

Procedures and Guidelines

Relative to Qualified Domestic Relations Orders

Submitted to the

Pension Plan for Employees at ORNL

(Effective as of January 1, 2022)

Contents:

Introduction	Article 1
Basic Terms and Definitions	Article 2
QDRO Procedures – Process Overview	Article 3
FAQs about Drafting QDROs	Article 4
Sample QDRO Forms	Article 5
Plan QDRO Checklist	Article 6
Execution Page	Article 7

Please note that the Sample QDRO Form is intended solely as a guide, and does not represent legal advice.

ARTICLE 1

Introduction

UT-Battelle, LLC (the “Company”) maintains the Pension Plan for Employees at ORNL (the “Plan”) as an employee benefit for its eligible employees and employees of other Employers adopting the Plan.

Pursuant to the Plan document, the Company, acting as Plan Administrator, hereby establishes these Procedures and Guidelines relative to Qualified Domestic Relations Orders for the Pension Plan for Employees at ORNL, as reasonable procedures to determine the qualified status of a domestic relations order (“DRO”).

The Plan is a qualified plan under section 401(a) of the Internal Revenue Code of 1986, as amended (the “Code”) and subject to the provisions of the Employee Retirement Income Security Act of 1974, as amended (“ERISA”). The Code and ERISA provide that payments under a qualified plan may be made directly to an “Alternate Payee” (a spouse, former spouse, child or dependent) pursuant to a domestic relations order (“DRO”) provided that such DRO meets the qualification requirements of the Code, ERISA and the provisions of the Plan. **A DRO that meets these qualification requirements is a QDRO.** These procedures are effective as of January 1, 2022 and amend and restate any QDRO procedures previously used by the Plan.

Please be aware that **unless a DRO meets the necessary criteria that make it a QDRO, the Plan Administrator is not permitted to make a distribution to anyone other than the Participant.**

According to the United States Department of Labor, the determination of whether a DRO is a QDRO is made by the Plan Administrator, (in this case the UT-Battelle, LLC).

The information contained in these procedures is provided to help Plan Participants, potential Alternate Payees and attorneys who are, or will be, drafting DROs to the Plan understand the process of obtaining a QDRO. Much of the information in these procedures is specific to this Plan.

Included, as part of these QDRO procedures, are Sample QDRO Forms that you may use as a model to help you prepare an order. Use of the language in the Sample QDROs is not required, but it could help expedite the review process. The Plan Administrator gives no assurances that language in the Sample QDROs will meet the requirements that a court in your state may put on such an order. The Sample QDROs are intended solely as a guide for use by legal counsel, and do not represent legal advice.

ARTICLE 2

Basic Terms and Definitions

Alternate Payee – is a person who is assigned a portion of a Participant's benefit under a DRO. In order to be an Alternate Payee a person must be the spouse, ex-spouse, child, or otherwise be a dependent of the Participant.

Retirement Department – refers to department at UT-Battelle, LLC that handles certain employee benefits administration duties:

Oak Ridge National Laboratory
Managed by UT-Battelle for the Department of Energy
P.O. Box 2008, Bldg 4007 MS-6434
Oak Ridge, TN 37831

All QDRO correspondence should be sent directly to the QDRO Processor:

USICG QDRO Processing
5301 Virginia Way, Suite 400
Brentwood, TN 37027
(844) 306-1234
QDRO@USI.com

Benefits Freeze (or Freeze) – refers to restrictions that are placed on the benefit payments of a Participant in the Plan during the period of time that the status of the DRO as a QDRO is being determined by the Plan Administrator. For this Plan the concept of a Freeze is only relevant if the Participant is in Pay Status or has met all Plan requirements that are necessary to enter Pay Status.

Code – shall mean the Internal Revenue Code of 1986, as amended from time to time, and as in effect on the relevant date to be interpreted hereunder.

Domestic Relations Order (or DRO) – an order issued by a court or state agency of proper jurisdiction relating to a domestic relations proceeding, this order gives a person (called the "Alternate Payee") the right to receive all or a portion of the Participant's vested accrued benefits in the Plan.

Note: a DRO is not a Qualified Domestic Relations Order (QDRO) until the Plan Administrator determines that it meets the requirements to be qualified.

ERISA – shall mean the Employee Retirement Income Security Act of 1974, as amended from time to time, and as in effect on the relevant date to be interpreted hereunder.

Participant – means an employee or former employee of the Company or any of its subsidiaries who has accrued benefits under the terms of the Plans.

Pay Status – means that the Participant has begun receiving benefit payments from the Plan.

Plan Administrator – is the Company, however, responsibilities that have been assigned to the Plan Administrator throughout these procedures may be reassigned by the Plan Administrator to a QDRO Processor.

Plan – means the Pension Plan for Employees at ORNL.

Qualified Domestic Relations Order (hereafter called **QDRO**) – a DRO that meets the statutory requirements of ERISA and the Internal Revenue Code as well as meeting the Plan’s requirements that are set out in these written QDRO procedures.

QDRO Checklist – is a checklist that the QDRO Processor will review against a submitted DRO in order to determine whether that DRO is qualified. The checklist is designed to provide the QDRO Processor and all parties with the provisions that must be included in a DRO in order for it to be treated as a QDRO. The checklist likewise contains a list of provisions that may not be included. The development and maintenance of the QDRO checklist is the responsibility of the Company (although the Company may delegate this responsibility to the QDRO Processor). In developing the checklist the Company has included some criteria that are specific to these Plans. A copy of the Plans’ QDRO checklist is included as part of these procedures.

QDRO Procedures – include the entire contents of this package. These procedures have been designed to explain what happens when the Plan Administrator is presented with a DRO and how the Plan Administrator will go through the process of determining whether the order is a QDRO.

QDRO Processor – means the person or organization appointed or hired by the Company to review and process DROs received by the Plan. The Plan Administrator has appointed USICG to serve as the Plan’s QDRO Processor and has assigned to the QDRO Processor the responsibility to review and process domestic relations orders in accordance with these procedures and such other direction provided by the Plan Administrator.

Sample QDRO Form – is a form prepared in order to assist an attorney or party who is drafting a DRO for submission to the Plan. This form has been designed and included within these procedures as a convenience to Participants, Alternate Payees and their respective legal counsel. While use of the Sample QDRO Form may help expedite the process, it is not required by the Plan Administrator. The Company gives no assurance that the Sample QDRO Form complies with any particular state laws. Furthermore, the provision of this form should not be construed as the practice of law in any jurisdiction.

Summary Plan Description (hereafter referred to as **SPD**) – is a detailed summary of the Pension Plan. Please be aware, however, that before information specific to a Participant is provided, the QDRO Processor must receive either written consent from the Participant or a valid subpoena for information. See the section entitled “Sharing Information” for more information.

ARTICLE 3

QDRO Procedures – Process Overview

Initial Inquiry Procedure

All initial inquiries about the QDRO procedure begin with the Participant, the Alternate Payee, or an attorney representing one of these parties contacting the Retirement Department or the QDRO Processor. The initial inquiry may take the form of:

- 1.) a telephone call or other verbal notification;
- 2.) correspondence;
- 3.) a court subpoena, or other legal document served on, or otherwise delivered to, the Plan Administrator;
- 4.) a draft domestic relations order; or
- 5.) a final domestic relations order signed by a Judge.

- A.) Upon request the QDRO Processor will send to the Participant and the notifying party a copy of the Plan's written QDRO Procedures.
- B.) When the Plan Administrator or QDRO Processor receives a DRO, a draft DRO or some other legal documents that recognizes that the Alternate Payee has rights to a portion of the Participant's accrued benefits in the Plan, the following will occur:
 - 1.) Copies of all pertinent correspondence or legal documents will be forwarded from the Retirement Department to the QDRO Processor.
 - 2.) All parties will be instructed that correspondence or DROs should be sent to the following address to be reviewed in accordance with these QDRO Procedures:

USICG QDRO Processing
5301 Virginia Way, Suite 400
Brentwood, TN 37027
(844) 306-1234
QDRO@USI.com

- 3.) The QDRO Processor will open (and maintain) a QDRO file on this Participant.
- 4.) During the period that the status of the DRO as a QDRO is being determined, a “**Freeze**” (if necessary) will be placed upon the amount to the Participant that would be payable to the Alternate Payee during such period if the DRO is determined to be a QDRO. No Freeze will be made on any portion of the Participant's payments until the Plan Administrator has received a DRO for review that has been entered with a court. If the QDRO Processor must freeze a portion of the Participant's payment, the QDRO Processor will work with the Retirement Department to determine the appropriate amount.
- 5.) The QDRO Processor will send a notification of the Freeze to the Participant and the Alternate Payee. Alternatively, the notification may be sent to legal representatives of either party if they have been designated to receive this notice. This notification may be sent as part of the mailing that includes a copy of these QDRO procedures. The notice will also explain what events must occur before the Freeze can be lifted.

C.) Once the appropriate portion of a Participant's benefits are frozen the Freeze can only be lifted by either: (1) a determination that the DRO is a QDRO; or (2) an order of the court or a notarized letter (release) from the Alternate Payee or a letter from his or her attorney indicating that the Participant's benefits are no longer the subject of a domestic dispute. Additionally, a Freeze may be lifted upon the request of either party if the DRO has been rejected by the QDRO Processor and a revised DRO has not been submitted for review after the expiration of a 90-day appeal period.

Sharing Information

These written QDRO procedures may be sent out to anyone that requests them. Additionally, the Participant, Alternate Payee or their legal representatives may also request, and be provided general Plan information such as the plan document, SPD, and other items (not specific to the Participant's benefits) upon request.

Information that is specific to a Participant's accrued benefits in the Plan will only be provided directly to an Alternate Payee or to a legal representative of one of the parties to the domestic dispute if the Plan Administrator has one of the following:

A.) The written consent of the Participant to share information pertaining to his or her accrued benefits, or
B.) A valid subpoena for information, or an order issued by the court of proper jurisdiction in relation to a domestic relations matter.

Participant information that is to be provided to the Alternate Payee or to a legal representative will be provided by hard copy via the U.S. Mail and will not be shared over the telephone, by facsimile transmission or by e-mail.

Segregation of Benefits and Protection of Plan Assets

A Freeze will be placed on a portion of a Participant's benefits when the Plan receives a DRO that has been entered by a court that informs the Plan Administrator that the Alternate Payee may be entitled to a portion of the Participant's accrued benefits under the Plan. The Freeze is meant to protect the Alternate Payee's potential rights to Plan benefits. Generally, if the Participant is in Pay Status only the portion of the benefit payments that may become payable to the Alternate Payee under the DRO will be segregated under the Plan's Trust until the domestic dispute is resolved. The QDRO Processor will work with the Retirement Department to determine the allocated portion of a DRO that has not yet been approved.

Once the domestic dispute is resolved and it is appropriately determined what, if any, portion of the Participant's accrued benefits should be assigned to the Alternate Payee(s), then back payments of the segregated amounts held for the Alternate Payee will be paid with earnings.

ERISA provides that the Plan Administrator must preserve these benefits for a period of not longer than 18 months beginning with the first date the DRO submitted to the Plan would require payment to the Alternate Payee. This 18-month period may not begin before the Plan Administrator receives the DRO.

The Plan Administrator recognizes that a Freeze on benefit payments may result in a short-term financial hardship on all parties. Therefore, the Plan Administrator will permit the Participant and the Alternate Payee(s) to jointly submit a written request that benefit payments to the Participant continue under the terms of the Plan while the domestic dispute is being resolved. In such a situation the Plan will not be responsible to the Alternate Payee for any benefit payments relating to this resolution period.

DRO Review Procedure

The review process - All DROs, whether in draft (pre-approval) or final form, must be sent to the Retirement Department or QDRO Processor to determine if the order meets the requirements of these QDRO Procedures and therefore is a QDRO.

Notice of Receipt of DRO - Upon receipt of a DRO, the QDRO Processor will notify the Participant to whom the DRO applies and each Alternate Payee of such receipt within 21 days. Alternatively, this notice may be provided to the legal representative of either party. A copy of these Procedures will be provided upon request.

Checklist - The QDRO Processor will review the DRO to make sure that it has the necessary elements of a QDRO as specified in the QDRO checklist. The DRO will also be reviewed to make sure that it does not include any terms that are not permitted under the QDRO Procedures of the Plan.

Results of the Review Procedure

Review in Reasonable Time Period. Unless there are extraordinary circumstances the QDRO Processor will process the DRO within sixty (60) days of the time it is received and make a determination as to the qualified status of the order. If the DRO is in draft (or pre-approval) format the QDRO Processor will correspond with the drafting attorney about any required modifications or, if no modifications are needed, simply instruct the attorney to obtain a judicial executed copy of the DRO.

The QDRO Processor will review a **draft DRO** in the same manner as it reviews a completely executed order. The QDRO Processor will notify the drafting attorney or party of any changes that are necessary in order to qualify the order. If no changes are required the QDRO Processor will simply instruct the attorney to have the order executed by the appropriate court officials, filed with the court, and resubmitted to the QDRO Processor for final approval and processing.

Notice of Preliminary Determination. The QDRO Processor will notify the Participant and any Alternate Payee or their legal representatives about its preliminary determination regarding the DRO. If the DRO is not qualified the notice will include the following information.

- A.) The reason(s) the order is not qualified;
- B.) Citation of the Plan provisions or reference to QDRO procedures upon which the determination is based;
- C.) Instruction that the parties have ninety (90) days to appeal the determination (e.g. by sending in a new DRO); and
- D.) A descriptive listing of any additional documentation, information or revisions essential for the order to be qualified and an explanation of why the listed items are necessary.

Notice of Final Determination. Upon a final determination of the qualified status of the DRO, the Plan Administrator will notify the Participant and Alternate Payee(s) thereunder of its determination via first class mail. If the parties have consented to e-mail communication this notice may be delivered via e-mail. If the determination is that the DRO is not qualified, the notice will include the reasons the order is not qualified.

Resolving a Flawed Order. When a DRO is not qualified the Plan will continue to maintain the Freeze on the Participant's benefits for a period of time (after notification) to permit the parties to resubmit a new

DRO. If after ninety (90) days a new DRO has not been received by the Plan Administrator the Participant has the right to make a written request that the Freeze on his or her benefits be lifted.

According to the Department of Labor the Plan Administrator must lift the Freeze if the status of an order is not resolved within the 18-month period discussed above under the subsection entitled “Segregation of Benefits and Protection of the Account”. At that time the Plan Administrator must pay out the segregated amounts to the person or persons entitled to such amounts had there been no order.

Appeal Rights. In the event that the Participant or Alternate Payee believes that the determination of the status of a DRO as a QDRO is in error or that the Alternate Payee is entitled to some different amount than what was determined by the Plan Administrator, that person may file an appeal. The Plan Administrator would have a period of ninety (90) days from the date of filing to act on the appeal.

Distributing the Participant’s Accrued Benefit

If the Participant is in Pay Status at the time a QDRO is approved the Alternate Payee will immediately begin to receive the portion of benefits assigned to him or her under terms of the QDRO. If the Participant is already in Pay Status (example, the Participant John Jones is receiving \$500 per month from the Plan), a QDRO may only assign a dollar or percentage amount of the Participant’s benefit to the Alternate Payee. In that case, the QDRO could not provide for some alternative form of benefit.

If the Participant has an accrued benefit in the Plan but is not in Pay Status at the time the QDRO is approved, the portion of the Participant’s accrued benefits that have been assigned to the Alternate Payee will be determined in accordance with the terms of the QDRO.

Timing of Distributions made under a QDRO

Distributions in accordance with a QDRO that applies to a Participant whose accrued benefits are in Pay Status will begin as soon as possible after the order has been determined to be a qualified order. The split of benefit payments will be applied prospectively to benefit payments that have not yet been processed by the Plan. The Plan cannot be responsible for benefits that have already been paid to the Participant.

A QDRO that applies to a Participant’s accrued benefits that are not yet in Pay Status should specify when the distribution to the Alternate Payee is to occur. The timing options that may be written into an order depend upon the classification of the Participant and the options that are available to the Participant under the terms of the Plan document.

Generally, the Plan Administrator will not approve any order that provides for the Alternate Payee to receive a distribution from the Plan prior to the date that Participant attains the earliest retirement age provided for under the terms of the Plan. However, in the following situations the Plan Administrator will accept an order that requests an immediate single sum distribution from the Plan:

- If the present value of accrued benefits of accrued benefits that have been assigned to the Alternate Payee by the QDRO is \$5,000 or less

A QDRO may provide the Alternate Payee with the option of selecting any optional form of Plan distribution that is available to the Participant, except for a Qualified Joint and Survivor Annuity that is based upon the life of the Alternate Payee and a subsequent spouse.

Taxation Issues

A QDRO cannot determine the taxation status of a plan distribution. Who will pay federal and state income taxes on a distribution and whether the distribution may be rolled over is determined by the applicable tax laws.

ARTICLE 4
FREQUENTLY ASKED QUESTIONS ABOUT DRAFTING QDROS
TO SUBMIT TO THE
• PENSION PLAN FOR EMPLOYEES AT ORNL

• What is a QDRO?

A QDRO is a domestic relations order (DRO) that creates or recognizes the existence of an Alternate Payee's right to, or assigns to an Alternate Payee the right to receive, all or a portion of the benefits payable with respect to a Participant under a qualified retirement plan. Additionally, a QDRO must comply with certain requirements of ERISA, the Code as well as the Plans' QDRO procedures. A few basic things to know:

- The Plan is not permitted to pay an Alternate Payee any benefits unless a QDRO provides for such payment.
- Whether a DRO is "qualified" is determined by the Plan Administrator. In the case of the Pension Plan for Employees at ORNL this is done with the help of the QDRO Processor.
- Simply submitting a marital property settlement to the Plan Administrator is not sufficient to create an Alternate Payee's right to receive a benefit from the Plan.

What are the requirements of ERISA and the Code with respect to a DRO?

To be qualified, a DRO must clearly specify:

- 1.) That the order is intended to be a qualified domestic relations order and that the order relates to the division of marital property as part of a domestic relations proceeding.
- 2.) The name and last known mailing address of the Participant and each Alternate Payee covered by the order.
- 3.) The social security number and date of birth of the Participant and each Alternate Payee covered by the order. This information may be provided in an addendum to the order.
- 4.) The amount or percentage of the Participant's benefits to be paid by the plan to the Alternate Payee or the manner in which such amount or percentage is to be determined.
- 5.) The number of payments or period to which the order applies.
- 6.) The plan to which the order applies.

What provisions are not permitted – under ERISA and the Code?

The following provisions may not be included in a QDRO:

- 1.) Any provision that would increase the benefits payable from the Plan.

- 2.) Payment of a type or form of benefit or any option not provided for under the terms of the Plan.
- 3.) Payment of benefits which are required to be paid to another Alternate Payee under a previously issued QDRO.

What specific requirements does the Pension Plan for Employees at ORNL have with respect to a DRO?

Every ERISA Plan has its own particular plan language (terms) and administrative procedures. In order for a DRO to be qualified the order must not require the Plan Administrator do something that violates those terms or procedures. The Pension Plan for Employees at ORNL QDRO Checklist, is a guide of what a DRO submitted to the Plan must contain (and what it must not contain) in order to be treated as a QDRO.

Also please see the question - Are there any special rules about the Plan's QDRO process that I should know?

When may payments begin to an Alternate Payee?

The QDRO, subject to the following rules, may specify the beginning date for payments to an Alternate Payee. If the Participant is already in Pay Status, payment to the Alternate Payee will begin as soon as administratively possible immediately following the qualification of the DRO. If the Participant is not in Pay Status, payments generally may begin upon the later of:

- 1.) the effective date of the qualification of the DRO, or
- 2.) the date on which the Participant is eligible to commence benefit payments (generally, the date the Participant attains or would have attained the Plan's earliest retirement age).

However, in some situations a DRO submitted to the Plans may provide that the Alternate Payee will receive a lump sum distribution that will be paid as soon as administratively possible after the order is determined to be a QDRO. This provision will be allowed in a QDRO submitted to the Plans in either of the following situations:

if the present value of accrued benefits that have been assigned to the Alternate Payee by the QDRO is \$5,000 or less

What payment forms are available to an Alternate Payee under a QDRO?

All of the forms of payment that are available to a Participant from the Plan are available to an Alternate Payee, except that, the Alternate Payee may not select a joint and survivor annuity benefit that is based upon the lives of the Alternate Payee and a subsequent spouse.

Are there any special rules about the Plan's QDRO process that I should know?

Yes, the Plan's QDRO process has some specific rules that the person drafting a DRO for submission for qualification should be aware:

- 1.) If the Participant is already in Pay Status at the time the DRO is submitted, then the order may not change the form of the benefits being paid. When a Participant is in Pay Status, an Alternate Payee may only receive a share of the benefits that have already been elected by the Participant. To illustrate, if the Participant is in Pay Status and receiving \$500 per month from the Plan for the rest of the Participant's life then the Alternate Payee could get a portion of that \$500 over that same time period. A domestic relations order may not change the benefit to be paid over the Alternate Payee's life or modify the Plan's total liability of \$500 per month.
- 2.) An order that calls for an Alternate Payee to receive a separate interest, as opposed to simply sharing benefit payments received by the Participant, may not provide that the Alternate Payee will receive any benefit increases that accrue after the date that the Alternate Payee commences his or her benefit. Such increases in accrued benefits might involve an early retirement enhancements that the Plan Administrator may add at some future date.
- 3.) A DRO that calls for the Alternate Payee to receive a shared percentage interest of the full amount that the Participant is to receive from the Plan will be presumed to provide that the Alternate Payee will receive a pro rata portion of any increase in accrued benefits added to the Plan subsequent to the date the QDRO is approved.
- 4.) A DRO that calls for an Alternate Payee to receive a fixed dollar amount that is to be paid from the amount the Participant is to receive will be presumed not to provide that the Alternate Payee will share in any subsequent benefit increases.

ARTICLE 5

Pension Plan for Employees at ORNL Sample Qualified Domestic Relations Orders

** If you have questions about which particular sample order is appropriate for your situation, please contact the Retirement Department. Please be aware, however, that before information specific to a Participant is provided, the QDRO processor must receive either written consent from the Participant or a valid subpoena for information. See the section entitled “Sharing Information” for more information.

Sample 1

CIRCUIT
FAMILY COURT BRANCH
COUNTY

Petitioner,) CASE NO. _____
)
)
-vs-) **QUALIFIED DOMESTIC**
) **RELATIONS ORDER**
) **PENSION PLAN FOR EMPLOYEES AT**
) **ORNL**

Respondent.)

IT IS HEREBY ORDERED AS FOLLOWS:

I. Effect of This Order

This order creates and recognizes the existence of the Alternate Payee's right to receive a portion of the benefits otherwise payable to the Participant under the Pension Plan for Employees at ORNL (the "Plan"). It is intended to constitute a qualified domestic relations order under Section 414(p) of the Internal Revenue Code ("Code") and Section 206(d)(3) of the Employee Retirement Income Security Act ("ERISA").

II. Information Concerning Plan Participant and Alternate Payee

A.) The name, last known address, social security number and date of birth of the Plan Participant is:

Name:
Address:
Social Security Number:
Birth Date:

B.) The name, last known address, social security number and date of birth of the Alternate Payee is:

Name:
Address:
Social Security Number:
Birth Date:

C.) The Plan Participant and Alternate Payee shall have the duty to notify the Plan Administrator in writing of any changes in mailing address subsequent to the entry of this order.

III. Application of State Domestic Relations Law

This order is entered pursuant to the authority granted in the applicable domestic relations laws of the State of _____.

IV. Assignment of Benefits to the Alternate Payee

This order assigns to the Alternate Payee an amount equal to (\$ _____ or ____ %) of the Participant's accrued benefit under the Plan as of _____. For purposes of this order, the Participant's "accrued benefit" means the monthly retirement benefit that would be payable to the Participant on or after the Plan's normal retirement date assuming that the Participant had terminated employment with the Company on _____. This amount is subject to adjustment in accordance with Section V below to convert the Alternate Payee's benefit into an actuarially equivalent benefit payable over the Alternate Payee's, rather than the Participant's, lifetime.

V. Form and Time of Payment of the Alternate Payee's Benefit

- A.) The portion of the Participant's accrued benefit assigned to the Alternate Payee under Section IV above shall be adjusted from a monthly benefit payable over the Participant's lifetime to an actuarial equivalent monthly benefit payable for the Alternate Payee's lifetime. Such actuarial adjustment shall be made based on the interest, mortality and, if applicable, early commencement reduction factors specified in the Plan for determining actuarial equivalence.
- B.) The Alternate Payee may elect to commence his/her benefits under the Plan as of the first day of any month that begins on or after the earliest date the Participant may commence his/her benefit under the Plan. However, if the Alternate Payee commences his/her benefit prior to the Participant's attainment of Normal Retirement Age, the Alternate Payee's benefit may be actuarially reduced in accordance with the early commencement reduction factors as specified in the Plan.
- C.) Following the adjustments provided under Paragraphs A and B of this Section V, the Alternate Payee shall elect a form of benefit payment among any forms of payment permitted by the Plan.
- D.) Notwithstanding anything to the contrary herein, if the single sum present value of the benefit assigned to the Alternate Payee (as determined in accordance with the terms of the Plan) is equal to or less than \$5,000 or such greater amount allowed under applicable law, the Alternate Payee's benefit shall be paid to him/her in the form of a single sum cash payment no later than the end of the year following the year in which the Plan Administrator determines that this order constitutes a qualified domestic relations order under Section 414(p) of the Code and 206(d)(3) of ERISA.

VI. Death of the Alternate Payee and the Participant

- A.) Following the assignment of benefits to the Alternate Payee in accordance with this order, the Alternate Payee's and the Participant's benefits are intended to be separate and independent from one another.
- B.) The Alternate Payee's benefit shall revert to the Participant in the event that the Alternate Payee dies prior to the commencement of his or her benefit. If the Alternate Payee dies subsequent to the commencement of his or her benefit, the disposition of his or her benefit will be determined based on the benefit form selected by the Alternate Payee.

Death of the Alternate Payee at any time shall not affect the Participant's rights to benefits not awarded to the Alternate Payee.
- C.) Death of the Participant at any time shall in no way affect the Alternate Payee's right to the portion of the Participant's benefit assigned to the Alternate Payee in accordance with this order. Further, the Alternate Payee shall have no right or interest in death benefits, if any, that may be payable from the Plan with respect to the portion of the Participant's benefits that are not assigned to the Alternate Payee in accordance with this order.

VII. Continued Employment of The Participant

Any additional benefits accrued by the Participant on or after the date provided in Section IV above belong exclusively to the Participant and no portion of any such additional benefits shall be assigned to the Alternate Payee.

VIII. Savings Clause

This order is not intended, and shall not be construed in such a manner as to require the Plan:

- A.) to provide any type or form of benefit option not otherwise provided under the terms of the Plan;
- B.) to require the Plan to provide increased benefit determined on the basis of actuarial value; or
- C.) to require the payment of any benefits to the Alternate Payee that are required to be paid to another Alternate Payee under another order that was previously deemed to be a qualified domestic relations order.

IX. Certification of Necessary Information

All payments made pursuant to this order shall be conditioned on the certification by the Alternate Payee and Participant to the Plan Administrator of such information as the Plan Administrator may reasonably require from such parties to make the necessary calculation of the benefit amounts contained herein.

X. Continued Jurisdiction

The court reserves jurisdiction in the event that either the Alternate Payee or Participant takes affirmative action or inaction to circumvent the provisions of the order to the detriment of the other party or in the event that the Plan Administrator determines that it is unable to give effect to the terms of the order as drafted.

SO ORDERED:

DATE

Judge

APPROVED:

APPROVED:

Attorney for Participant

Attorney for Alternate Payee

Sample 2

CIRCUIT
FAMILY COURT BRANCH

COUNTY

CASE NO. _____

Petitioner,)	
)	
)	
-vs-)	<u>QUALIFIED DOMESTIC</u>
)	<u>RELATIONS ORDER</u>
)	<u>PENSION PLAN FOR EMPLOYEES AT</u>
)	<u>ORNL</u>
Respondent.)	
)	

IT IS HEREBY ORDERED AS FOLLOWS:

I. Effect of This Order

This order creates and recognizes the existence of the Alternate Payee's right to receive a portion of the benefits otherwise payable to the Participant under the Pension Plan for Employees at ORNL (the "Plan"). It is intended to constitute a qualified domestic relations order under Section 414(p) of the Internal Revenue Code ("Code") and Section 206(d)(3) of the Employee Retirement Income Security Act ("ERISA").

II. Information Concerning the Participant and Alternate Payee

A.) The name, last known address, social security number and date of birth of the Participant is:

Name:
Address:
Social Security Number:
Birth Date:

B.) The name, last known address, social security number and date of birth of the Alternate Payee is:

Name:
Address:
Social Security Number:
Birth Date:

C.) The Participant and Alternate Payee shall have the duty to notify the Plan Administrator in writing of any changes in mailing address subsequent to the entry of this order.

III. Application of State Domestic Relations Law

This order is entered pursuant to the authority granted in the applicable domestic relations laws of the State of _____.

IV. Assignment of Benefits to the Alternate Payee

This order assigns to the Alternate Payee an amount equal to (\$ _____ or _____ %) of the Participant's monthly benefit under the Plan. Such amount shall be paid to the Alternate Payee at the same time as and for so long as such amount would otherwise have been paid to the Participant in the absence of this order, provided that if the Alternate Payee predeceases the Participant, the monthly benefit assigned to Alternate Payee shall revert to the Participant. The monthly benefit amount payable under the Plan to the Participant for any month shall be reduced by the monthly benefit amount paid to the Alternate Payee for that month. The Alternate Payee's commencement of benefit shall not be earlier than the date the Plan receives this order for review and begins segregating benefits for the Alternate Payee. Payment shall not be made until the Plan Administrator determines that this order is a QDRO.

V. Savings Clause

This order is not intended, and shall not be construed in such a manner as to require the Plan:

- A.) to provide any type or form of benefit option not otherwise provided under the terms of the Plan;
- B.) to require the Plan to provide increased benefit determined on the basis of actuarial value; or
- C.) to require the payment of any benefits to the Alternate Payee that are required to be paid to another Alternate Payee under another order that was previously deemed to be a qualified domestic relations order.

VI. Certification of Necessary Information

All payments made pursuant to this order shall be conditioned on the certification by the Participant and Alternate Payee to the Plan Administrator of such information as the Plan Administrator may reasonably require from such parties to make the necessary calculation of the benefit amounts contained herein.

VII. Continued Jurisdiction

The Court reserves jurisdiction in the event that either the Participant or Alternate Payee takes affirmative action or inaction to circumvent the provisions of the order to the detriment of the other party or in the event that the Plan Administrator determines that it is unable to give effect to the terms of the order as drafted.

SO ORDERED:

DATE

Circuit Judge

APPROVED:

APPROVED:

Attorney for Participant

Attorney for Alternate Payee

ARTICLE 6

Pension Plan for Employees at ORNL Qualified Domestic Relations Order Checklist

This checklist may be used to assist you in determining whether a domestic relations order is a Qualified Domestic Relations Order. This checklist is specific to the Pension Plan for Employees at ORNL. It will also help identify all of the information that must be obtained to administer the order. The Plan Administrator will make the determination as to whether the QDRO requirements have been met by orders that are submitted.

General Information for the File

Employee's Name _____

Employee's Date of Birth _____

Employee's Social Security Number _____

Employee's Address _____

Indicate the name(s), address, and telephone number of any legal representatives involved in this domestic relations dispute:

For the Employee:

For the Alternate Payee:

Part I - Data in the Order

	<u>Question</u>	<u>YES</u>	<u>NO</u>	<u>DATE</u>
1	Was the order issued pursuant to a state domestic relations law?			
2	Is the order signed by a judge?			
3	Does the order indicate the correct Plan name?			
4	Is the correct name, social security number, date of birth and current mailing address of the Participant provided?			
5	Is the correct name, social security number, date of birth and current mailing address of the Alternate Payee provided?			
6	Does the order contain the amount or percentage of the Participant's benefit to be paid to each Alternate Payee?			
7	Has the amount and form of payment been sufficiently specified?			
8	Does the order relate to child support, alimony payments or the division of marital property?			
9	Does the order relate to a spouse, former spouse, child or other dependent of a Participant?			

If the answer to any of the above questions is "NO" - then the order is not a QDRO

Part II - Actions that the Order Requires

	<u>Question</u>	<u>YES</u>	<u>NO</u>	<u>Date</u>
1	Does the order provide for payment of a benefit in a form that is permitted by the plan?			
2	Are there no prior QDROs that commit benefits payable to the Alternate Payee under the terms of this order?			
3	Does the order provide a date for commencement of benefits that is consistent with the terms of the Plan? Indicate the date benefits are to be paid _____.			
4	If the Participant is in Pay Status at the time this order is submitted, is the form of benefit provided a shared benefit interest?			
5	If the order provides that the Alternate Payee will receive a separate benefit interest, does the order refrain from providing that the Alternate Payee will receive any benefit increases that accrue after the date the Alternate Payee commences his or her benefit?			

If the answer to any of the above questions is "NO" - then the order is not a QDRO

ARTICLE 7

Execution Page to Procedures and Guidelines

IN WITNESS WHEREOF, the Plan Administrator has caused these Procedures and Guidelines Relative to Qualified Domestic Relations Orders Submitted to the Pension Plan for Employees at ORNL to be executed by its duly authorized representative this 24 day of February 2022, and effective January 1, 2022.

DIVISION DIRECTOR, PENSION & SAVINGS
ADMINISTRATOR FOR THE PENSION PLAN FOR
EMPLOYEES AT ORNL

By: 