

## **GUST Amendments For Noncontributory 403(b) Retirement Plans**

### **AMENDMENT OF THE Union College Defined Contribution Retirement Plan for GUST**

IN WITNESS WHEREOF, **Union College** herein amends the **Union College Defined Contribution Retirement Plan**, as follows:

#### **A. PREAMBLE**

1. Adoption and effective date of amendment. This amendment of the Plan is adopted to reflect certain provisions of the General Agreement on Tariffs and Trade, the Uniform Services Employment and Reemployment Rights Act (USERRA), the Small Business Job Protection Act of 1996, the Taxpayer Relief Act of 1997, the Internal Revenue Restructuring and Reform Act of 1998, and the Community Renewal Tax Relief Act of 2000 (Collectively known as "GUST"). This amendment is intended as good faith compliance with the requirements of GUST and is to be construed in accordance with GUST and guidance issued thereunder. Except as otherwise provided, this amendment shall be effective as of the first day of the first plan year beginning after December 31, 2001.
2. Supersede inconsistent provisions. This amendment shall supersede the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this amendment.

#### **B. DIRECT ROLLOVERS**

1. Direct Rollovers: The definition of an eligible rollover distribution will be modified to exclude hardship distributions.

#### **C. MINIMUM DISTRIBUTION RULE**

1. New Minimum Distribution Rule: With respect to distributions under the Plan made for calendar years beginning on or after January 1, 2001, the Plan will apply the minimum distribution requirements of Section 401(a)(9) of the Internal Revenue Code in accordance with the regulations under Section 401(a)(9) that were proposed on January 17, 2001, notwithstanding any provisions of the Plan to the contrary. This amendment shall continue in effect until the end of the last calendar year beginning before the effective date of the final regulations under Section 401(a)(9) or such other date as may be specified in guidance published by the Internal Revenue Service.

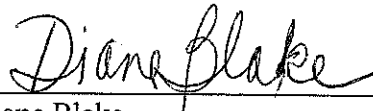
D. TRANSPORTATION FRINGE BENEFITS

1. Transportation Fringe Benefits: Under the Community Renewal Tax Relief Act of 2000 (CRA), amounts that reduce a participant's salary which are used to purchase qualified transportation fringe benefits are treated as includible compensation for purposes of the IRC Section 415 limit as well as the §403(b) maximum exclusion allowance. These amounts are added back into income when calculating an employee's maximum contribution

"For limitation years beginning on and after January 1, 2001, for purposes of applying the limitations described in this section of the Plan, compensation shall include elective amounts that are not includible in the gross income of the Participant by reason of Code §132(f)(4)."

E. INDEPENDENT CONTRACTORS

1. Independent Contractors: "If an individual is classified as an independent contractor during any period of providing services to the institution, such individual will be deemed to be in an ineligible class of employees for purposes of the Plan during such period, even if the individual is determined to be a common law employee during such period pursuant to a government audit or litigation. Notwithstanding the above, if the failure to cover such reclassified individual would prevent the Plan from satisfying the minimum coverage requirement under Code Section 410(b) for a Plan year, the minimum number of such individuals necessary for the plan to fulfill such minimum coverage requirements will be included as eligible employees for the plan year, with preference given to those reclassified individuals with the smallest amount of compensation."



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Diane Blake

Vice President for Finance and Administration



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Date