

AMENDMENT TO 2009 GREAT WEST MODEL 457(b) PLAN DOCUMENT FOR
GOVERNMENT EMPLOYERS

The Model Plan Document adopted as the Tulare County 457(b) Deferred Compensation Plan is amended as follows:

1. The following is added to "Introduction":

The Employer also intends to use this deferred compensation plan to establish and operate a "retirement system" that satisfies the requirements of 26 U.S.C. section 3121(b)(7)(F) of the Internal Revenue Code of 1986, as amended from time to time (hereinafter referred to as the "Code"), section 31.3121(b)(7)-2 of the Income Tax Regulations promulgated thereunder, and corresponding provisions of the Social Security Act. This "retirement system" shall be for those employees who are not eligible to participate in either the Tulare County Employees Retirement Association, or any other County "retirement" plan which satisfies the requirements of 42 U.S.C. section 418(b)(4) of the Federal Social Security Act, as amended from time to time (hereinafter "3121 employees").

2. Section 1.10 is amended to delete "or an independent contractor."

"Employee." Each natural person (individual) who is employed by the Employer, either as a common law employee ~~or an independent contractor~~, including elected or appointed individuals, as selected in the Adoption Agreement. Any employee who is included in a unit of employees covered by a collective bargaining agreement that does not specifically provide for participation in the Plan shall be excluded.

3. Section 1.20 is amended to delete reference to independent contractors as follows:

~~In the case of a Participant who is an independent contractor, Severance from Employment shall be deemed to have occurred when the Participant's contract for services has completely expired and terminated, there is no foreseeable possibility that the Employer shall renew the contract or enter into a new contract for services to be performed by the Participant, and it is not anticipated that the Participant shall become an Employee of the Employer.~~

4. The following is added to Section II:

For all employees who are not eligible to participate in either the Tulare County Employees Retirement Association, or any other County "retirement" plan which satisfies the requirements of 42 U.S.C. section 418(b)(4) of the Federal Social Security Act, as amended from time to time ("3121 employees"), the employer shall defer, as a minimum contribution, payment of the participant's compensation in an amount equal to at least 7.5% of compensation as defined for FICA tax purposes, not to exceed an amount derived by multiplying 7.5% times the then applicable Social Security base compensation.

81000 et seq. and regulations promulgated pursuant thereto by the California Fair Political Practices Commission. These laws generally prohibit public officers, employees, and consultants and contractors, from participation in a public decision in which the consultant or contractor has a direct or indirect financial interest. A violation can occur if the consultant or contractor participates in or influences any decision which has the potential to confer any pecuniary benefit on the consultant or contractor, or any business firm in which the consultant or contractor has an interest, with certain narrow exceptions.

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