

**Setting Every Community Up for  
Retirement Enhancement (SECURE) Act of 2019  
Bipartisan American Miners (BAM) Act of 2019  
Coronavirus Aid, Relief, and Economic Security  
(CARES) Act of 2020  
Basic Plan Document Amendment Kit**

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**For use with Ascensus'  
Standardized Individual 401(k) Profit Sharing Plans**

**GENERAL INSTRUCTIONS**

- Review the Ascensus Basic Plan Document Amendment and file with it with your other qualified retirement plan documents.
- Complete the Summary of Material Modifications, provide each participant and beneficiary of a deceased participant with a copy, and file it with your other qualified retirement plan documents.

# SECURE Act of 2019, BAM Act of 2019, and CARES Act of 2020 Basic Plan Document Amendment

This amendment of the Plan (hereinafter referred to as the "Amendment") is comprised of this Setting Every Community Up for Retirement Enhancement (SECURE) Act of 2019, Bipartisan American Miners (BAM) Act of 2019, and Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 (hereinafter referred to as "Acts") Basic Plan Document Amendment (the "Basic Plan Document Amendment") and, if applicable, the corresponding Adoption Agreement Amendment. The Amendment is adopted to reflect certain provisions of the Acts and related guidance. This Amendment is intended to provide good faith compliance with the Acts and related guidance until the Plan is formally restated to incorporate such guidance. Except as otherwise provided in the Adoption Agreement Amendment or indicated below, these provisions are effective on the first day of the Plan Year beginning on or after January 1, 2020. This Amendment supersedes the existing provisions of the Plan to the extent those provisions are inconsistent with the provisions of the Amendment. The Amendment will not cause the Plan to become an individually designed plan.

## DEFINITIONS

### 2020 RMD

**2020 RMD is added to the Plan as a new defined term with the following definition:**

Means a required minimum distribution 1) that would have been distributed to a Participant or Beneficiary for 2020, or 2) that would have been distributed to a Participant or Beneficiary in 2020 for 2019 but for the enactment of Code section 401(a)(9)(l).

### APPLICABLE MULTI-BENEFICIARY TRUST

**Applicable Multi-Beneficiary Trust is added to the Plan as a new defined term with the following definition:**

Means a trust 1) that has more than one Beneficiary, 2) in which all of the Beneficiaries are treated as Designated Beneficiaries for purposes of determining the distribution period pursuant to Code section 401(a)(9), and 3) in which at least one of the Beneficiaries is an Eligible Designated Beneficiary described in Code section 401(a)(9)(E)(ii)(III) or (IV).

### COMPENSATION

**The Plan's definition of Compensation, Part B, is modified by adding the following at the end of paragraph three:**

In addition, for Plan Years beginning on or after January 1, 2016, Compensation for a Participant shall, as required under Code section 415(c)(8) and related guidance, be increased by the amount of Difficulty of Care Payments that are excluded from gross income by such Participant under Code section 131 for a taxable year.

### CORONAVIRUS-RELATED DISTRIBUTION (CRD)

**Coronavirus-Related Distribution (CRD) is added to the Plan as a new defined term with the following definition:**

Means a distribution, other than certain distributions that are not eligible rollover distributions under Treasury Regulation section 1.402(c)-2 (e.g., corrective distributions of excess deferrals and contributions, loans that are treated as deemed loans, and dividends paid on employer securities), that is made on or after January 1, 2020, and before December 31, 2020, to a Participant or Beneficiary due to becoming a Qualified Individual.

### DIFFICULTY OF CARE PAYMENTS

**Difficulty of Care Payments is added to the Plan as a new defined term with the following definition:**

Means the amount of qualified foster care payments that an Employee receives from the Adopting Employer that are excluded from gross income by a Participant under Code section 131 for a taxable year. Participant contributions allocable to Difficulty of Care Payments shall be treated as Nondeductible Employee Contributions for purposes of the Code and this Plan, except as otherwise provided herein or by law or regulation.

### EFFECTIVE DATE

**The Plan's definition of Effective Date is modified by adding the following as a new paragraph to the end:**

For purposes of an initial adoption of the Plan by the Adopting Employer that occurs for taxable years beginning on or after January 1, 2020, if the Plan is adopted after the close of the initial Plan Year of the Plan, but prior to the Adopting Employer's deadline for filing a tax return (including any applicable filing extensions) for the taxable year that contains such initial Plan Year end, the Plan will be treated as if the Plan was adopted as of the last day of the initial Plan Year.

### ELIGIBLE ADOPTEE

**Eligible Adoptee is added to the Plan as a new defined term with the following definition:**

Means any individual (other than a child of the Participant's Spouse) who has not attained age 18 or is physically or mentally incapable of self-support.

## **ELIGIBLE DESIGNATED BENEFICIARY**

### **Eligible Designated Beneficiary is added to the Plan as a new defined term with the following definition:**

Means, with respect to any Participant, any Designated Beneficiary who is 1) the surviving Spouse of the Participant, 2) a child of the Participant who has not reached the age of majority, 3) disabled (within the meaning of Code section 72(m)(7) and related guidance), 4) a chronically ill individual (within the meaning of Code section 7702B(c)(2), except that the requirements of subparagraph (A)(i) thereof shall only be treated as met if there is a certification that, as of such date, the period of inability with respect to the individual is an indefinite one which is reasonably expected to be lengthy in nature), 5) an individual who is not described in the preceding who is not more than 10 years younger than the Participant, or 6) any other individual as determined by the Secretary of the Treasury.

The determination of whether a Designated Beneficiary is an Eligible Designated Beneficiary shall be made as of the date of death of the Participant in accordance with Code section 401(a)(9) and related guidance.

## **ELIGIBLE ROLLOVER DISTRIBUTION**

### **The Plan's definition of Eligible Rollover Distribution is modified by adding the following as a new paragraph to the end:**

Notwithstanding the foregoing, solely for purposes of applying the Direct Rollover distribution provisions of the Plan, 2020 RMDs and Extended 2020 RMDs distributed for 2019 or 2020, as applicable, will be treated as Eligible Rollover Distributions.

## **EXTENDED 2020 RMD**

### **Extended 2020 RMD is added to the Plan as a new defined term with the following definition:**

Means one or more payments in a series of substantially equal distributions (that include the 2020 RMD) made at least annually and expected to last for the life (or Life Expectancy) of the Participant, the joint lives (or joint life expectancies) of the Participant and the Participant's Designated Beneficiary, or a period of at least 10 years.

## **LIFETIME INCOME FEATURE**

### **Lifetime Income Feature is added to the Plan as a new defined term with the following definition:**

Means 1) a feature which guarantees a minimum level of income annually (or more frequently) for at least the remainder of the life of the Participant or the joint lives of the Participant and the Participant's Designated Beneficiary, or 2) an annuity payable on behalf of the Participant under which payments are made in substantially equal periodic payments (not less frequently than annually) over the life of the Participant or the joint lives of the Participant and the Participant's Designated Beneficiary.

## **LIFETIME INCOME INVESTMENT**

### **Lifetime Income Investment is added to the Plan as a new defined term with the following definition:**

Means an investment option which is designed to provide a Participant with election rights 1) which are not uniformly available with respect to other investment options under the Plan, and 2) which are to a Lifetime Income Feature available through a contract or other arrangement offered under the Plan (or under another eligible retirement plan, if paid by means of a Direct Rollover described in Code section 401(a)(31)(A) to such other eligible retirement plan).

## **LONG-TERM, PART-TIME EMPLOYEE**

### **Long-Term, Part-Time Employee is added to the Plan as a new defined term with the following definition:**

Means an Employee who is eligible to become a Participant in the Plan for purposes of making Elective Deferrals solely by reason of satisfying the eligibility requirements indicated in item 2) of the second paragraph of Plan Section 2.01. Notwithstanding the preceding, a Long-Term, Part-Time Employee will not include an Employee described in Code section 410(b)(3).

## **MAXIMUM PERMISSIBLE AMOUNT**

### **The Plan's definition of Maximum Permissible Amount is modified by adding the following to the end:**

For Limitation Years beginning on or after January 1, 2016, the compensation limitation referred to in (b) will be increased by the amount of Difficulty of Care Payments for a taxable year that are excluded from gross income by such Participant under Code section 131.

## **QUALIFIED BIRTH OR ADOPTION DISTRIBUTION**

### **Qualified Birth or Adoption Distribution is added to the Plan as a new defined term with the following definition:**

Means any distribution from the Plan to an Employee if made during the one-year period beginning on the date on which a child of the Employee is born or on which the legal adoption by the Employee of an Eligible Adoptee is finalized. Notwithstanding the preceding, for purposes of a repayment of a Qualified Birth or Adoption Distribution to the Plan in accordance with Plan Section 3.03, a Qualified Birth or Adoption Distribution may be taken from a source other than the Plan.

## **QUALIFIED INDIVIDUAL**

### **Qualified Individual is added to the Plan as a new defined term with the following definition:**

Means, an individual 1) who is diagnosed with the virus SARS-CoV-2 or with coronavirus disease 2019 (referred to collectively as "COVID-19") by a test approved by the Centers for Disease Control and Prevention (including a test authorized under the Federal Food, Drug, and Cosmetic Act); 2) whose spouse or dependent (as defined in Code section 152) is diagnosed with COVID-19 by such a test; or 3) who experiences adverse financial consequences as a result of being quarantined, being furloughed or laid off, or having work hours reduced due to COVID-19, being unable to work due to lack of child care due to COVID-19, closing or reducing hours of a business owned or operated by the individual due to COVID-19, having a reduction in pay (or self-employment income) due to COVID-19, or having a job offer rescinded or start date for a job delayed due to COVID-19, the individual's spouse or a member of the individual's household being quarantined, being furloughed or laid off, or having work hours reduced due to COVID-19, being unable to work due to lack of child care

due to COVID-19, having a reduction in pay (or self-employment income) due to COVID-19, or having a job offer rescinded or start date for a job delayed due to COVID-19, or closing or reducing hours of a business owned or operated by the individual's spouse or a member of the individual's household due to COVID-19, or other factors as determined by the Secretary of the Treasury.

For this purpose, a "member of the individual's household" is someone who shares the individual's principal residence.

#### **QUALIFIED PLAN DISTRIBUTION ANNUITY CONTRACT**

**Qualified Plan Distribution Annuity Contract is added to the Plan as a new defined term with the following definition:**

Means an annuity contract purchased for a Participant and distributed to the Participant by the Plan.

#### **REQUIRED BEGINNING DATE**

**The Plan's definition of Required Beginning Date is modified by replacing the defined term with the following:**

Means April 1 of the calendar year following the calendar year in which the Participant attains age 70½ or retires, whichever is later, except that benefit distributions to a five-percent owner must commence by April 1 of the calendar year following the calendar year in which the Participant attains age 70½. Notwithstanding the preceding, for distributions required to be made on or after January 1, 2020, with respect to individuals who attain age 70½ on or after such date, any reference in the Basic Plan Document or the Adoption Agreement to "70½" as it relates to the Required Beginning Date shall be effectively changed to "72."

A Participant is treated as a five-percent owner for purposes of this section if such Participant is a five-percent owner as defined in Code section 416 at any time during the Plan Year ending with or within the calendar year in which such owner attains age 70½. Once distributions have begun to a five-percent owner under this section, they must continue to be distributed, even if the Participant ceases to be a five-percent owner in a subsequent year.

If a 2020 RMD or Extended 2020 RMD is not removed from the Plan for any Participant according to Code section 401(a)(9)(I) and the Plan is subject to the Qualified Joint and Survivor Annuity provisions of the Basic Plan Document, the requirements of IRS Notice 97-75, Q&A-8, must be satisfied as required by the IRS.

No new Annuity Starting Date will apply upon recommencement of required minimum distributions for 2021.

### **SECTION TWO: ELIGIBILITY REQUIREMENTS**

**The Basic Plan Document section entitled Eligibility to Participate is modified by adding the following after the first paragraph in Section 2.01:**

Except as otherwise indicated in rules promulgated by the IRS, for Plan Years beginning on or after January 1, 2021, pursuant to Code section 401(k)(2)(D), eligibility service requirements must be coordinated such that the Plan does not require, as a condition of participation for purposes of making Elective Deferrals, that an Employee complete eligibility service requirements with the Employer maintaining the Plan extending beyond the close of the earlier of 1) the period permitted under Code section 410(a)(1)(A)(ii), or 2) the first period of three consecutive 12-month periods during each of which the Employee, other than a union employee or non-resident alien described in items (A) and (B) below, completes at least 500 Hours of Service. For purposes of determining an Employee's eligibility under item 2), 12-month periods beginning before January 1, 2021, will not be taken into account and such requirement will not apply unless the Employee has attained the age of 21 by the close of the last 12-month period.

### **SECTION THREE: CONTRIBUTIONS**

**The Basic Plan Document section entitled Rollover Contributions is modified by adding the following to the end:**

2020 RMDs and Extended 2020 RMDs distributed for 2019 and 2020, respectively will be considered Eligible Rollover Distributions and such amounts may be repaid to the Plan in accordance with this Plan Section 3.03.

A Participant who receives a Qualified Birth or Adoption Distribution or Coronavirus-Related Distribution from the Plan may, pursuant to rules promulgated by the IRS, make one or more repayments to the Plan in an aggregate amount not to exceed the amount of such distribution. In addition, a Participant who receives a Qualified Birth or Adoption Distribution or Coronavirus-Related Distribution that is taken from a source other than the Plan may, pursuant to rules promulgated by the IRS, make one or more repayments to the Plan in an aggregate amount not to exceed the amount of such distribution. For purposes of any repayments to the Plan under this Plan Section 3.03, the Participant will be treated as having received the Qualified Birth or Adoption Distribution or Coronavirus-Related Distribution in an eligible rollover distribution (as defined in Code section 402(c)(4)) and as having contributed the amount to the Eligible Retirement Plan within 60 days of the distribution.

**The Basic Plan Document section entitled Limitation on Allocations is modified by adding the following as Section 3.06(D):**

Except as otherwise provided herein or by law or regulation, Participant contributions allocable to Difficulty of Care Payments shall be treated as Nondeductible Employee Contributions for purposes of the Code and this Plan. Such contributions shall not, however, cause the Plan to be treated as failing to meet the requirements of any provision described in Code chapter 1, Normal Taxes and Surtaxes, by reason of any contribution that is based on Difficulty of Care Payments.

**The Basic Plan Document section entitled Contributions is modified by adding the following as Section 3.10:  
Special Rules for Long-Term, Part-Time Employees**

- A. Nondiscrimination Rules** – Notwithstanding Code section 401(a)(4), the Employer will not make Employer Contributions (other than Elective Deferrals) on behalf of Long-Term, Part-Time Employees, even if such contributions are made on behalf of other Employees. In addition, the Employer may exclude Long-Term, Part-Time Employees from application of Code sections 401(a)(4), 401(k)(3), 401(m)(2), and 410(b).
- B. Top-Heavy Rules** – The Employer may exclude all Long-Term, Part-Time Employees from the application of the vesting and benefit requirements under Code sections 416(b) and (c).

Notwithstanding the preceding, except as otherwise indicated in rules promulgated by the IRS, this Plan Section 3.10 shall cease to apply to any Employee as of the first Plan Year beginning after the Plan Year in which the Employee completes at least 1,000 Hours of Service.

***The Basic Plan Document section entitled Contributions is modified by adding the following as Section 3.11: Difficulty of Care Contributions***

A Participant may make contributions to, or receive allocations under, the Plan that are based on the Participant receiving Difficulty of Care Payments, even if the Participant has no other Compensation. Such amounts will be treated as Nondeductible Employee Contributions to the Plan, except as otherwise provided herein or by law or regulation.

**SECTION FIVE: DISTRIBUTIONS AND LOANS TO PARTICIPANTS**

***The Basic Plan Document section entitled Special Requirements for Certain 401(k) Contributions is modified by adding the following as Section 5.01(A)(2)(f):***

amounts invested in a Lifetime Income Investment in accordance with Plan Section 5.01(D)(4);

***The Basic Plan Document section entitled Special Requirements for Certain 401(k) Contributions is modified by adding the following as Section 5.01(A)(2)(g):***

a Qualified Birth or Adoption Distribution in accordance with Plan Section 5.01(D)(5); or

***The Basic Plan Document section entitled Special Requirements for Certain 401(k) Contributions is modified by adding the following as Section 5.01(A)(2)(h):***

a Coronavirus-Related Distribution in accordance with Plan Section 5.01(D)(6).

***The Basic Plan Document section entitled Distributions During Employment is modified by replacing paragraph two in Section 5.01(C)(1) with the following:***

Effective as of the first day of the Plan Year beginning on or after January 1, 2020, a Participant who is not otherwise eligible to receive a distribution of their Individual Account may elect to receive an in-service distribution of all or part of the vested portion of their Individual Account attributable to transfers of money purchase pension contributions at age 59½. For Plan Years beginning before January 1, 2020, a Participant who is not otherwise eligible to receive a distribution of their Individual Account may elect to receive an in-service distribution of all or part of the vested portion of their Individual Account attributable to transfers of money purchase pension contributions at age 62.

***The Basic Plan Document section entitled Miscellaneous Distribution Issues is modified by adding the following as Section 5.01(D)(4):***

Portability of Lifetime Income – In accordance with Code section 401(a)(38) and related guidance, a Participant may, upon a request submitted to the Plan Administrator (either in writing or in any other form permitted under rules promulgated by the IRS and DOL), withdraw amounts invested in a Lifetime Income Investment in the form of a Direct Rollover described in Code section 401(a)(31)(A) to an Eligible Retirement Plan or a Qualified Plan Distribution Annuity Contract. Such distributions must be made on or after the date that is 90 days prior to the date on which such Lifetime Income Investment is no longer authorized to be held as an investment option under the Plan.

***The Basic Plan Document section entitled Miscellaneous Distribution Issues is modified by adding the following as Section 5.01(D)(5):***

Qualified Birth or Adoption Distributions – A Participant may take Qualified Birth or Adoption Distributions from the Plan on or after January 1, 2020. The aggregate amount of such distributions from all plans maintained by the Employer, including all plans maintained by a Related Employer, to such individual with respect to any birth or adoption may not exceed \$5,000.

Notwithstanding the preceding, all or part of the vested portion of a Participant's Individual Account that is attributable to transfers of money purchase pension contributions may only be taken as a Qualified Birth or Adoption Distribution if the Participant is eligible to receive an in-service distribution pursuant to Plan Section 5.01(C)(1).

***The Basic Plan Document section entitled Miscellaneous Distribution Issues is modified by adding the following as Section 5.01(D)(6):***

**Coronavirus-Related Distribution** – A Participant who is a Qualified Individual may take a Coronavirus-Related Distribution from the Plan. However, the aggregate amount of such distributions from all plans maintained by the Employer, including all plans maintained by a Related Employer, for any taxable year to such individual may not exceed \$100,000.

Notwithstanding the preceding, a Coronavirus-Related Distribution of all or part of the vested portion of a Qualified Individual's Individual Account attributable to transfers of money purchase pension contributions will be treated as meeting the distribution rules of Code section 401(a).

***The Basic Plan Document section entitled Required Minimum Distribution Requirements is modified by adding the following to the end of Section 5.05(B)(1):***

If the Designated Beneficiary is an Eligible Designated Beneficiary, all references in this Plan Section 5.05(B)(1) to the "five-year rule," "Designated Beneficiary," or "fifth" as it relates to an election under this paragraph shall be effectively changed to the "ten-year rule," "Eligible Designated Beneficiary," and "tenth," respectively.

***The Basic Plan Document section entitled Required Minimum Distribution Requirements is modified by adding the following as Section 5.05(D)(1)(c):***

**Death On or After January 1, 2020** – With respect to a Participant who dies on or after January 1, 2020, except as otherwise provided by the IRS under regulation or other guidance, the Participant's entire remaining interest will generally be distributed by December 31 of the year containing the 10th anniversary of the Participant's death unless the Designated Beneficiary is an Eligible Designated Beneficiary or there is no Designated Beneficiary for purposes of determining a distribution period.

If the Designated Beneficiary is an Eligible Designated Beneficiary, the entire remaining interest may be distributed (in accordance with Code section 401(a)(9) and the corresponding Treasury Regulations) over the remaining Life Expectancy of the Eligible Designated Beneficiary. Life Expectancy distributions to an Eligible Designated Beneficiary must generally commence by December 31 of the year following the year of the Participant's death. For certain trust Beneficiaries (e.g., an Applicable Multi-Beneficiary Trust which meets the requirements of Code section 401(a)(9)(H)(iv)) the entire interest may be distributed over the remaining Life Expectancy of the trust Beneficiary. The remaining Life Expectancy is calculated using the age of the Eligible Designated Beneficiary or trust Beneficiary, as applicable, in the year following the year of the Participant's death, reduced by one for each subsequent year.

If the Participant's surviving Spouse is the Eligible Designated Beneficiary, distributions to the surviving Spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died. The minimum amount that will be distributed for each Distribution Calendar Year after the year of the Participant's death is the quotient obtained by dividing the Participant's benefit by the longer of the remaining Life Expectancy of the Participant or the remaining Life Expectancy of the surviving Spouse. The Participant's remaining Life Expectancy is calculated using the age of the Participant in the year of death, reduced by one for each subsequent year. The remaining Life Expectancy of the surviving Spouse is calculated for each Distribution Calendar Year after the year of the Participant's death using the surviving Spouse's age as of the Spouse's birthday in that year. For Distribution Calendar Years after the year of the surviving Spouse's death, the remaining Life Expectancy of the surviving Spouse is calculated using the age of the surviving Spouse as of the Spouse's birthday in the calendar year of the Spouse's death, reduced by one for each subsequent calendar year.

If the Participant's Eligible Designated Beneficiary is the Participant's minor child, Life Expectancy payments must begin by December 31 of the year following the year of the Participant's death and continue until the child reaches the age of majority. Unless the remaining interest is payable to the Participant's surviving Spouse once the age of majority is reached, the Beneficiary shall cease to be an Eligible Designated Beneficiary as of the date the child reaches the age of majority and, except as otherwise provided by the IRS under regulation or other guidance, will have 10 years to deplete the account.

If a Beneficiary other than a person (including certain trusts) is named, the Participant will be treated as having no Designated Beneficiary for purposes of determining the distribution period. If there is no Designated Beneficiary, distributions will commence using the Participant's remaining Life Expectancy, calculated using the age of the Participant in the year of death, reduced by one in each subsequent year.

The provisions of this Plan Section 5.05(D)(1)(c) will not apply to a qualified annuity (as defined in section 401 of the SECURE Act and related guidance) that is a binding annuity contract in effect as of December 20, 2019, and at all times thereafter.

***The Basic Plan Document section entitled Required Minimum Distribution Requirements is modified by adding the following as Section 5.05(D)(2)(c):***

**Death On or After January 1, 2020** – With respect to a Participant who dies on or after January 1, 2020, except as otherwise provided by the IRS under regulation or other guidance, the Participant's entire remaining interest will generally be distributed by December 31 of the year containing the 10th anniversary of the Participant's death unless the Designated Beneficiary is an Eligible Designated Beneficiary or there is no Designated Beneficiary for purposes of determining a distribution period.

If the Designated Beneficiary is an Eligible Designated Beneficiary, the entire remaining interest may be distributed (in accordance with Code section 401(a)(9) and the corresponding Treasury Regulations) over the remaining Life Expectancy of the Eligible Designated

Beneficiary. Life Expectancy distributions to an Eligible Designated Beneficiary must generally commence by December 31 of the year following the year of the Participant's death. For certain trust Beneficiaries (e.g., an Applicable Multi-Beneficiary Trust which meets the requirements of Code section 401(a)(9)(H)(iv)) the entire interest may be distributed over the remaining Life Expectancy of the trust Beneficiary. The remaining Life Expectancy is calculated using the age of the Eligible Designated Beneficiary or trust Beneficiary, as applicable, in the year following the year of the Participant's death, reduced by one for each subsequent year.

If the Participant's surviving Spouse is the Eligible Designated Beneficiary, distributions to the surviving Spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died, or by December 31 of the calendar year in which the Participant would have attained age 72, if later. The minimum amount that will be distributed for each Distribution Calendar Year after the year of the Participant's death is the quotient obtained by dividing the Participant's benefit by the remaining Life Expectancy of the surviving Spouse. The remaining Life Expectancy of the surviving Spouse is calculated for each Distribution Calendar Year after the year of the Participant's death using the surviving Spouse's age as of the Spouse's birthday in that year. For Distribution Calendar Years after the year of the surviving Spouse's death, the remaining Life Expectancy of the surviving Spouse is calculated using the age of the surviving Spouse as of the Spouse's birthday in the calendar year of the Spouse's death, reduced by one for each subsequent calendar year.

If the Participant's Eligible Designated Beneficiary is the Participant's minor child, Life Expectancy payments must begin by December 31 of the year following the year of the Participant's death and continue until the child reaches the age of majority. Unless the remaining interest is payable to the Participant's surviving Spouse once the age of majority is reached, the Beneficiary shall cease to be an Eligible Designated Beneficiary as of the date the child reaches the age of majority and, except as otherwise provided by the IRS under regulation or other guidance, will have 10 years to deplete the account.

If a Beneficiary other than a person (including certain trusts) is named, the Participant will be treated as having no Designated Beneficiary for purposes of determining the distribution period. If there is no Designated Beneficiary, the entire interest must be distributed by December 31 of the year containing the fifth anniversary of the Participant's death.

The provisions of this Plan Section 5.05(D)(2)(c) will not apply to a qualified annuity (as defined in section 401 of the SECURE Act and related guidance) that is a binding annuity contract in effect as of December 20, 2019, and at all times thereafter.

***The Basic Plan Document section entitled Required Minimum Distribution Requirements is modified by adding the following as Section 5.05(G):***

**Temporary Waiver of Required Minimum Distribution Requirements** – Notwithstanding anything in the Plan or the definition of Distribution Calendar Year to the contrary, Participants and Beneficiaries who would have been required to receive a 2020 RMD or Extended 2020 RMD but for the enactment of Code section 401(a)(9)(l) will be given the choice to receive such distributions for 2019 or 2020, as applicable.

If a Participant or Beneficiary described above does not elect to receive such amount, the 2020 RMD or Extended 2020 RMD will be retained in the Plan.

In addition, notwithstanding anything in the Plan to the contrary, if a Beneficiary's balance is required to be distributed under Code section 401(a)(9)(B)(ii), the five-year period described in such section shall be determined without regard to calendar year 2020.

***The Basic Plan Document section entitled Loans to Participants is modified by adding the following as Section 5.16(l):***

For plan loans made on or after December 21, 2019, no loans will be made through credit cards or other similar arrangements.

***The Basic Plan Document section entitled Loans to Participants is modified by adding the following after the last paragraph:***


Unless otherwise elected in the Adoption Agreement Amendment, a Participant who is otherwise permitted to receive a loan from the Fund pursuant to this Plan Section 5.16 and is a Qualified Individual will be entitled to request a loan from the Fund during the period beginning on March 27, 2020, and ending on September 22, 2020. If elected in the Adoption Agreement Amendment, a Qualified Individual may be permitted to request such loan from the Fund even if a Participant is not otherwise permitted to receive a loan from the Fund pursuant to this Plan Section 5.16. With respect to a loan that is made to a Qualified Individual, the maximum loan percentage in this Plan Section 5.16 shall be applied by substituting "100 percent of the Present Value of the nonforfeitable Individual Account of the Participant" for "50 percent of the Present Value of the nonforfeitable Individual Account of the Participant," and the maximum loan amount in this Plan Section 5.16 shall be determined by substituting "\$100,000" for "\$50,000." The Plan Administrator may rely on the Participant's certification that they are a Qualified Individual, as permitted by the IRS, for purposes of determining whether a loan is a coronavirus-related loan.

In the case of a Participant who is a Qualified Individual with an outstanding loan from the Fund on or after March 27, 2020, 1) if the due date to repay the loan, which otherwise meets the terms of repayment, occurs during the period beginning on March 27, 2020, and ending on December 31, 2020, such due date shall be delayed for one year, 2) any subsequent repayments with respect to the loan shall be appropriately adjusted to reflect the delay in the due date and any interest accruing during such delay, and 3) in determining compliance with the repayment terms of the loan, the one-year period described above shall be disregarded.

**SIGNATURE**

The Pre-approved Document Provider hereby adopts this Amendment on behalf of the Adopting Employers.

Name of Pre-approved Document Provider: Provident Trust Group, LLC

Signature  Date Signed 06/22/2022

**PRE-APPROVED DOCUMENT PROVIDER**  
**RESOLUTION TO ADOPT THE**  
**SETTING EVERY COMMUNITY UP FOR RETIREMENT ENHANCEMENT (SECURE) ACT OF 2019**  
**BIPARTISAN AMERICAN MINERS (BAM) ACT OF 2019**  
**CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT OF 2020**  
**AMENDMENT**


**WHEREAS**, Provident Trust Group, LLC is a Pre-approved Document Provider of pre-approved plan documents;

**WHEREAS**, pursuant to applicable IRS procedures, Provident Trust Group, LLC wishes to adopt an amendment on behalf of all of the Employers who utilize the pre-approved plan documents that are provided by Provident Trust Group, LLC as the Pre-approved Document Provider; and

**WHEREAS**, Section 7.06 of the basic plan document to the pre-approved plan documents authorizes the Pre-approved Document Provider to amend the terms of the plans on behalf of all Employers;

**NOW, THEREFORE**, the pre-approved plan documents are hereby amended by the attached amendment entitled "Setting Every Community Up for Retirement Enhancement (SECURE) Act of 2019 Bipartisan American Miners (BAM) Act of 2019 Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 Basic Plan Document Amendment."

This amendment is hereby adopted by the Pre-approved Document Provider on behalf of all Employers.

  
\_\_\_\_\_  
Signature 06/22/2022  
Date

\_\_\_\_\_  
President  
Title