

**OPERATING ENGINEERS PENSION TRUST**  
**PROCEDURES FOR APPROVAL OF**  
**QUALIFIED DOMESTIC RELATIONS ORDERS**

The following Procedures are adopted by the Board of Trustees of the Operating Engineers Pension Trust for the approval of qualified domestic relations orders and notification of Participants and alternate payees of their rights with respect to such orders.

1. **Notice of Receipt of Order** - In each case in which a domestic relations order pertaining to a Participant in the Operating Engineers Pension Trust is received by the Trust, the Pension Department within the Fund Office of the Trust 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 review of the qualified status of the order.

2. **Determination of Qualified Status** - Within a reasonable period after the Trust has received a domestic relations order concerning a Participant in the Trust, the Fund Manager, or his designee, 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 such determination. If the order is determined to be a qualified domestic relations order within the Fund Office of the Trust shall make such notification. If the order is determined not to be to a qualified domestic relations order, legal counsel shall make such notification, advising the parties of the specific reasons why the order is not qualified.

3. **Designation of Representative** - Each alternate payee named in a domestic relations order received by the Trust shall be entitled to designate a representative for receipt of a copy of any notice that is sent to the alternate payee concerning the domestic relations order.

4. **Appeal** - If such person's claim to benefits payable from the Trust has been denied, notice shall be given to each Participant and alternate payee of that person's right to petition the Board of Trustees for reconsideration of the determination regarding the qualified status of the order under Article XIV, Section 5, of the Operating Engineers Pension Plan. Any petition for reconsideration filed pursuant to such notice shall be processed as specified in Article XIV, Section 5, of the Plan.

5. **Separate Accounting of Funds** - During the period in which the issue of qualification of a domestic relations order is being determined as set forth above, the Trust shall separately account for the amounts, if any, which would have been payable to the alternate payee under such order during such period if the order had been determined to be a qualified domestic relations order when first received by the Trust.

6. **Payment to Alternate Payee** - If within the eighteen (18) month period beginning on the date on which the first payment would be required under a domestic relations order, the domestic relations order is determined to be a qualified domestic relations order, the Trust shall pay all amounts which would have been payable to the alternate payee during such period, including any interest accrued on such amounts, to the alternate payee as if the order had been determined to be a qualified domestic relations order when first received by the Trust.

7. **Effect of Denial of Qualified Status** - If within this eighteen month period it is determined either that the order is not a qualified domestic relations order, or if the issue as to qualification is not resolved, then the Trust shall pay all amounts which have been separately

accounted for, including any interest accrued on such amounts, to the person or persons who would have been entitled to such amounts if there had been no order issued.

8. **Prospective Application** - In cases in which an order is determined to be a qualified domestic relations order after the close of this eighteen month period, such order shall be applied prospectively only.

9. **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 no address is provided in the domestic relations order, the notice shall be sent by first-class mail to the last known address of the person to be notified. If the person to be notified is represented by a lawyer, all notices required by these Procedures shall be sent to the lawyer for such person unless contrary instructions in writing are received by the Trust.

10. **Interest Rate** - When a payment of interest on pension benefits payable under a qualified domestic relations order is required by applicable federal law as specified in these Procedures, the rate of such interest shall be the plan valuation rate adopted by the Board of Trustees of the Trust for purposes of the actuarial valuation of Plan assets.

11. **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).