

**OPERATING ENGINEERS LOCAL 12
DEFINED CONTRIBUTION TRUST PROCEDURES
FOR APPROVAL OF QUALIFIED DOMESTIC RELATIONS ORDERS**

The following Procedures are adopted by the Board of Trustees of the Operating Engineers Local 12 Defined Contribution Trust (hereinafter the "Board" and the "Trust") for approval of qualified domestic relations orders and notifications to Participants and Alternate Payees of their rights with respect to such orders. It is the intent of the Board that all such orders be handled by the same Law Firm which handles orders for the Board of Trustees of the Operating Engineers Pension Trust in order to minimize reasonable and necessary expenses of both Trusts.

1. Notice of Receipt of Order: In each case in which a domestic relations order pertaining to a Participant's account in the Trust is received by the Trust, the Pension Department within the Fund Office shall promptly notify the Participant and each Alternate Payee named in the order that the Trust has received the order. The Participant and each Alternate Payee shall be provided a copy of these Procedures. The Pension Department shall forward the order to legal counsel for an opinion as to whether the order is qualified.

2. Determination of Qualified Status and Implementation of Orders: Within a reasonable period after the Trust has received a domestic relations order concerning a Participant with an individual account in the Trust, the Fund Manager or his/her designee, based upon advice of counsel, shall determine whether the order is a qualified domestic relations order within the meaning of federal law [the Employee Retirement Income Security Act (ERISA) as amended by the Retirement Equity Act, specifically 29 U.S.C. Section 1056 (d).] The Participant and each Alternate Payee named in the order shall be notified of qualified status by the Fund Office. If the order is determined to be a qualified domestic relations order the Fund Office shall forward the same onto the individual account record keeper, currently Mass Mutual, for implementation. If the order is determined not to be a qualified domestic relations order, legal counsel shall transmit notification, advising the parties of the specific reasons why the order is not qualified.

3. Designation of Representative: Each Participant and Alternate Payee named in a domestic relations order received by the Trust shall be entitled to designate their own or a common representative for receipt of a copy of the notice that is sent to the Alternate Payee and Participant concerning the domestic relations order.

4. Appeal: A Participant or Alternate Payee involved in an order which is either approved or not approved has a right to petition the Board of Trustees for reconsideration of the determination regarding the qualified status of the order and such appeal shall be handled consistent with the appeal provisions of the Operating Engineers Local 12 Defined Contribution Plan.

5. Withholding of Disputed Funds: During a period of 18 months commencing no earlier than receipt of a Participant's or Beneficiary's application for disbursement from an individual

account the Trust shall retain amounts which would be payable to the Alternate Payee in order that the Alternate Payee might pursue a domestic relations order and its qualified status be determined. If within the 18 months period no qualified domestic relations order has been received withheld amounts shall be distributed to the Participant or Beneficiary whose application for benefits has been approved by the Board of Trustees. During this 18 month period nothing prevents the Alternate Payee from disclaiming interest in amounts initially claimed by way of the notarized disclaimer approved by legal counsel. Nothing in these procedures prevents a Participant or Beneficiary whose application for benefits has been approved by the Board of Trustees from delaying distribution of the undisputed Individual Account Balance in order to assure an eligible rollover distribution under the Internal Revenue Code.

6. Manner of Giving Notice: All notices required by these Procedures shall be in writing and shall be sent by first class mail to the address stated in the domestic relations order for the person to be notified. If the person to be notified is represented all notices shall be transmitted to that representative as well. If a Court appointed expert is pursuing the domestic relations order notifications shall always be provided to the Court appointed expert.

7. Charges by Record Keeper: Any reasonable charge by the record keeper for implementing an approved order shall be split equally as a charge against the account of the Participant and the award to the Alternate Payee absent any other payment of their respective share of the charge.

8. Definitions: The terms, "qualified domestic relations order", "domestic relations order", and "alternate payee" shall have the same meaning in these procedures as that given to such terms in 29 U.S.C. Section 1056 (d).