

employed by the school or school district. An eligible class cannot consist of a named individual or individuals.]

- Linn-Mar Education Association _____
- Linn-Mar Administrators _____
- Linn-Mar Exempt/ Directors _____
- Linn-Mar Coordinators _____
- _____

Accumulated Leave. Accumulated Leave shall include the following:

Sick Leave

Vacation Leave

Plan Year. The Plan Year is the 12-consecutive-month period which ends on June 30th.

Compensation shall include "125 Deemed Compensation as described in Section 1.10(c) of the Adoption Agreement effective as of _____. [The effective date may be no earlier than the first day of the Limitation Year in which this Adoption Agreement is signed.] Yes No

Limitation Year shall mean a consecutive twelve (12)-month period beginning on July 1st of each year.

Contributions. Contributions will be made to the Qualified Plan as: (select one option only) [Employer Contributions Unrelated to Accumulated Leave shall be discretionary and for the exclusive benefit of Employee or their beneficiaries and shall be substantial and recurring in accordance with Treasury Regulations section 1.401-1(a)(3) and 1.401-1(b)(2).]

- Employer Contributions of Accumulated Leave and Employer Contributions Unrelated to Accumulated Leave.
- Employee Mandatory Contributions of Accumulated Leave and Employer Contributions Unrelated to Accumulated Leave.
- Employer Contributions Unrelated to Accumulated Leave Only.
- Employer Contributions of Accumulated Leave Only, effective _____.
- Employee Mandatory Contributions of Accumulated Leave Only, effective _____.

[Any Accumulated Leave contributed to the Plan must not have been eligible to be paid to the Employee at the Employee's election prior to such contribution, other than taken as actual leave.]

[Pursuant to IRS guidance, the last two stand-alone leave conversion options under this Pre-Approved Plan may be effective no earlier than the later of 2014 or the beginning of the plan year in which this restatement is adopted.]

Calculation of Employer Contributions of Accumulated Leave and Employee Mandatory Contributions of Accumulated Leave. Employer Contributions of Accumulated Leave and Employee Mandatory Contributions of Accumulated Leave shall be in the amount of 100 % of a Participant's Accumulated Leave in excess of \$500 [insert dollar amount]

or time period that must be retained, if any], not in excess of IRS 415 Limit
[insert maximum dollar amount or time period].

Allocation of Employer Contribution Unrelated to Accumulated Leave. [select one]

- The contribution shall be allocated to the Employer Contributions Unrelated to Accumulated Leave Account of each Participant who is employed on the last day of the Plan Year in the ratio that the total of each such Participant's age and full Years of Participation in the Plan bears to the total of the age and full Years of Participation in the Plan of all Participants employed on the last day of the Plan Year and eligible to share in the Employer Contribution Unrelated to Accumulated Leave.
- The contribution shall be allocated to the Employer Contributions Unrelated to Accumulated Leave Account of each Participant who is employed on the last day of the Plan Year in the ratio that such Participant's Compensation bears to the Compensation of all such Participants.
- Qualified Retirement System. Notwithstanding any other provision of the Qualified Plan, the Qualified Plan shall be a retirement system maintained by a State, political subdivision or instrumentality thereof that provides retirement benefits to its Employees in the following manner:
- a. Allocations made to an Account for each Employee, whether otherwise a Participant under this Plan or not, for a period shall be ____ percent (may not be less than 7.5 percent), not including earnings, of the Employee's compensation for service for the Employer during the period. Compensation for purposes of the percentage contribution in the preceding sentence shall be the greater of (1) the Employee's Compensation, or (2) the Employee's base pay as designated by the Employer, disregarding the following: overtime pay, bonuses, or single-sum amounts received on account of death or separation from service under a bona fide vacation, compensatory time or sick pay plan, or under severance pay plans. Such contributions may be made as picked-up contributions designated as employee contributions but treated as employer contributions under Section 414(h)(2) of the Code or as employer nonelective contributions, or a combination thereof.
- b. All service and compensation of an Employee with respect to his or her employment with the Employer must be considered in applying the preceding Qualified Retirement System subsection a. However, for individuals employed simultaneously in multiple positions with the Employer, this determination shall be made solely by reference to the service and compensation related to a single position of the Employee with the Employer, provided that the position is not a part-time, seasonal or temporary position. Only compensation from and service for the Employer that employs the Employee (and the allocations or benefits related to such compensation or service) on a given day are considered in applying these Qualified Retirement System provisions.
- c. A part-time, seasonal or temporary Employee's benefit under the Plan shall be nonforfeitable. For this purpose, a part-time Employee is any Employee who normally works 20 hours or less per week, and a temporary Employee is any Employee performing services under a contractual arrangement with the Employer of 2 years or less duration.

Normal Retirement Age shall be age 55 with 0 Years of Participation in the Plan. [The Normal Retirement Age may not be later than the attainment of age 65 and five Years of Participation in the Plan.]

Vesting of Employer Contributions Unrelated to Accumulated Leave Account. The Employer Contributions Unrelated to Accumulated Leave Account shall vest in accordance with the following schedule: *[select one]*

- 100% cliff vesting after 0 years of service (not to exceed 15 years, or 20 years in the case of qualified public safety employees) or attainment of Normal Retirement Age.
- 100% cliff vesting after ___ years of service (not to exceed 15 years, or 20 years in the case of qualified public safety employees) or attainment of age ___ (not later than Normal Retirement Age).
- Graded vesting over ___ years of service (at least as rapidly as under a graded vesting schedule of 5 to 20 years), subject to 100% vesting upon attainment of Normal Retirement Age:

<u>Years of Vesting Service</u>	<u>Nonforfeitable Percentage</u>
Less than ___	0%
More than ___, but less than ___	___%
More than ___, but less than ___	___%
More than ___, but less than ___	___%
More than ___, but less than ___	___%
More than ___, but less than ___	___%
More than ___, but less than ___	___%
More than ___, but less than ___	___%
More than ___, but less than ___	___%
More than ___, but less than ___	___%
More than ___, but less than ___	___%
More than ___, but less than ___	___%
More than ___, but less than ___	___%
More than ___, but less than ___	___%
More than ___, but less than ___	___%
More than ___, but less than ___	___%
More than ___	___%

[Any vesting schedule must satisfy the vesting requirements resulting from the application of Code sections 401(a)(4) and 401(a)(7) as in effect on September 1, 1974, in accordance with Code section 411(e)(2). The selected schedule must require that the account is 100 percent vested at Normal Retirement Age within the meaning of Proposed Treasury Regulation section 1.401(a)-1(b)(2)(v) for governmental plans or its successor guidance.]

[A year of service for purposes of vesting will be measured as: *[select one]*

- A Year of Participation (a Plan Year during which a Participant completes at least 1000 Hours of Service).
- Other. The terms of service used for determining vesting shall be _____, defined as: _____

_____.

[The vesting schedule must provide definitely determinable benefits, and the means of measuring credit for vesting purposes must be predetermined and defined. A schedule based upon years of service must state how such years will be determined.]

Allocation of Forfeitures. Forfeitures Resulting from Employer Contributions Unrelated to Accumulated Leave shall be used to reduce the following type of contribution: *[select one]*

- Employer Contributions Related to Accumulated Leave
- Employer Contributions Unrelated to Accumulated Leave

Spouse. Effective September 16, 2013, the term "spouse" is defined for those purposes indicated below to mean the person to whom the participant is legally married under the laws of the state or country in which the marriage was celebrated, without regard to whether such marriage is recognized under the laws of the state or country in which the participant resides. This definition of "spouse" applies (choose one):

- for all Plan purposes.
- only for those Plan purposes that are subject to federal, rather than state law. Specifically, the definition of spouse above applies for purposes of (i) the minimum distribution requirements under Code Section 401(a)(9) and (ii) the direct rollover rules under Code Section 401(a)(31). For all other Plan purposes, the term "spouse" has the meaning provided under Article I of the basic plan document.

Distribution Options. The following forms of distributions are permitted:

- Life Annuity
- Installments
 - Annual
 - Quarterly
 - Monthly
- Lump Sum Distribution

Inquiries regarding the adoption of the Plan, the meaning of Plan provisions or the effect of the IRS opinion letter may be sent to MidAmerica Administrative & Retirement Solutions, LLC, 2855 Interstate Dr., Suite 115, Lakeland, Florida 33805, telephone number 800-430-7999.

In the event the Provider amends, discontinues or abandons the Pre-Approved Plan, notification will be provided to the Employer's address provided on the first page of this Adoption Agreement.

Employer's Reliance: The adopting Employer may rely on an Opinion Letter issued by the Internal Revenue Service as evidence that the Plan is qualified under Section 401 of the Internal Revenue Code only to the extent provided in Rev. Proc. 2017-41 and any subsequent IRS guidance. The Employer may not rely on the Opinion Letter in certain other circumstances or with respect to certain qualification requirements, which are specified in the Opinion Letter issued with respect to the Plan and in Rev. Proc. 2017-41 and any subsequent IRS guidance. In order to obtain reliance in such circumstances or with respect to such qualification requirements, application for a determination letter must be made to Employee Plans Determinations of the Internal Revenue Service. The adopting Employer's failure to properly complete this Adoption Agreement may result in the failure of the Employer's plan to qualify under Code Section 401.

The Employer hereby agrees to the provisions of the Qualified Plan and, in witness of its agreement, the Employer has executed this Adoption Agreement on this ____ day of _____, 20__.

Name of Employer Representative

Name of Employer Representative

Title

Title

Signature

Signature