

ADOPTING RESOLUTION

The following resolutions were approved by Union College (the "Employer") with respect to the adoption of an amendment to the Union College Retirement Plan (the "Plan"), a Code section 403(b) retirement plan maintained for the benefit of the Employer's employees.

RESOLVED: That the Plan be amended in the form attached hereto, which amendment is hereby adopted and approved; and

RESOLVED: That the appropriate representatives of the Employer are hereby authorized and directed to execute the amendment and to take any and all actions necessary or appropriate to effectuate the foregoing resolution, including the making and execution of any subsequent changes or amendments to the Plan.

UNION COLLEGE

By: _____

Date: _____

UNION COLLEGE RETIREMENT PLAN
HARDSHIP DISTRIBUTION AMENDMENT

This Amendment is intended as a good faith effort to comply with the requirements of the hardship distribution final regulations and is to be construed in accordance with same. Both the Amendment and the provisions of the hardship distribution final regulations will supersede any inconsistent Plan provisions.

For each item below, if the check boxes are empty, the *italicized* provision will apply.

1. Safe Harbor Contributions/QNECs/QMACs

Effective on the first day of the first plan year after December 31, 2018, if available under the Plan, Qualified Non-Elective Contributions (QNECs), Qualified Matching Contributions (QMACs) or contributions used to satisfy the safe harbor requirements of Code sections 401(k)(12) or 401(k)(13), or 401(m)(11) or 401(m)(12), not held in a Custodial Account will be available for hardship distributions.

- Effective on the first day of the first plan year after December 31, 2018, hardship distributions are permitted from Qualified Non-Elective Contributions, Qualified Matching Contributions or contributions used to satisfy the safe harbor requirements of Code sections 401(k)(12) or 401(k)(13), or 401(m)(11) or 401(m)(12), if available under the Plan and not held in a Custodial Account.
- Hardship distributions continue to be prohibited from Qualified Non-Elective Contributions, Qualified Matching Contributions or contributions used to satisfy the safe harbor requirements of Code sections 401(k)(12) or 401(k)(13), or 401(m)(11) or 401(m)(12).

2. Amount Necessary to Satisfy Need Requirement

Effective on the first day of the first plan year after December 31, 2018, a hardship distribution will be considered necessary to satisfy an immediate and heavy financial need of the Participant only if:

- *The distribution is not in excess of the amount required to satisfy the financial need (including any amounts necessary to pay any federal, state or local income taxes or penalties reasonably anticipated to result from the distribution);*
- *The Participant has obtained all other currently available distributions, other than hardship distributions, under any deferred compensation plan, whether qualified or nonqualified, maintained by the Employer; and*
- *Effective for distributions made on or after January 01, 2020, the Participant has represented (in writing or by an electronic medium) that he has insufficient cash or other liquid assets to satisfy the financial need.*

- Effective on the first day of the first plan year after December 31, 2018, a distribution will be determined to satisfy an immediate and heavy financial need only if the three criteria listed above are met.
- The following provisions will be used for complying with the amount necessary to satisfy need requirement: _____

3. Six-Month Suspension

If the Safe Harbor criteria are used for hardship distributions, effective on the first day of the first plan year after December 31, 2018, the six-month suspension period for Elective Deferrals (and after-tax contributions) will no longer be a condition for obtaining a hardship distribution, even if the hardship distribution was made in the prior plan year.

- Effective on the first day of the first plan year after December 31, 2018, the Plan will not initiate a six-month suspension period on Elective Deferrals (and after-tax contributions) following a hardship distribution (cannot be later than January 1, 2020).
- The Plan will discontinue any remaining portion of the suspension period for hardship distributions made prior to the entered effective date.
- The Plan will continue any remaining portion of the full six-month suspension period for hardship distributions made prior to the entered effective date.

4. Loan Requirement

If the Safe Harbor criteria are used for hardship distributions, effective on the first day of the first plan year after December 31, 2018, Participants are not required to take all nontaxable loans under all plans maintained by the Employer prior to applying for a hardship distribution.

- Effective on the first day of the first plan year after December 31, 2018, Participants are not required to take all available nontaxable loans before applying for a hardship distribution.
- Participants must continue to take all nontaxable loans under all plans maintained by the Employer before applying for a hardship distribution.

5. Safe Harbor Financial Needs

If the Safe Harbor criteria are used for hardship distributions, the following immediate and heavy financial needs are considered as safe harbor criteria for hardship distributions made on or after January 1, 2018:

- *Expenses for the repair of damage to the Employee's principal residence that would qualify for the casualty deduction under Code section 165 (determined without regard to section 165(h)(5) and whether the loss exceeds 10% of adjusted gross income).*
- *Expenses and losses (including loss of income) incurred by the Employee on account of a disaster declared by the Federal Emergency Management Agency (FEMA) under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, provided that the Employee's principal residence or principal place of employment at the time of the disaster was located in an area designated by FEMA for individual assistance with respect to the disaster.*

Effective for hardship distributions made on or after January 1, 2018, the immediate and heavy financial needs listed above are considered as safe harbor criteria for hardship distributions.

The immediate and heavy financial needs listed above are not considered as safe harbor criteria for hardship distributions.

Notwithstanding the foregoing, in the event that the Employer has operationally applied, or not applied, any of the above provisions as of a different effective date, the effective date of such application in operation shall control.

IN WITNESS WHEREOF, the Employer has caused this amendment to be executed this _____ day of _____, 2020.

UNION COLLEGE

Signature: _____

Print Name: _____

Title/Position: _____

UNION COLLEGE RETIREMENT PLAN

SUMMARY OF MATERIAL MODIFICATIONS

The purpose of this Summary of Material Modifications is to inform you of changes that have been made to the Union College Retirement Plan. These changes affect the information previously provided to you in the Plan's Summary Plan Description. The Summary Plan Description is modified as described below.

Due to changes affecting the Hardship Distribution section, the entire section is provided below along with any special effective dates.

Can I take a distribution of my account balance while still working if I incur a hardship?

Yes. You can take a hardship distribution from the Accounts identified in your most recent Summary Plan Description (except for post-1988 earnings on your Elective Deferrals).

Are there requirements I must meet to take a hardship distribution?

Yes. In order to receive a hardship distribution from your accounts eligible for hardship withdrawal you must have an immediate and heavy financial need that cannot be satisfied by other available resources. This determination is made by the Plan Administrator. The following are the only financial needs considered immediate and heavy:

- expenses incurred or necessary for medical care, described in Code section 213(d), for you or your spouse, children, dependents, or Primary Beneficiary;
- the purchase (excluding mortgage payments) of a principal residence for the Participant;
- payment of tuition and related educational fees for the next 12 months of post-secondary education for you or your spouse, children, dependents, or Primary Beneficiary;
- the need to prevent the eviction of you from your principal residence (or a foreclosure on the mortgage on your principal residence);
- payments for burial or funeral expenses for your deceased parent, spouse, children, dependents, or Primary Beneficiary;
- expenses for the repair of damage to your principal residence that would qualify for the casualty deduction; or
- expenses incurred on account of a federally declared disaster.

Effective as of the first day of the first plan year after December 31, 2018, in order to have the hardship satisfy an immediate and heavy financial need, the following must be true:

- You have obtained all distributions, other than hardship distributions, under all plans maintained by the Employer;

- The distribution is not in excess of the amount of an immediate and heavy financial need (including amounts necessary to pay any federal, state or local income taxes or penalties reasonably anticipated to result from the distribution) and
- You have represented in writing or by an electronic medium that you have insufficient cash or other liquid assets to satisfy the financial need.

Effective as of the first day of the first plan year after December 31, 2018, there will no longer be a 6-month suspension period for your Elective Deferrals, if applicable, after the receipt of the hardship distribution. In addition, any remaining portion of the 6-month suspension period for a prior hardship distribution will be discontinued on that date.