

**ASSOCIATION COUNTY COMMISSIONERS OF GEORGIA  
401(a) DEFINED CONTRIBUTION PLAN  
FOR  
BALDWIN COUNTY EMPLOYEES**

**ARTICLE I: PURPOSE**

The undersigned **Baldwin County, Georgia**, by executing this Adoption Agreement, elects to become a participating Employer in the Association County Commissioners of Georgia Defined Contribution Plan Program (the "Plan"), the Association County Commissioners of Georgia Defined Contribution Plan Program Master Trust (the "Trust"), and adopts the accompanying Plan and Trust documents in full as if the Employer were a signatory to those agreements. The Employer makes the following elections granted under the provisions of the Plan.

**TYPE OF PLAN ADOPTION**

- [--] New Plan
- [X] Amendment and Restatement of Previously Adopted Plan
- [--] Frozen Plan. While the Plan is frozen, Compensation earned after the Plan is frozen shall not be taken into account. Plan assets will continue to be held on behalf of Participants and their Beneficiaries until distributed in accordance with the Plan terms.

**ARTICLE II: DEFINITIONS**

Any capitalized terms used in this Adoption Agreement but not defined herein shall be given the meaning set forth in the Plan and Trust.

**2.09 COMPENSATION**

**Compensation Defined**

- [X] Amounts as defined in Code Section 3401(a) for purposes of income tax withholding at the source (as reported to the Employee on IRS Form W-2 for such year)
- [--] Includes Differential Wage Payments
- [X] Excludes Differential Wage Payments
- [--] Short Plan Years use Compensation only during short year (Default provision)
- [--] Short Plan Years use Compensation for entire year
- [--] Other Definition of Compensation (See Additional Provisions Addendum)

**Determination Period Defined for Compensation**

- [X] The Plan Year (Default provision)
- [--] The Calendar Year
- A consecutive 12-month period ending in or within the Plan year beginning \_\_\_\_\_ (day)  
\_\_\_\_\_ (month)

**2.11 DISABILITY OR DISABLED**

- Entitled to disability retirement benefits under the federal Social Security Act
- Entitled to benefits under long term disability plan or policy of Employer
- Other Definition of Disability (See Additional Provisions Addendum)

**2.14 EFFECTIVE DATE**

- New qualified Plan with an Effective Date of \_\_\_\_\_, 20\_\_ (the “Original Effective Date”).
- Amendment and restatement of a previously established qualified Plan with a previous Effective Date of **February 1, 2019** (the “Original Effective Date”). Except as specifically provided in the Plan, the Effective Date of this amendment and restatement is **January 1, 2022**.  

[The Effective Date for a new or amended and restated Plan can be no earlier than the first day of the Plan Year in which the Employer executes this Adoption Agreement, except that provisions permitting Employee Contributions in Section 4.01 may be prospective only.]

**2.16 ELIGIBILITY COMPUTATION PERIOD**

- The 12-consecutive-month period beginning on the Employee’s Employment Commencement Date and each 12-consecutive-month period beginning on the anniversary of the Employee’s Employment Commencement Date. (Default)
- The 12-consecutive-month period beginning on the Employee’s Employment Commencement Date to the first anniversary thereof. Subsequent Eligibility Computation Periods shall be measured by the 12-consecutive month periods coinciding with the Plan Year, beginning with the Plan Year that contains the first anniversary of the Employee’s Employment Commencement Date. An Employee who is credited with a Year of Service in both the initial Eligibility Computation Period and the Plan Year that includes the first anniversary of the Employee’s Employment Commencement Date shall receive credit for two (2) Years of Service for purposes of eligibility to participate.

**2.17 ELIGIBLE EMPLOYEE**

<u>Employees, other than Elected Officials</u>		Include	Exclude
<input type="checkbox"/>	All Employees	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Senior Management Only (Specify Eligible Positions):	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Full-time Employees only	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Working for the Employer at least <b>thirty (30)</b> Hours of Service per week for Compensation		
<input type="checkbox"/>	Other Definition of Full-time (see Additional Provisions Addendum)		
<input checked="" type="checkbox"/>	Grant-funded Employees (Complete only if treated differently than other Eligible Employees other than Elected Officials; complete Additional Provisions Addendum if necessary to distinguish between different classes of grant-funded employees)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

[--] Other Definition of Eligible Employees other than Elected Officials (See Additional Provisions Addendum) [--] [--]

**Elected or Appointed Officials of the Employer (Not eligible for a State of Georgia Retirement System)**      **Include**      **Exclude**

County Commissioners      [X]      [--]

Coroner      [--]      [X]

Other Elected Official (Not eligible for a State of Georgia Retirement System) (See Additional Provisions Addendum)      [--]      [X]

**Elected or Appointed Officials of the Employer (Eligible for one or more State of Georgia Retirement Systems)**

Sheriff      [--]      [X]

Tax Commissioner (elected before 7/1/2012)      [--]      [X]

Clerk of Superior Court      [--]      [X]

Chief Magistrate Judge      [--]      [X]

Assistant Magistrate Judge(s)      [--]      [X]

Probate Court Judge      [--]      [X]

Other Elected or Appointed Officials of the Employer (Eligible for one or more State of Georgia Retirement Systems) (See Additional Provisions Addendum)      [--]      [X]

**Other Elected or Appointed Officials Eligible for Limited Plan Participation (Based Solely on Allowable Compensation under Georgia law)**

State Court Judge      [--]      [X]

Superior Court Judge      [--]      [X]

Solicitor or Solicitor General      [--]      [X]

District Attorney      [--]      [X]

Other Elected or Appointed Officials Eligible for Limited Plan Participation (Based Solely on Allowable Compensation under Georgia law) (See Additional Provisions Addendum)      [--]      [X]

**Other Personnel Eligible for one or more State of Georgia Retirement Systems**

Employees of Tax Commissioners (hired before 7/1/2012)      [--]      [--]

**Tax Commissioners and Employees of Tax Commissioners (if not participating in the Employees' Retirement System of Georgia)**

Tax Commissioner (hired on or after 7/1/2012)      [X]      [--]

Employees of Tax Commissioners (hired on or after 7/1/2012)      [X]      [--]

**Other Personnel Receiving Supplemental Compensation from the Employer**

Extension Agents      [--]      [X]

Other Personnel Receiving Supplemental Compensation from the Employer (See Additional Provisions Addendum)      [--]      [X]

<u>Excluded Employees</u>		Include	Exclude
[X]	Excluded employees as provided in section 2.17 of the ACCG Basic Plan Document	--]	[X]
[--]	Excluded employees as provided in section 2.17 of the ACCG Basic Plan Document other than:		
[--]	Individuals electing into a retirement system sponsored by the State of Georgia are included to the extent permitted under Georgia law	[--]	[--]
[--]	Tax commissioners, collectors and receivers and their employees who took office or and after July 1 2012, who participate in a retirement system sponsored by the State of Georgia	[--]	[--]
[--]	Juvenile Court Judges	[--]	[--]
[--]	Nonresident Aliens	[--]	[--]
[X]	Other Excluded Employees (See Additional Provisions Addendum)	[--]	[X]

## 2.23 EMPLOYER

The term "Employer" means **Baldwin County, Georgia**

Employer EIN: **58-6000782**

Employer Fiscal year: **January 1 – December 31**

## 2.28 ENTRY DATE

### Entry Date for Employee Contributions

- [--] The first day of the first pay period beginning on or after the January 1<sup>st</sup> that the Participant first meets the eligibility requirements
- [X] The first day of the first pay period beginning on or after the date the Participant first meets the eligibility requirements
- [--] The first day of the first pay period of the month on or after the Participant first meets the eligibility requirements
- [--] The first day of the first pay period of the calendar quarter on or after the Participant first meets the eligibility requirements
- [--] Other Entry Date for Employee Contributions (See Additional Provisions Addendum)

### Entry Date for Employer Basic Contributions

- [--] The first day of the first pay period beginning on or after the January 1<sup>st</sup> that the Participant first meets the eligibility requirements
- [X] The first day of the first pay period beginning on or after the date the Participant first meets the eligibility requirements
- [--] The first day of the first pay period of the month on or after the Participant first meets the eligibility requirements
- [--] The first day of the first pay period of the calendar quarter on or after the Participant first meets the

eligibility requirements

- [--] Other Entry Date for Basic Contributions (See Additional Provisions Addendum)

**Entry Date for Employer Discretionary Contributions**

- [--] The first day of the first pay period beginning on or after the January 1<sup>st</sup> that the Participant first meets the eligibility requirements
- [--] The first day of the first pay period beginning on or after the date the Participant first meets the eligibility requirements
- [--] The first day of the first pay period of the month on or after the Participant first meets the eligibility requirements
- [--] The first day of the first pay period of the calendar quarter on or after the Participant first meets the eligibility requirements
- [--] Other Entry Date for Discretionary Contributions (See Additional Provisions Addendum)

**Entry Date for Employer Matching Contributions**

- [--] The first day of the first pay period beginning on or after the January 1<sup>st</sup> that the Participant first meets the eligibility requirements
- [X] The first day of the first pay period beginning on or after the date the Participant first meets the eligibility requirements
- [--] The first day of the first pay period of the month on or after the Participant first meets the eligibility requirements
- [--] The first day of the first pay period of the calendar quarter on or after the Participant first meets the eligibility requirements
- [--] Other Entry Date for Matching Contributions (See Additional Provisions Addendum)

**2.31 HOURS OF SERVICE METHOD**

**Eligibility Service**

- [X] Not Applicable
- [--] 1000 Hours of Service in an Eligibility Computation Period
- [--] The following number of Hours of Service in an Eligibility Computation Period (not to exceed 2,080): \_\_\_\_\_

**Vesting Service**

- [X] Not applicable
- [--] 1000 Hours of Service in a Vesting Computation Period
- [--] The following number of Hours of Service in an Eligibility Computation Period (not to exceed 2,080): \_\_\_\_\_

**2.36 LIMITATION YEAR**

- [--] Calendar Year
- [X] Plan Year
- [--] Fiscal year

[--] Other: 12 month period ending on the following date: \_\_\_\_\_

### 2.39 NORMAL RETIREMENT AGE

The term "Normal Retirement Age" means:

Age 65

[--] Age \_\_\_\_ (specify between 55 and 64, inclusive)

[--] Later of age \_\_\_\_ (not to exceed 65) or the \_\_\_\_ anniversary (not to exceed 5th) of the Participant's Employment Commencement Date

[--] Age: \_\_\_\_ (not to exceed 65) plus Years of Service \_\_\_\_ (specify) (Year of Service requirement shall not cause any Participant's Normal Retirement Age to exceed 65)

### 2.44 PLAN

The name of the Plan as adopted by the Employer is the:

"ACCG 401(a) Defined Contribution Plan for Baldwin County Employees"

[--] "ACCG 401(a) Defined Contribution Plan for Senior Management Employees of \_\_\_\_ County"

### 2.61 YEAR OF SERVICE

#### Method of Measurement for Eligibility Purposes

[--] Hours of Service Method:

A twelve (12) consecutive month period during which the Eligible Employee completes one thousand (1000) Hours of Service or the equivalency described in Section 2.31 of the Basic Plan Document

[--] Hours of Service Method:

A twelve (12) consecutive month period during which the Eligible Employee completes one thousand (1000) Hours of Service or the equivalency described in the Hours of Service Equivalency Addendum

[--] Elapsed Time Method:

A period of twelve (12) consecutive months during which the Employee performs at least one (1) Hour of Service during the measuring period, following the Employee's first day of employment by the Employer and prior to the Employee's Severance from Employment Date

#### Adjustments to Years of Service for Eligibility Purposes

[--] Service Before the Original Effective Date of the Plan included

[--] Service Before the Original Effective Date of the Plan excluded

[--] Service Before the Effective Date of this amended and restated Plan included

[--] Service Before the Effective Date of this amended and restated Plan excluded

[--] Other Adjustments to Years of Service for Eligibility (See Additional Provisions Addendum)

- [--] Exclude Service before a five-year Break in Service or Period of Severance (as applicable) for purposes of Eligibility to participate after a Reemployment Commencement Date

**Method of Measurement for Vesting Purposes**

- [--] Hours of Service Method:  
A twelve (12) consecutive month period during which the Eligible Employee completes one thousand (1000) Hours of Service or the equivalency described in Section 2.31 of the Basic Plan Document
- [--] Hours of Service Method:  
A twelve (12) consecutive month period during which the Eligible Employee completes one thousand (1000) Hours of Service or the equivalency described in the Hours of Service Equivalency Addendum
- [X] Elapsed Time Method:  
A period of twelve (12) consecutive months during which the Employee performs at least one (1) Hour of Service during the measuring period, following the Employee's first day of employment by the Employer and prior to the Employee's Severance from Employment Date

**Vesting Computation Period**

- [X] The 12-consecutive-month period beginning on the Employee's Employment Commencement Date or Reemployment Commencement Date and each 12-consecutive-month period beginning on the anniversary of the Employee's Employment Commencement Date or Reemployment Commencement Date. (Default)
- [--] The 12-consecutive-month period beginning on the Employee's Employment Commencement Date or Reemployment Commencement Date to the first anniversary thereof. Subsequent Vesting Computation Periods shall be measured by the 12-consecutive month periods coinciding with the Plan Year, beginning with the Plan Year that contains the first anniversary of the Employee's Employment Commencement Date or Reemployment Commencement Date. An Employee who is credited with a Year of Service in both the initial Vesting Computation Period and the Plan Year that includes the first anniversary of the Employee's Employment Commencement Date or Reemployment Commencement Date shall receive credit for two (2) Vesting Computation Periods.

**Adjustments to Years of Service for Vesting**

- [X] Service Before the Original Effective Date of the Plan included
- [--] Service Before the Original Effective Date of the Plan excluded
- [X] Service Before the Effective Date of this amended and restated Plan included
- [--] Service Before the Effective Date of this amended and restated Plan excluded
- [--] Unused Sick Leave included
- [--] Unused Annual Leave included
- [--] Other Adjustments to Years of Service for Vesting (See Additional Provisions Addendum)
- [X] Exclude Service before a five-year Break in Service or Period of Severance (as applicable) for purposes of Vesting in amounts accrued after Reemployment Commencement Date

## **ARTICLE III: PARTICIPATION AND SERVICE**

### **3.01 PARTICIPATION ELIGIBILITY**

#### **Eligibility Date Determination for Employee Contributions**

- The Eligible Employee's Employment Commencement Date
- Date on which the Eligible Employee completes \_\_\_\_\_ (\_\_\_) Year(s) of Service
- Date on which the Eligible Employee attains age (\_\_\_\_\_) (\_\_\_)
- The earlier of the date on which the Eligible Employee completes \_\_\_\_\_ (\_\_\_) Years of Service or attains age \_\_\_\_\_ (\_\_\_)
- Other Eligibility Date for Employee Contributions (See Additional Provisions Addendum)

#### **Eligibility Date Determination for Employer Basic Contributions**

- The Eligible Employee's Employment Commencement Date
- Date on which the Eligible Employee completes \_\_\_\_\_ (\_\_\_) Year(s) of Service
- Date on which the Eligible Employee attains age (\_\_\_\_\_) (\_\_\_)
- The earlier of the date on which the Eligible Employee completes \_\_\_\_\_ (\_\_\_) Years of Service or attains age \_\_\_\_\_ (\_\_\_)
- Other Eligibility Date for Basic Contributions (See Additional Provisions Addendum)

#### **Eligibility Date Determination for Employer Discretionary Contributions**

- The Eligible Employee's Employment Commencement Date
- Date on which the Eligible Employee completes \_\_\_\_\_ (\_\_\_) Year(s) of Service
- Date on which the Eligible Employee attains age (\_\_\_\_\_) (\_\_\_)
- The earlier of the date on which the Eligible Employee completes \_\_\_\_\_ (\_\_\_) Years of Service or attains age \_\_\_\_\_ (\_\_\_)
- Other Eligibility Date for Discretionary Contributions (See Additional Provisions Addendum)

#### **Eligibility Date Determination for Employer Matching Contributions**

- The Eligible Employee's Employment Commencement Date
- Date on which the Eligible Employee completes \_\_\_\_\_ (\_\_\_) Year(s) of Service
- Date on which the Eligible Employee attains age (\_\_\_\_\_) (\_\_\_)
- The earlier of the date on which the Eligible Employee completes \_\_\_\_\_ (\_\_\_) Years of Service or attains age \_\_\_\_\_ (\_\_\_)
- Other Eligibility Date for Matching Contributions (See Additional Provisions Addendum)



**3.06 ELECTION NOT TO PARTICIPATE**

- [--] Employees may elect out of participating in the Plan. (Note: If the Plan provides for Mandatory Employee Contributions, the election must be provided prior to the time the Employee *first* becomes eligible to participate in any qualified Plan sponsored by the Employer.)
- [X] Employees may not elect out of participating in the Plan.

**ARTICLE IV: CONTRIBUTIONS****4.01 EMPLOYEE CONTRIBUTIONS****Mandatory Employee Contributions**

- [--] Not Required
- [X] Required in the amount of **four percent (4.0%)** of Compensation per payroll period effective as of **February 1, 2019** [May not exceed 100%.]

**Employee After Tax Contributions**

- [X] Not Permitted
- [--] Permitted up to \_\_\_\_\_% of Compensation [May not exceed 100%.]
- [--] Not currently permitted but the Employer maintains a frozen or transferred after-tax Employee Contribution Account.

**4.02 EMPLOYER BASIC AND DISCRETIONARY CONTRIBUTIONS****Employer Basic Contributions (May not exceed 100% of Compensation unless a lower maximum percentage is noted below.)**

- [--] No Basic Contributions
- [X] Basic Contributions equal to **four percent (4.0%)** of each Participant's Compensation (not to exceed 25%)
- [--] Basic Contributions in a flat dollar amount equal to \_\_\_\_\_ dollars (\$\_\_\_\_) for each Participant
- [--] Basic Contributions allocated based on Points equal to \$\_\_\_\_\_ times number of each Participant's points.
- [--] Points for each year of age (in whole numbers):\_\_\_\_\_
- [--] Points for each Year of Service (in whole numbers):\_\_\_\_\_
- [--] Points for each unit of Compensation:\_\_\_\_\_
- [--] A unit of Compensation is \_\_\_\_\_
- [--] Maximum Years of Service taken into account, if any: \_\_\_\_\_
- [--] Each Participant's allocation shall bear the same relationship to the Employer Contribution as the number of his or her total point bears to all points awarded.
- [--] Other Basic Contribution Formula (See Additional Provisions Addendum)

Basic Contributions shall be made:

- On a payroll basis
- On a monthly basis
- On a quarterly basis
- On an annual basis
- Other Basic Contribution remittance period: \_\_\_\_\_ (must be at least annual)
- Basic Contributions made more frequently than on an annual basis will be recalculated (“trued-up”) at the end of the year. If this box is not checked, Basic Contributions will not be recalculated at the end of the year.

**Eligibility Requirements for Basic Contributions**

- No additional requirements
- Participant must be employed by the Employer on the last day of the Plan Year
- Participant must earn at least 501 Hours of Service during the Plan Year
- Participant must earn at least 1000 Hours of Service during the Plan Year
- Participants who become disabled, or die while employed with the Employer and Participants who die while performing qualified military service, are excepted from any last day or Hours of Service requirements.
- Other Eligibility Requirements for Basic Contributions (See Additional Provisions Addendum)

**Employer Discretionary Contributions (May not exceed 100% of Compensation unless a lower maximum percentage is noted below.)**

- No Discretionary Contributions
- Discretionary Contributions as determined each year by the Employer using the following Allocation Formula:
- Pro-Rata Based on Compensation
- Each Participant is credited with a portion of the Employer Contribution for the Plan Year equal to the ratio that the Participant’s Compensation for the Plan Year bears to all Participants’ Compensation for the Plan Year
- Fixed Dollar Formula
- Each Participant shall be credited with an equal dollar amount
- Discretionary Contributions allocated based on Points
- Other Formula for Discretionary Contributions (See Additional Provisions Addendum)

Discretionary Contributions shall be made:

- On a payroll basis
- On a monthly
- On a quarterly basis
- On an annual basis
- Other remittance period for Discretionary Contributions: \_\_\_\_\_ (must be at least annual)

- Discretionary Contributions made more frequently than on an annual basis will be recalculated (“trued-up”) at the end of the year. If this box is not checked, Discretionary Contributions will not be recalculated at the end of the year.

**Eligibility Requirements for Discretionary Contributions**

- No additional requirements [**Must elect if made less frequently than annually**]
- Participant must be employed by the Employer on the last day of the Plan Year
- Participant must earn at least 501 Hours of Service during the Plan Year
- Participant must earn at least 1000 Hours of Service during the Plan Year
- Participants who become disabled, or die while employed with the Employer and Participants who die while performing qualified military service, are excepted from any last day or Hours of Service requirements.
- Other Eligibility Requirements for Discretionary Contributions (See Additional Provisions Addendum)

**4.03 EMPLOYER MATCHING CONTRIBUTIONS**

**(Matching Contributions may not exceed 100% of Compensation.)**

- No Matching Contributions on amounts Participants contribute to the 457(b) Eligible Deferred Compensation Plan
- Matching Contributions equal to **one hundred percent (100%)** of the first **four percent (4.0%)** on amounts Participants contribute to the 457(b) Eligible Deferred Compensation Plan. The maximum Matching Contribution shall be no more than **four percent (4.0%)** of Compensation or \$(N/A).
- Matching Contributions equal to \_\_\_\_\_ percent (\_\_\_%) of the first \_\_\_\_\_ percent (\_\_\_%) on amounts Participants contribute to the 457(b) Eligible Deferred Compensation Plan and \_\_\_\_\_ percent (\_\_\_%) of the next \_\_\_\_\_ percent (\_\_\_%) so contributed and \_\_\_\_\_ percent (\_\_\_%) of the next \_\_\_\_\_ percent (\_\_\_%) so contributed. The maximum Matching Contribution shall be no more than \_\_\_\_\_ percent (\_\_\_%) of Compensation or \$\_\_\_\_\_.
- Matching Contributions equal to \_\_\_\_\_ percent (\_\_\_%) of amounts Participants contribute to the 457(b) Eligible Deferred Compensation Plan.
- Other Matching Contribution Formula (See Additional Provisions Addendum)
- Discretionary Matching Contributions as determined each year by the Employer  
Matching Contributions shall be made on the following types of deferrals:
- Deferral Contributions the 457(b) Eligible Deferred Compensation Plan
- Catch-up Contributions the 457(b) Eligible Deferred Compensation Plan
- Roth Contributions under the 457(b) Eligible Deferred Compensation Plan
- Matching Contributions shall be calculated based on the lowest whole percentage of Compensation deferred by the Participant (no fractions)
- Matching Contributions shall be made:
- On a payroll basis
- On a monthly basis

- On a quarterly basis
- On an annual basis
- Other remittance period for Matching Contributions: \_\_\_\_\_ (must be at least annual)
- Matching Contributions made more frequently than on an annual basis will be recalculated (“true-up”) at the end of the year. If this box is not checked, Matching Contributions will not be recalculated at the end of the year.

**Employer Matching Contribution Eligibility Requirements**

- No requirements [**Must elect if made more frequently than annually**]
- Participant must be employed by the Employer on the last day of the Plan Year
- Participant must earn at least 501 Hours of Service during the Plan Year
- Participant must earn at least 1000 Hours of Service during the Plan Year
- Participants who become disabled, or die while employed with the Employer and Participants who die while performing qualified military service, are excepted from any last day or Hours of Service requirements.
- Other Matching Contribution Eligibility Requirements (See Additional Provisions Addendum)

**4.05 ROLLOVER CONTRIBUTIONS**

- No rollovers permitted
- Eligible rollover contributions permitted to be made by:
- Eligible Employees, whether or not a Plan Participant
- Plan Participants Only

**4.07 QUALIFIED MILITARY SERVICE**

**Employer Contributions (Other Than Matching) Upon Return to Employment**

- Mandatory Employee Contributions required to receive Employer Contributions

**Employer Matching Contributions Upon Return to Employment**

- Elective deferrals under the Employer’s 457(b) Plan must be made up to receive Employer Matching Contributions
- Elective deferrals under the Employer’s 457(b) Plan ARE NOT required to be made up receive Employer Matching Contributions. Employee is deemed to have made maximum deferrals permitted.

**Employer Contributions Upon Death**

- Employer Contributions made for a Participant who dies during Qualified Military Service
- Employer Basic Contributions
- Employer Discretionary Contributions
- Employer Matching Contributions

**Employer Contributions Upon Disability**

- Employer Contributions made for a Disabled Participant during Qualified Military Service:
- Employer Basic Contributions
- Employer Discretionary Contributions
- Employer Matching Contributions

**Vesting Upon Disability**

- Service for vesting purposes granted to a Disabled Participant during Qualified Military Service. (Must select if making Employer Contributions for Disabled Participants)

**Differential Wage Payments**

- Differential Wage Payments treated as Compensation during Qualified Military Service

**ARTICLE V: ALLOCATIONS TO PARTICIPANTS' ACCOUNTS**

**5.03 CODE SECTION 415 LIMITATIONS ON CONTRIBUTIONS**

**Maximum Permissible Amount for Participants Covered by Another Plan**

- Reduce Annual Additions in this Plan by amounts contributed to other plans (default provision)
- Maximum Contributions up to Section 415 limit made to this Plan
- See Additional Provisions Addendum.

**ARTICLE VI: RETIREMENT/SEVERANCE BENEFITS/IN-SERVICE DISTRIBUTIONS**

**6.02 VESTING SCHEDULE**

Additional rows may be added to any option to the extent permissible under the Plan document. An Additional Provisions Addendum may be completed for purposes of providing different Vesting Schedules for different classes of Participants. Any cliff vesting schedule must be at least as favorable as 15-year cliff (20-year cliff for a class in which substantially all of the participants are qualified public safety employees as defined in Internal Revenue Code Section 72(t)(10)(B)), Any graded vesting schedule must be at least as favorable as 5-20 year graded.

**Vesting for Employer Basic Contribution**

- 100% Vesting immediately upon Entry Date
- | <u>Full Years of Service With the Employer</u> | <u>Percent Vested in Account</u> |
|--|----------------------------------|
| <b>Less than five (5) years</b>                | <b>0 %</b>                       |
| <b>Five (5) years or more</b>                  | <b>100 %</b>                     |
- | <u>Full Years of Service With the Employer</u> | <u>Percent Vested in Account</u> |
|--|----------------------------------|
|--|----------------------------------|

___ years	___%
___ years	___%
___ years	___%
___ years	___%
___ years	___%
___ years or more	___%

Other Vesting Schedule for Basic Contributions (See Additional Provisions Addendum)

**Vesting for Employer Discretionary Contribution**

100% Vesting immediately upon Entry Date

<input type="checkbox"/> <u>Full Years of Service With the Employer</u>	<u>Percent Vested in Account</u>
___ years	___%
___ years	___%
___ years	___%
___ years	___%
___ years	___%
___ years or more	___%

Less than \_\_\_ ( ) years 0 %

\_\_\_ ( ) years or more 100 %

Other Vesting Schedule for Discretionary Contributions (See Additional Provisions Addendum)

**Vesting for Employer Matching Contribution**

100% Vesting immediately upon Entry Date

<input checked="" type="checkbox"/> <u>Full Years of Service With the Employer</u>	<u>Percent Vested in Account</u>
___ years	___%
___ years	___%
___ years	___%
___ years	___%
___ years	___%
___ years or more	___%

**Less than five (5) years 0 %**

**Five (5) years or more 100 %**

Other Vesting Schedule for Employer Matching Contributions (See Additional Provisions Addendum)

**6.04 IN-SERVICE WITHDRAWALS.**

No in-service withdrawals permitted

In-Service withdrawals shall be permitted as designated below.

After-tax Accounts may be withdrawn at any time

Rollover Accounts may be withdrawn at any time

Withdrawals from vested Accounts on and after attainment of age \_\_\_\_\_

Withdrawals from vested Accounts on and after Normal Retirement Age

- Active Military Distribution
- Withdrawal after \_\_\_\_\_ years of participation (must be at least 5) of the lesser of \_\_\_\_\_ (specify a dollar amount) or 100% of the Participant's Vested Account
- Other conditions for In-Service withdrawals (See In-Service Withdrawal Addendum) (Must be at least as restrictive as the options available above).

## **ARTICLE VII: DEATH BENEFITS**

### **7.01 DEATH BENEFITS**

- Death benefits paid in one lump sum
- Death Benefits paid in any form permitted under the Plan for Participants
- Other forms of Death Benefit payment (see Forms of Payment Addendum)

## **ARTICLE VIII: PAYMENT OF BENEFITS**

### **8.01 NORMAL PAYMENT FORMS**

- Distributions may be made in one lump sum only
- Distributions may be made in any form provided in Section 8.01(a)(i)and(ii) (Lump sums or installment)
- Other forms of distributions permitted (see Forms of Payment Addendum)

### **8.05 PARTICIPANT CONSENT TO DISTRIBUTIONS.**

- The Employer shall not cash-out de minimis Accounts without the consent of the Participant or Beneficiary.
- If the vested Account balance payable to an individual is less than or equal to the cash out limit as designated below, such Account may be distributed without the consent of the Participant (or Beneficiary). (Note: Any distribution greater than \$1,000 that is made to a Participant without the Participant's consent before the Participant attains Normal Retirement Age, will be rolled over to an individual retirement plan designated by the Third Party Service Provider.)
- \$1000 or less
- The dollar amount specified in Code Section 411(a)(11)(A) (\$5,000 or less as of January 1, 2018).

## ARTICLE IX: TRUST FUND INVESTMENTS

### 9.03 PARTICIPANT DIRECTION OF INVESTMENTS

#### Accounts Invested by Participants

[X]	Participants direct investment of all Accounts		
[--]	Direct investment of following Accounts only:	<u>Participant</u>	<u>Employer</u>
	Employee Mandatory Contribution Account	[--]	[--]
	Employee After-Tax Contribution Account	[--]	[--]
	Employer Basic Contribution Account	[--]	[--]
	Employer Discretionary Contribution Account	[--]	[--]
	Employer Matching Contribution Account	[--]	[--]

#### Self-directed Brokerage

[X]	Self-directed Brokerage not permitted		
[--]	Self-directed Brokerage permitted for all Participants' Accounts		
[--]	Self-directed Brokerage permitted for following Accounts only:	<u>Yes</u>	<u>No</u>
	Employee Mandatory Contribution Account	[--]	[--]
	Employee After-Tax Contribution Account	[--]	[--]
	Employer Basic Contribution Account	[--]	[--]
	Employer Discretionary Contribution Account	[--]	[--]
	Employer Matching Contribution Account	[--]	[--]



## **MISCELLANEOUS**

### **ADDITIONAL PROVISIONS AND PROTECTED BENEFITS**

- [X]** The Employer has included certain provisions that are not delineated in this Adoption Agreement but are consistent with provisions in the ACCG Basic Plan Document and are described in the Additional Provisions Addendum.

Note: The Plan may include provisions that are protected under State law. Protected Benefits under Code Section 411(d)(6) do not apply to governmental plans.

### **SUPERSEDING PROVISIONS**

- [--]** The Employer has completed the Plan Superseding Provision Addendum to show the provisions of the Plan that supersede provisions of this Adoption Agreement or the Basic Plan Document.

Note: if the Employer elects superseding provisions, the Employer may not be able to rely on ACCG's Preapproved Plan opinion letter for qualification of its Plan. In addition such superseding provision may in certain circumstances affect the Plan's status as a preapproved Plan eligible for the 6 year remedial amendment cycle.

### **RELIANCE ON OPINION LETTER**

An adopting Employer may rely on an opinion letter issued by the Internal Revenue Service as evidence that this Plan is qualified under Code Section 401 only to the extent provided in section 7.02 of Rev. Proc. 2017-41. The Employer may not rely on the opinion letter in certain other circumstances or with respect to certain qualification requirements that are specified in the opinion letter issued with respect to this Plan and in Section 7.03 of Rev. Proc. 2017-41. In order to have reliance in such circumstances or with respect to such qualification requirements, application for a determination letter must be made to Employee Plan Determinations of the Internal Revenue Service, if eligible.

Failure to properly complete this Adoption Agreement and failure to operate the Plan in accordance with the terms of the Plan document may result in disqualification of the plan.

This Adoption Agreement may be used only in conjunction with the ACCG Basic Plan document. ACCG will inform the adopting Employer of any amendments made to the Plan or of the discontinuance or abandonment of the preapproved document.

### **ELECTRONIC SIGNATURE AND RECORDS**

This Adoption Agreement, and any amendment thereto, may be executed or affirmed by an electronic signature or electronic record permitted under applicable law or regulation, provide the type or method of electronic signature or electronic record is acceptable to the Trustees.

### **ACCG BASIC PLAN DOCUMENT INFORMATION**

Preapproved Plan Sponsor:

Association County Commissioners of Georgia  
191 Peachtree Street #700  
Atlanta, Ga 3030  
(404) 522-5022

ACCG will inform the Employer of any amendments made to the Plan or if the Plan is discontinued or abandoned by ACCG.

The ACCG Basic Plan Document and accompanying Adoption Agreement together comprise the Preapproved Defined Contribution Plan. It is the responsibility of the adopting Employer to review this preapproved plan document with its legal counsel to ensure that the preapproved plan is suitable for the Employer and that the Adoption Agreement has been properly completed prior to signing.

**BALDWIN COUNTY**

By: \_\_\_\_\_

Title: \_\_\_\_\_

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

**ACCEPTANCE (on behalf of the DC Board):**

By: \_\_\_\_\_

Title: \_\_\_\_\_

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

## **PRIOR SERVICE ADDENDUM**

**Use this Prior Service Addendum to indicate prior employers or types of service that will be recognized as Vesting Service or Eligibility Service**

## **IN-SERVICE WITHDRAWAL ADDENDUM**

- (A) Other In-service Withdrawal Provisions – In service withdrawals from a Participant’s Accounts specified below shall be available to Participants who satisfy the requirements also specified below (must be at least as restrictive as the options in Section 6.04 of the Adoption Agreement):

## **ADDITIONAL PROVISIONS ADDENDUM**

Additional Provision(s): The following provisions supplement and, to the degree described herein, supersede other provision of this Adoption Agreement and the Basic Plan Document. Each provision of the Adoption Agreement for which an Additional Provision Addendum is available may be modified (i) to the extent permitted in this Additional Provisions Addendum, to the extent permitted by the Adoption Agreement and/or to the extent permitted by the Basic Plan Document; (ii) to apply different Adoption Agreement elections to different groups of Employees or Participants, as applicable; and (iii) as described in both (i) and (ii). If different provisions apply to different groups of Employees or Participants, the provision subject to modification shall be reproduced in its entirety for each group of Employees or Participants. Any permitted election in the Adoption Agreement may be modified in an Additional Provision Addendum solely for purposes of applying different elections to different groups of Employees or Participants. Any election made in an Additional Provisions Addendum must satisfy the definite written program requirement of Treasury regulations section 1.401-1(a)(2).

### **2.09 COMPENSATION**

#### **Compensation Defined**

The following definition of Compensation applies to:

- [--] All Participants
- [--] Only the following Participants: \_\_\_\_\_
- [--] Amounts as defined in Code Section 3401(a) for purposes of income tax withholding at the source (as reported to the Employee on IRS Form W-2 for such year)
- [--] Includes Differential Wage Payments
- [--] Excludes Differential Wage Payments
- [--] Short Plan Years use Compensation only during short year (Default provision)
- [--] Short Plan Years use Compensation for entire year
- [--] Includes the following: \_\_\_\_\_
- [--] Excludes the following: \_\_\_\_\_

### **2.11 DISABILITY OR DISABLED**

The following definition of Disability applies to:

- [--] All Participants
- [--] Only the following Participants: \_\_\_\_\_
- [--] Entitled to disability retirement benefits under the federal Social Security Act
- [--] Entitled to benefits under long term disability plan or policy of Employer
- [--] Other: \_\_\_\_\_ (May not permit the Employer's chosen physician to be the sole determinant of Disability.)

**2.17 ELIGIBLE EMPLOYEE**

Employees may not be included or excluded by name, but only by employee classification (which may be modified to include specific dates) or job title, and only if the employee classification or job title satisfies the definitely determinable requirement under Treasury regulation 1.401-1(a)(2).

<b><u>Employees, other than Elected Officials</u></b>		<b>Include</b>	<b>Exclude</b>
The following definition of Employees, other than Elected Officials, applies to:			
[--]	All Participants		
[--]	Only the following Participants: _____		
	All Employees	[--]	[--]
	Senior Management Only (Specify eligible positions:     )	[--]	[--]
	Full-time Employees only	[--]	[--]
[--]	Working for the Employer at least _____ Hours of Service per week for Compensation		
[--]	Other Definition of Full-time: _____	[--]	[--]
[--]	Grant-funded Employees ( <i>List employee classifications and check "Include" or "Exclude" as appropriate.</i> )		
	_____	[--]	[--]
	_____	[--]	[--]
[--]	Other Definition of Eligible Employees other than Elected Officials: ( <i>List employee classifications and check "Include" or "Exclude" as appropriate.</i> )		
	_____	[--]	[--]
	_____	[--]	[--]
<b><u>Elected or Appointed Officials of the Employer (Not eligible for a State of Georgia Retirement System)</u></b>			
	County Commissioners	[--]	[--]
	Coroner	[--]	[--]
[--]	Other Elected Official (Not eligible for a State of Georgia Retirement System) ( <i>List and check "Include" or "Exclude" as appropriate.</i> )		
	_____	[--]	[--]
	_____	[--]	[--]
<b><u>Elected or Appointed Officials of the Employer (Eligible for one or more State of Georgia Retirement Systems)</u></b>			
	Sheriff	[--]	[--]
	Tax Commissioner (elected before 7/1/2012)	[--]	[--]
	Clerk of Superior Court	[--]	[--]
	Chief Magistrate Judge	[--]	[--]

	Assistant Magistrate Judge(s)	[--]	[--]
	Probate Court Judge	[--]	[--]
[--]	Other Elected or Appointed Officials of the Employer (Eligible for one or more State of Georgia Retirement Systems) <i>(List and check "Include" or "Exclude" as appropriate.)</i>		
		<b>Include</b>	<b>Exclude</b>
	_____	[--]	[--]
	_____	[--]	[--]

**Other Elected or Appointed Officials Eligible for Limited Plan Participation (Based Solely on Allowable Compensation under Georgia law)**

	State Court Judge	[--]	[--]
	Superior Court Judge	[--]	[--]
	Solicitor or Solicitor General	[--]	[--]
	District Attorney	[--]	[--]
[--]	Other Elected or Appointed Officials Eligible for Limited Plan Participation (Based Solely on Allowable Compensation under Georgia law) <i>(List and check "Include" or "Exclude" as appropriate.)</i>		
	_____	[--]	[--]
	_____	[--]	[--]

**Other Personnel Receiving Supplemental Compensation from the Employer**

[--]	Other Personnel Receiving Supplemental Compensation from the Employer <i>(List and check "Include" or "Exclude" as appropriate.)</i>		
	_____	[--]	[--]
	_____	[--]	[--]

**Excluded Employees**

	Excluded employees as provided in Section 2.17 of the ACCG Basic Plan Document	[--]	[--]
	Excluded employees as provided in Section 2.17 of the ACCG Basic Plan Document other than:	[--]	[--]
	Individuals electing into a retirement system sponsored by the State of Georgia are included to the extent permitted under Georgia law	[--]	[--]
	Tax commissioners, collectors and receivers and their employees who took office or and after July 1 2012, who participate in a retirement system sponsored by the State of Georgia	[--]	[--]
	Juvenile Court Judges	[--]	[--]
	Nonresident Aliens	[--]	[--]

- Other Excluded Employees (List and check “Include” or “Exclude” as appropriate.)
- Employees who are employed by the Employer as of January 31, 2019, unless and until: (1) they have a Reemployment Commencement Date on or after February 1, 2019 (regardless of the length of any Period of Severance or Break in Service); and (2) they qualify as an Eligible Employee under Adoption Agreement Section 2.17 following such Reemployment Commencement Date.**
- \_\_\_\_\_
- Grant-Funded Employees (List and check “Include” or “Exclude” as appropriate.)
- \_\_\_\_\_
- \_\_\_\_\_

**2.28 ENTRY DATE**

**Entry Date for Employee Contributions**

The following Entry Date for Employee Contributions applies to:

- All Participants
- Only the following Participants: \_\_\_\_\_
- The first day of the first pay period beginning on or after the January 1<sup>st</sup> that the Participant first meets the eligibility requirements
- The first day of the first pay period beginning on or after the date the Participant first meets the eligibility requirements
- The first day of the first pay period of the month on or after the Participant first meets the eligibility requirements
- The first day of the first pay period of the calendar quarter on or after the Participant first meets the eligibility requirements
- Other Entry Date for Employee Contributions: *the first day of the pay period beginning on or after the following date:* \_\_\_\_\_

**Entry Date for Employer Basic Contributions**

The following Entry Date for Employer Basic Contributions applies to:

- All Participants
- Only the following Participants: \_\_\_\_\_
- The first day of the first pay period beginning on or after the January 1<sup>st</sup> that the Participant first meets the eligibility requirements
- The first day of the first pay period beginning on or after the date the Participant first meets the eligibility requirements
- The first day of the first pay period of the month on or after the Participant first meets the eligibility requirements
- The first day of the first pay period of the calendar quarter on or after the Participant first meets the eligibility requirements



[--] *Other Entry Date for Basic Contributions:* \_\_\_\_\_

[--] Whichever option is selected above or below, but no earlier than \_\_\_\_\_ (*insert date*)

[--] The first day of the \_\_\_\_\_ (*insert a designation other than "first"*) pay period beginning on or after the \_\_\_\_\_ (*insert a date other than January 1<sup>st</sup>*) that the date the Participant first meets the eligibility requirement

[--] The first day of the \_\_\_\_\_ (*insert a designation other than "first"*) pay period beginning on or after the date the Participant first meets the eligibility requirements

[--] The first day of the \_\_\_\_\_ pay period of the \_\_\_\_\_ month on or after the Participant first meets the eligibility requirements

[--] The first day of the \_\_\_\_\_ pay period of the \_\_\_\_\_ calendar quarter on or after the Participant first meets the eligibility requirements

**Entry Date for Employer Discretionary Contributions**

The following Entry Date for Employer Discretionary Contributions applies to:

[--] All Participants

[--] Only the following Participants: \_\_\_\_\_

[--] The first day of the first pay period beginning on or after the January 1<sup>st</sup> that the Participant first meets the eligibility requirements

[--] The first day of the first pay period beginning on or after the date the Participant first meets the eligibility requirements

[--] The first day of the first pay period of the month on or after the Participant first meets the eligibility requirements

[--] Whichever option is selected above or below, but no earlier than \_\_\_\_\_ (*insert date*)

[--] The first day of the \_\_\_\_\_ (*insert a designation other than "first"*) pay period beginning on or after the \_\_\_\_\_ (*insert a date other than January 1<sup>st</sup>*) that the date the Participant first meets the eligibility requirement

[--] The first day of the \_\_\_\_\_ (*insert a designation other than "first"*) pay period beginning on or after the date the Participant first meets the eligibility requirements

[--] The first day of the \_\_\_\_\_ pay period of the \_\_\_\_\_ month on or after the Participant first meets the eligibility requirements

[--] The first day of the \_\_\_\_\_ pay period of the \_\_\_\_\_ calendar quarter on or after the Participant first meets the eligibility requirements

**Entry Date for Employer Matching Contributions**

The following Entry Date for Employer Matching Contributions applies to:

[--] All Participants

[--] Only the following Participants: \_\_\_\_\_

[--] The first day of the first pay period beginning on or after the January 1<sup>st</sup> that the Participant first meets the eligibility requirements

[--] The first day of the first pay period beginning on or after the date the Participant first meets the eligibility requirements

[--] The first day of the first pay period of the month on or after the Participant first meets the eligibility requirements

[--] The first day of the first pay period of the calendar quarter on or after the Participant first

meets the eligibility requirements

- [--] Whichever option is selected above or below, but no earlier than \_\_\_\_\_ (*insert date*)
- [--] The first day of the \_\_\_\_\_ (*insert a designation other than "first"*) pay period beginning on or after the \_\_\_\_\_ (*insert a date other than January 1<sup>st</sup>*) that the date the Participant first meets the eligibility requirement
- [--] The first day of the \_\_\_\_\_ (*insert a designation other than "first"*) pay period beginning on or after the date the Participant first meets the eligibility requirements
- [--] The first day of the \_\_\_\_\_ pay period of the \_\_\_\_\_ month on or after the Participant first meets the eligibility requirements
- [--] The first day of the \_\_\_\_\_ pay period of the \_\_\_\_\_ calendar quarter on or after the Participant first meets the eligibility requirements

**2.61 YEAR OF SERVICE**

<b><u>Adjustments to Years of Service for Eligibility Purposes</u></b>		<b>Include</b>	<b>Exclude</b>
The following adjustments to Years of Service for Eligibility Purposes applies to:			
[--]	All Participants	[--]	[--]
[--]	Only the following Participants: _____	[--]	[--]
[--]	Service Before the Original Effective Date of the Plan included	[--]	[--]
[--]	Service Before the Original Effective Date of the Plan excluded	[--]	[--]
[--]	Service Before the Effective Date of this amended and restated Plan included	[--]	[--]
[--]	Service Before the Effective Date of this amended and restated Plan excluded	[--]	[--]
[--]	Service before a five-year Break in Service or Period of Severance (as applicable) for purposes of Eligibility to participate after a Reemployment Commencement Date	[--]	[--]
[--]	Other Adjustments to Years of Service for Eligibility:		
	Include: _____	[--]	[--]
	Exclude: _____	[--]	[--]

<b><u>Adjustments to Years of Service for Vesting Purposes</u></b>			
The following adjustments to Years of Service for Vesting Purposes applies to:			
[--]	All Participants		
[--]	Only the following Participants: _____		
[--]	Service Before the Original Effective Date of the Plan included	[--]	[--]
[--]	Service Before the Original Effective Date of the Plan excluded	[--]	[--]

- [--] Service Before the Effective Date of this amended and restated Plan included [--] [--]
- [--] Service Before the Effective Date of this amended and restated Plan excluded [--] [--]
- [--] Service before a five-year Break in Service or Period of Severance (as applicable) for purposes of Vesting in amounts accrued after Reemployment Commencement Date [--] [--]
- [--] Other Adjustments to Years of Service for Vesting:
  - Include: \_\_\_\_\_ [--] [--]
  - Exclude: \_\_\_\_\_ [--] [--]

**3.01 PARTICIPATION ELIGIBILITY**

**Eligibility Date Determination for Employee Contributions**

The following Eligibility Date for Employee Contributions applies to:

- [--] All Participants
- [--] Only the following Participants: \_\_\_\_\_
- [--] The Eligible Employee’s Employment Commencement Date
- [--] Date on which the Eligible Employee completes \_\_\_\_\_ ( ) Year(s) of Service
- [--] Date on which the Eligible Employee attains age ( ) ( )
- [--] The earlier of the date on which the Eligible Employee completes \_\_\_\_\_ ( ) Years of Service or attains age \_\_\_\_\_ ( )
- [--] Other Eligibility Date for Employee Contributions: \_\_\_\_\_ *(Must be based on service, age or a combination of service and age.)*

**Eligibility Date Determination for Employer Basic Contributions**

The following Eligibility Date for Employer Basic Contributions applies to:

- [--] All Participants
- [--] Only the following Participants: \_\_\_\_\_
- [--] The Eligible Employee’s Employment Commencement Date
- [--] Date on which the Eligible Employee completes \_\_\_\_\_ ( ) Year(s) of Service
- [--] Date on which the Eligible Employee attains age ( ) ( )
- [--] The earlier of the date on which the Eligible Employee completes \_\_\_\_\_ ( ) Years of Service or attains age \_\_\_\_\_ ( )
- [--] Other Eligibility Date for Basic Contributions \_\_\_\_\_ *(Must be based on service, age or a combination of service and age.)*

**Eligibility Date Determination for Employer Discretionary Contributions**

The following Eligibility Date for Employer Discretionary Contributions applies to:

- [--] All Participants

- [--] Only the following Participants: \_\_\_\_\_
- [--] The Eligible Employee's Employment Commencement Date
- [--] Date on which the Eligible Employee completes \_\_\_\_\_ (\_\_\_\_) Year(s) of Service
- [--] Date on which the Eligible Employee attains age (\_\_\_\_\_) (\_\_\_\_)
- [--] The earlier of the date on which the Eligible Employee completes \_\_\_\_\_ (\_\_\_\_) Years of Service or attains age \_\_\_\_\_ (\_\_\_\_)
- [--] Other Eligibility Date for Discretionary Contributions \_\_\_\_\_  
(*Must be based on service, age or a combination of service and age.*)

**Eligibility Date Determination for Employer Matching Contributions**

The following Eligibility Date for Employer Matching Contributions applies to:

- [--] All Participants
- [--] Only the following Participants: \_\_\_\_\_
- [--] The Eligible Employee's Employment Commencement Date
- [--] Date on which the Eligible Employee completes \_\_\_\_\_ (\_\_\_\_) Year(s) of Service
- [--] Date on which the Eligible Employee attains age (\_\_\_\_\_) (\_\_\_\_)
- [--] The earlier of the date on which the Eligible Employee completes \_\_\_\_\_ (\_\_\_\_) Years of Service or attains age \_\_\_\_\_ (\_\_\_\_)
- [--] Other Eligibility Date for Matching Contributions \_\_\_\_\_  
(*Must be based on service, age or a combination of service and age.*)

**3.02 PARTICIPATION UPON REEMPLOYMENT**

The following special rules for Participation Upon Reemployment apply to:

- [--] All Participants
- [--] Only the following Participants: \_\_\_\_\_
- [--] Upon the Eligible Employee's Reemployment Commencement Date, the Eligible Employee shall have the following status in the Plan based on his status as of his most recent Severance Date:
- [--] (a) If the Eligible Employee was a Participant, he shall reenter the Plan as a Participant on \_\_\_\_\_ (*describe the applicable date.*)
- [--] (b) If the Eligible Employee had satisfied the Plan's eligibility conditions but had not become a Participant, he shall become a Participant on the \_\_\_\_\_ (*earlier or later*) of \_\_\_\_\_ (*describe the applicable date.*) or \_\_\_\_\_
- [--] (c) If the Eligible Employee had not satisfied the Plan's eligibility conditions, he \_\_\_\_\_ (*shall or shall not*) receive \_\_\_\_\_ (*all or the portion described*) previous Years of Service and shall become a Participant on \_\_\_\_\_ (*describe the date*)

**4.02 EMPLOYER BASIC AND DISCRETIONARY CONTRIBUTIONS**

**Employer Basic Contributions**

The following Employer Basic Contribution shall apply to:

- [--] All Participants
- [--] Only the following Participants: \_\_\_\_\_
- [--] No Basic Contributions
- [--] Basic Contributions equal to \_\_\_\_\_ percent (\_\_\_ %) of each Participant's Compensation (not to exceed 25% )
- [--] Basic Contributions in a flat dollar amount equal to \_\_\_\_\_ dollars (\$\_\_\_) for each Participant
- [--] Basic Contributions allocated based on Points equal to \$\_\_\_\_\_ times the number of each Participant's points. *(Complete Description of Points below.)*
- [--] Basic Contributions allocated based on Points (or ranges of Points) equal to the following percentage of each Participant's Compensation (not to exceed 25% or the same flat dollar amount). *(Complete Description of Points below.)*

<u>Number of Points</u>	<u>\$ Amount</u>	<u>% of Compensation</u>
_____	\$_____	_____ %
_____	\$_____	_____ %
_____	\$_____	_____ %
_____	\$_____	_____ %
_____	\$_____	_____ %

- [--] Points for each year of age (in whole numbers): \_\_\_\_\_
- [--] Points for each Year of Service (in whole numbers): \_\_\_\_\_
- [--] Points for each unit of Compensation: \_\_\_\_\_
- [--] A unit of Compensation is \_\_\_\_\_
- [--] Maximum Years of Service taken into account, if any: \_\_\_\_\_
- [--] Each Participant's allocation shall bear the same relationship to the Employer Contribution as the number of his or her total Points bears to all Points awarded
- [--] Other Basic Contribution Formula *(Must be a combination of the options above, e.g., 2% of Compensation, but not more than \$1500; 2% of the first \$70,000 of Compensation; or a percentage of Compensation based on Points or ranges of Points)* \_\_\_\_\_  
\_\_\_\_\_

Basic Contributions shall be made:

- [--] On a payroll basis
- [--] On a monthly basis
- [--] On a quarterly basis
- [--] On an annual basis
- [--] Other Basic Contribution remittance period *(Must be based on one or more of the options above, such as semi-monthly or quarterly with an annual true-up.)* \_\_\_\_\_  
\_\_\_\_\_

**Eligibility Requirements for Basic Contributions**

- [--] No additional requirements
- [--] Participant must be employed by the Employer on the last day of the Plan Year
- [--] Participant must earn at least 501 Hours of Service during the Plan Year
- [--] Participant must earn at least 1000 Hours of Service during the Plan Year
- [--] Participants who become disabled, or die while employed with the Employer and Participants who die while performing qualified military service, are excepted from any last day or Hours of Service requirements.
- [--] Other Eligibility Requirements for Basic Contributions *(Must be a combination of employment date and a minimum number of Hours of Service during a specified period of time, but no Hour of Service requirement shall, if extrapolated to a Plan Year basis, require more than 2,080 Hours of Service/Plan Year. For example, 40 Hours of Service/week or 173/month is acceptable; 42 hours/week or 175/month is not.):* \_\_\_\_\_  
\_\_\_\_\_

**Employer Discretionary Contributions**

The following Employer Discretionary Contribution shall apply to:

- [--] All Participants
  - [--] Only the following Participants: \_\_\_\_\_
  - [--] No Discretionary Contributions
  - [--] Discretionary Contributions as determined each year by the Employer using the following Allocation Formula:
    - [--] Pro-Rata Based on Compensation
    - [--] Each Participant is credited with a portion of the Employer Contribution for the Plan Year equal to the ratio that the Participant’s Compensation for the Plan Year bears to all Participants’ Compensation for the Plan Year
    - [--] Fixed Dollar Formula
      - [--] Each Participant shall be credited with an equal dollar amount
    - [--] Discretionary Contributions allocated based on Points
      - [--] Discretionary Contributions allocated based on Points equal to \$\_\_\_\_\_ times the number of each Participant’s points. *(Complete Description of Points below.)*
      - [--] Discretionary Contributions allocated based on Points (or ranges of Points) equal to the following percentage of each Participant’s Compensation (not to exceed 25% or the same flat dollar amount) *(Complete Description of Points below.)*
- | <u>Number of Points</u> | <u>\$ Amount</u> | <u>% of Compensation</u> |
|-------------------------|------------------|--------------------------|
| _____                   | \$ _____         | _____ %                  |
| _____                   | \$ _____         | _____ %                  |
| _____                   | \$ _____         | _____ %                  |
| _____                   | \$ _____         | _____ %                  |
| _____                   | \$ _____         | _____ %                  |
- [--] Points for each year of age (in whole numbers): \_\_\_\_\_

- [--] Points for each Year of Service (in whole numbers): \_\_\_\_\_
- [--] Points for each unit of Compensation: \_\_\_\_\_
- [--] A unit of Compensation is \_\_\_\_\_
- [--] Maximum Years of Service taken into account, if any: \_\_\_\_\_
- [--] Each Participant's allocation shall bear the same relationship to the Employer Contribution as the number of his or her total Points bears to all Points awarded

Discretionary Contributions shall be made:

- [--] On a payroll basis
- [--] On a monthly basis
- [--] On a quarterly basis
- [--] On an annual basis
- [--] Other Discretionary Contribution remittance period (*Must be based on one or more of the options above, such as semi-monthly or quarterly with an annual true-up.*) \_\_\_\_\_

**Eligibility Requirements for Discretionary Contributions**

- [--] No additional requirements [**Must elect if paid on less than annual basis**]
- [--] Participant must be employed by the Employer on the last day of the Plan Year
- [--] Participant must earn at least 501 Hours of Service during the Plan Year
- [--] Participant must earn at least 1000 Hours of Service during the Plan Year
- [--] Participants who become disabled, or die while employed with the Employer and Participants who die while performing qualified military service, are excepted from any last day or Hours of Service requirements.
- [--] Other Eligibility Requirements for Discretionary Contributions (*Must be a combination of employment date and a minimum number of Hours of Service during a specified period of time, but no Hour of Service requirement shall, if extrapolated to a Plan Year basis, require more than 2,080 Hours of Service/Plan Year. For example, 40 Hours of Service/week or 173/month is acceptable; 42 hours/week or 175/month is not.*): \_\_\_\_\_

**4.03 EMPLOYER MATCHING CONTRIBUTIONS**

**(Matching Contributions may not exceed 100% of Compensation.)**

The following Employer Matching Contribution shall apply to:

- [--] All Participants
- [--] Only the following Participants: \_\_\_\_\_
- [--] No Matching Contributions on amounts Participants contribute to the 457(b) Eligible Deferred Compensation Plan
- [--] Matching Contributions equal to \_\_\_\_\_ percent (\_\_\_\_%) of the first \_\_\_\_\_ percent (\_\_\_\_%) on amounts Participants contribute to the 457(b) Eligible Deferred Compensation Plan. The maximum Matching Contribution shall be no more than \_\_\_\_\_ percent (\_\_\_\_%) of Compensation or \$\_\_\_\_\_.

[--] Matching Contributions equal to \_\_\_\_\_ percent (\_\_\_%) of the first \_\_\_\_\_ percent (\_\_\_%) on amounts Participants contribute to the 457(b) Eligible Deferred Compensation Plan and \_\_\_\_\_ percent (\_\_\_%) of the next \_\_\_\_\_ percent (\_\_\_%) so contributed and \_\_\_\_\_ percent (\_\_\_%) of the next \_\_\_\_\_ percent (\_\_\_%) so contributed. The maximum Matching Contribution shall be no more than \_\_\_\_\_ percent (\_\_\_%) of Compensation or \$\_\_\_\_\_.

[--] Matching Contributions equal to \_\_\_\_\_ percent (\_\_\_%) of amounts Participants contribute to the 457(b) Eligible Deferred Compensation Plan.

[--] Discretionary Matching Contributions as determined each year by the Employer

Matching Contributions shall be made on the following types of deferrals:

[--] Deferral Contributions the 457(b) Eligible Deferred Compensation Plan

[--] Catch-up Contributions the 457(b) Eligible Deferred Compensation Plan

[--] Roth Contributions under the 457(b) Eligible Deferred Compensation Plan

[--] Matching Contributions shall be calculated based on the lowest whole percentage of Compensation deferred by the Participant (no fractions)

Matching Contributions shall be made:

[--] On a payroll basis

[--] On a monthly basis

[--] On a quarterly basis

[--] On an annual basis

[--] Other remittance period for Matching Contributions: \_\_\_\_\_(must be at least annual)

**Employer Matching Contribution Eligibility Requirements**

[--] No requirements [**Must elect if made more frequently than annually**]

[--] Participant must be employed by the Employer on the last day of the Plan Year

[--] Participant must earn at least 501 Hours of Service during the Plan Year

[--] Participant must earn at least 1000 Hours of Service during the Plan Year

[--] Participants who become disabled, or die while employed with the Employer and Participants who die while performing qualified military service, are excepted from any last day or Hours of Service requirements.

*(Note: Matching contributions made on a payroll basis will not be recalculated at the end of the year)*

**5.03 MAXIMUM LIMITS WHEN EMPLOYER SPONSORS TWO DEFINED CONTRIBUTION PLANS - SPECIAL PROVISIONS**

The following \_\_\_\_\_ shall apply to:

[--] All Participants

[--] Only the following Participants: \_\_\_\_\_

Describe allocation between this Plan and the other plan: \_\_\_\_\_



## 6.02 VESTING SCHEDULE

Additional rows may be added to any option to the extent permissible under the Plan document. Any cliff vesting schedule must be at least as favorable as 15-year cliff (20-year cliff for a class in which substantially all of the participants are qualified public safety employees as defined in Internal Revenue Code Section 72(t)(10)(B)), Any graded vesting schedule must be at least as favorable as 5-20 year graded.

### Vesting for Employer Basic Contribution

This Vesting Schedule for Basic Contributions Additional Provisions Addendum applies to: \_\_\_\_\_  
 \_\_\_\_\_ (Employees may not be included or excluded by name, but only by employee classification (which may be modified to include specific dates) or job title, and only if the employee classification or job title satisfies the definitely determinable requirement under Treasury regulation 1.401-1(a)(2).

[--] 100% Vesting immediately upon Entry Date

[--] <u>Full Years of Service With the Employer</u>	<u>Percent Vested in Account</u>
Less than ____ ( ) years	0 %
_____ ( ) years or more	100 %

[--] <u>Full Years of Service With the Employer</u>	<u>Percent Vested in Account</u>
____ years	____%
____ years	____%
____ years	____%
____ years	____%
____ years	____%
____ years or more	____%

### Vesting for Employer Discretionary Contribution

This Vesting Schedule for Employer Discretionary Contributions Additional Provisions Addendum applies to: \_\_\_\_\_  
 \_\_\_\_\_ (Employees may not be included or excluded by name, but only by employee classification (which may be modified to include specific dates) or job title, and only if the employee classification or job title satisfies the definitely determinable requirement under Treasury regulation 1.401-1(a)(2).

[--] 100% Vesting immediately upon Entry Date

[--] <u>Full Years of Service With the Employer</u>	<u>Percent Vested in Account</u>
____ years	____%
____ years	____%
____ years	____%
____ years	____%
____ years	____%
____ years or more	____%
Less than ____ ( ) years	0 %
_____ ( ) years or more	100 %

**Vesting for Employer Matching Contribution**

This Vesting Schedule for Employer Matching Contributions Additional Provisions Addendum applies to: \_\_\_\_\_ (Employees may not be included or excluded by name, but only by employee classification (which may be modified to include specific dates) or job title, and only if the employee classification or job title satisfies the definitely determinable requirement under Treasury regulation 1.401-1(a)(2).

100% Vesting immediately upon Entry Date

[--]	<u>Full Years of Service With the Employer</u>	<u>Percent Vested in Account</u>
	____ years	____%
	____ years	____%
	____ years	____%
	____ years	____%
	____ years	____%
	____ years or more	____%
	Less than ____ ( ) years	0 %
	____ ( ) years or more	100 %

**2.31 HOURS OF SERVICE EQUIVALENCY ADDENDUM**

Per Section 2.30(g) of the Basic Plan Document, Each Employee who works \_\_\_\_\_ Hour(s) of Service during a \_\_\_\_\_ shall be credited with \_\_\_\_\_ Hours of Service for that period. (The equivalency selected must be at least as generous as the equivalencies set for forth in paragraph (e) of Department of Labor Regulation Section 2530.2006-3.)

## FORMS OF PAYMENT ADDENDUM

This Forms of Payment Addendum shall apply to the following classes of Participants or to the following sources of contributions: \_\_\_\_\_ (must satisfy the definitely determinable requirement under Treasury regulation 1.401-1(a)(2).

Per Section 8.01(a)(iv) of the Plan Document, the Employer may permit any of the following forms of payment in addition to those otherwise available under the Basic Plan Document and/or the Adoption Agreement. The Employer also may use this Addendum to provide for different elections for different classifications of employees or for different sources of contributions:

- Distributions may be made in one lump sum only
- Distributions may be made in any form provided in Section 8.01(a) (Lump sums, installments or systematic payments)
- Distributions may be made in any form provided in Section 8.01(a) (Lump sums, installments or systematic payments, except that:
  - The maximum length of the installment period shall be: \_\_\_\_\_ (may not exceed the joint life expectancy of the Participant and his designated Beneficiary)
  - The Participant or Beneficiary whose distribution is in the form of installments may not elect to receive the remainder of his Account in a single lump sum or otherwise change the installment method previously selected.
  - In addition to the lump sum and installment options, Participants and Beneficiaries may elect partial withdrawals provided the minimum withdrawal is \$\_\_\_\_\_.
- Annuities:
  - 1. Any form of annuity
  - 2. Only the following forms of annuity (select one or more):
    - a. Straight life annuity
    - b. Life and 5 years certain
    - c. Life and 10 years certain
    - d. Life and 15 years certain
    - e. Life and 20 years certain
    - f. Straight life with reduction upon receipt of Social Security benefits
    - g. Joint and 50% survivor annuity
    - h. Joint and 66 2/3% survivor annuity
    - i. Joint and 75% survivor annuity
    - j. Joint and 100% survivor annuity
  - Annuity options are available only to Participants who have attained age: \_\_\_\_\_ (specify).
  - Annuity options are available only to Participants who have completed \_\_\_\_\_ (specify) Years of Service.
- Joint Annuity may be:
  - Spouse only
  - No restrictions, subject to incidental benefit rules described in Treasury Regulation Section 1.401(a)(9)-2

- [--] Distributions may be made in:
- [--]       cash only (except for insurance or annuity contracts)
- [--]       cash or property

## **SUPERSEDING PROVISIONS ADDENDUM**

Unless the provisions of this Superseding Provisions Addendum are described in Section 8.03 of Revenue Procedure 2017-41 as not causing a plan to fail to be identical, e.g., changes to the administrative provisions of the Plan, such as provisions relating to investments or plan claims procedures, the Employer will not be permitted to rely on ACCG's opinion letter for qualification of its plan. In addition, such superseding provisions may, in certain circumstances, affect the plan's status as a pre-approved plan eligible for the 6-year remedial amendment cycle.

The following provisions supersede other provisions of this Adoption Agreement and the ACCG Basic Plan document in the manner described below: