD Age**” is age 70½ if the Participant was born before July 1, 1949, and age 72 if the Participant was born after June 30, 1949. With regard to distributions after December 31, 2022, a Participant’s “**RMD Age**” is age 70½ if the Participant was born before July 1, 1949, age 72 if the Participant was born between July 1, 1949 and December 31, 1950, age 73 if the Participant was born between January 1, 1951 and December 31, 1959, and otherwise age 75.

(d) A “**DCY**” is a Distribution Calendar Year as defined in Treas. Reg. §1.401(a)(9)-5.

(e) The “**Life Expectancy Rule**” for distributing RMDs is described in Treas. Reg. § 1.401(a)(9)-3(c)(4).

(f) The “**5-Year Rule**” for distributing RMDs is described in Treas. Reg. § 1.401(a)(9)-3(c)(2).

(g) The “**10-Year Rule**” for distributing RMDs is described in Treas. Reg. § 1.401(a)(9)-3(c)(3).

(h) The “**SECURE 410 Effective Date”** is the date determined under SECURE § 410(b). For most plans that date is January 1, 2020. The SECURE 410 Effective Date in the case of a collectively-bargained plan will be the date determined in SECURE §401(b)(2).

(i) The “**ULT**” is the Uniform Lifetime Table in Treas. Reg. §1.401(a)(9)-9(c).

(j) Whether a distributee of a Participant’s account is a “**Designated Beneficiary**” is determined under Treas. Reg. § 1.401(a)(9)-4.

(k) An “**EDB**” is an Eligible Designated Beneficiary is determined under Treas. Reg. § 1.401(a)(9)-4(e).

(l) Whether a child has reached the age of “**Majority**” is determined under Code §401(a)(9)(F) and applicable regulations and guidance issued thereunder. Generally, a child reaches the age of Majority on his or her 21st birthday.

(m) **Separate share rule.** All references in this Article to a Participant’s Account and a Beneficiary’s interest in that account will be applied separately to each separate account determined under Treas. Reg. §1.401(a)(9)-8(a).

**ARTICLE 5**

**DISASTER RELIEF – SECURE 2.0 §331**

5.1 **Application; Effective Date.** In general, the effective date of this Article is January 1, 2020, but see Section 5.8.

5.2 **Disaster Relief Policy.** The Plan may make Qualified Disaster Recovery Distributions (QDRDs), unless otherwise specified in Section 2.5(a). In Section 2.5, the Employer may limit the accounts from which QDRDs are available and specify whether QDRDs are limited to accounts in which the Participant is fully vested. If QDRDs are authorized, the Plan Administrator shall adopt a uniform, nondiscriminatory disaster relief policy authorizing Qualified Individuals to receive the relief described in this Article, as authorized in the policy. The disaster relief policy may (1) specify the Qualified Disasters for which relief applies, (2) limit the amount available with respect to a Qualified Disaster Distribution to an amount less than the Maximum Amount, or (3) impose other reasonable limitations. With regard to disasters declared after the adoption of this Amendment, the Plan will inform impacted Participants of the relief available under this Article.

5.3 **QDRD Availability; Limitation.** A Qualified Individual may take one or more QDRDs as authorized in the Plan's disaster relief policy. The total amount of QDRDs to a Qualified Individual pursuant to this Amendment from all plans maintained by the Employer, or any Affiliated Employer, will not exceed the Maximum Amount per Qualified Disaster, or such lesser amount as prescribed in the policy. The Qualified Disaster Distributions from the Plan to a Qualified Individual will not exceed the amount of the individual's vested account balance or the present value of the individual's vested accrued benefit.

5.4 [**Reserved]**

5.5 **[Reserved]**

5.6 **[Reserved]**

5.7 **[Reserved]**

5.8 **Construction; Effective Date.** This Article will be interpreted and applied in accordance with the provisions of the Disaster Law and formal IRS Guidance related thereto. The effective date of this Article with regard to any Qualified Disaster is the date the disaster was declared, or such later date specified in the Plan's disaster relief policy. If the Plan has previously been amended to provide for the disaster relief described in this Section, such amendment shall be treated as part of the Plan's disaster relief policy and amended to the extent necessary to conform to this Article.

5.9 **Definitions.** This Section is intended to provide relief authorized in the Code § 72(t)(11), as provided in the Plan's disaster relief policy.

(a) The “**Maximum Amount**” with regard to any Qualified Disaster is $22,000 or a lesser amount specified in the Plan's disaster relief policy.

(b) A “**Major Disaster**” is a disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(c) **“Qualified Individuals.”** Participants, alternate payees and beneficiaries of deceased participants can be treated as Qualified Individuals, as defined in the relevant Disaster Law. The Plan Administrator may rely on an individual's certification that the individual satisfies a condition to be a Qualified Individual unless the Plan Administrator has actual knowledge to the contrary.

(d) **“Disaster Law.”** This Article provides for the relief outlined in Code § 72(t)(11) (the "Disaster Law"), which defines the **Major Disasters** to be treated as **Qualified Disasters**, the persons who can be treated as **Qualified Individuals**, and the distributions which can be **Qualified Disaster Distributions**.

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**ARTICLE 6**

**QUALIFIED LONG-TERM CARE DISTRIBUTION (QLTCD) – SECURE 2.0 §334**

6.1 **Application.** This Article 6 will apply only if the Employer elects in Section 2.6(a) for this Article to apply. It is effective on the date indicated in Section 2.6(a).

6.2 **Distribution Authorized.** Except as limited by Section 2.6, a Participant may receive a QLTCD, as described in Code § 402(l)(3).

6.3 **Definition.** The following definition applies for this Article 6 and Section 2.6:

(a) A “**QLTCD**” is a qualified long-term care distribution described in Code § 401(a)(39). The total QLTCDs distributed to a Participant during a calendar year cannot exceed the least of (1) the amount paid by or assessed to the Participant during the year for or with respect to certified long-term care insurance for the Participant, the Participant’s spouse, or such other family member of the Participant as permitted by Treasury regulations, (2) 10% of the Participant’s vested account balance, or (3) $2,500, adjusted for inflation under Code § 401(a)(39)(B)(ii). No distribution shall be treated as a QLTCD unless a long-term care premium statement with respect to the employee has been filed with the Plan as provided in Code § 401(a)(39)(E).

(b) “**Certified long-term care insurance**” has the meaning provided in Code § 401(a)(39)(C).

**ARTICLE 7**

**TRIBAL QDROS – SECURE 2.0 §339**

7.1 **Application.** This Article 7 is effective for domestic relations orders received after December 31, 2022.

7.2 **Tribal QDROs.** The term “QDRO” means an order described in Code § 414(p)(1)(B) and includes an order issued pursuant to a domestic relations law of an Indian tribal government, a subdivision thereof, or an agency or instrumentality of either, which otherwise meets the requirements of Code § 414(p)(1)(A).

This Amendment has been executed this \_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_.

Name of Employer:

By:

**CERTIFICATE OF ADOPTING RESOLUTION**

The undersigned authorized representative of (the Employer) hereby certifies that the following resolution was duly adopted by Employer on , and that such resolution has not been modified or rescinded as of the date hereof:

RESOLVED, the Amendment to Implement SECURE and SECURE 2.0 (the Amendment) is hereby approved and adopted and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Plan Administrator the Amendment and to take any and all actions as it may deem necessary to effectuate this resolution.

The undersigned further certifies that attached hereto is a copy of the Amendment approved and adopted in the foregoing resolution.

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 [print name/title]

**SUMMARY OF SECURE AND SECURE 2.0 CHANGES TO YOUR 457(b) PLAN**

This notice summarizes changes to your 457(b) retirement plan based on recent federal legislation known as the **SECURE Act** and **SECURE 2.0**. These changes are designed to provide more flexibility and improve retirement outcomes. The plan has been amended to reflect these new rules. No action is required on your part at this time.

**What’s Changing?**

**1. De Minimis Distributions.** If your account balance is $7,000 or less, the Plan may distribute your account to you automatically. This replaces the previous $5,000 limit.

**2. Required Minimum Distributions (RMDs).** If you are age 73 or older (or will be), you may be required to begin receiving minimum distributions from your account. For most individuals, the starting age is 73. For those born in 1960 or later, the starting age is 75. There are new rules which apply to distributions after a participant dies. The plan administrator can assist beneficiaries in knowing the options available to them.

For more information about RMDs, including timing and calculation, see IRS Publication 590-B.

**3. Disaster Relief.** If you live in an area affected by a federally declared disaster, the Plan may allow you to take a special distribution from your account, up to $22,000 per disaster. These distributions are subject to special tax rules and may be repaid over time. Details will be provided if such a distribution becomes available.

**Account restrictions.** You may request a disaster relief distribution only from*[ the vested portion of]* the following accounts*[ provided the account is 100% vested]*:

* Salary reductions
* Matching contributions
* Nonelective contributions
* Transferred accounts
* *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*[If 2.6 selected]* **4. Long-Term Care Distributions.** Beginning after\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, you may be able to take a limited distribution of up to $2,500 from your account to help pay premiums for certain long-term care insurance. This option will only be available if additional rules are met and proper documentation is provided. *[You must be employed to receive this distribution.]*

**Account restrictions.** You may request a disaster relief distribution only from*[ the vested portion of]* the following accounts*[ provided the account is 100% vested]*:

* Salary reductions
* Matching contributions
* Nonelective contributions
* Transferred accounts
* *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

If you have questions about your account or these changes, please contact your Plan Administrator.