

GUIDELINES FOR DRAFTING A SEPARATE INTEREST QDRO

The following is a sample of the information that should be included in any order which the parties intend to be treated as a separate interest qualified domestic relations order (“QDRO”). A separate interest QDRO allows the alternate payee to receive his or her allocated share of the participant’s benefit in the form of a single life annuity, which the QDRO may allow the alternate payee to commence at any time after the participant is entitled to receive a pension benefit under the Plan. A shared interest QDRO, on the other hand, only allows an alternate payee to receive his or her allocated share if, as and when the participant receives his or her benefit. If the participant has already begun to receive his or benefit under the Plan (i.e., is in “pay status”), the alternate payee may not use a separate interest QDRO.

1) Name, current address, and birth date of the Alternate Payee (individual who intends to receive a portion of the pension plan participant's benefits). "The Alternate Payee is _____."

2) Name, current address, and birth date of the Participant (individual whose pension benefit is being affected). "The Participant is _____."

3) A statement describing the relationship between the participant and the alternate payee. "The Participant is Alternate Payee's former spouse."

4) The date Judgment for Dissolution of Marriage was entered and where the judgment was entered. "On _____, 19____, a Judgment of Dissolution of Marriage was entered by the Circuit Court of _____ County, _____ (State), on behalf of _____ (name of Participant) and _____ (name of Alternate Payee)."

5) A statement setting forth what benefits are being affected by the order. "This Order applies to benefits the Participant is entitled to receive under the Laborers' Pension Fund ("Pension

Fund"), the office of which is located at 11465 West Cermak Road, Westchester, Illinois 60154."

6) A statement setting forth alternate payee's rights to participant's pension benefits.

"Consistent with the terms of the Pension Fund _____ (name of Alternate Payee) is entitled to receive _____ % of _____ (name of Participant) vested, monthly pension benefit, calculated based on the number of pension credits _____ (name of Participant) received from the date of marriage, _____ (indicate date), to and including the date of Judgment for Dissolution of Marriage was entered by the court." If the alternate payee knows the number of pension credits at issue, the number can be included in the order.

7) A statement setting forth scope of alternate's payee's rights to the pension benefits.

"Under the rules of the Pension Fund, _____ (name of Alternate Payee) may not apply for her portion of the pension benefit any earlier than the date at which _____ (name of Participant) first becomes eligible for Early Retirement benefits under the rules of the Pension Plan."

8) A statement setting forth the earliest date alternate payee can begin receiving pension benefits once eligible to do so under the rules of the Pension Fund. "Monthly pension benefits shall commence no earlier than in the month following the date Alternate Payee's application for pension benefits is received by the Pension Fund, along with a copy of the QDRO (if a copy of the order has not previously been provided)."

9) A paragraph describing the characteristics of a separate interest order. "This is a separate interest order. The Alternate Payee's assigned share of the benefit will be payable in one of the single life annuity options provided by the Plan. The death of either party will have no effect on the other party's benefit once the parties are in pay status. Once the parties' benefits are in pay status, the Alternate Payee's assigned share will not revert back to the Participant if the Alternate Payee predeceases the Participant and the Alternate Payee's benefit will not end if the Participant predeceases the Alternate Payee."

10) A statement requiring alternate payee to keep the Pension Fund duly advised of her/his address and any changes therein. "It is Alternate Payee's responsibility to make sure that at all times the Pension Fund has current address information for her/him at all times."

11) A statement that the alternate payee does not have a transferable interest in the participant's benefits, should the alternate payee die before receiving the benefits in question. "In the event _____(name of Alternate Payee) should die prior to receiving his/her benefits from the Pension Fund, _____(name of Alternate Payee) interest in the pension benefits shall be forfeited and shall revert back to the Participant, since _____ (name of Alternate payee) does not have a transferable interest in these benefits."

12) A statement regarding whether the alternate payee shall be treated as a "surviving spouse" with respect to the receipt of pre-retirement benefits. " _____(name of Alternate Payee) shall [not] be treated as Participant's surviving spouse for the purposes of assigning pre-retirement benefits, as defined by sections 401 (a) (11) and 417 of the Internal Revenue Code, to the extent provided for in paragraph [6] of this Order, which sets forth Alternate Payee's rights to the participant's pension benefits."

13) A statement setting forth the limits of a qualified domestic relations order. "Nothing in this Order shall be construed to require the Pension Fund to:

a. make a payment or take action that is inconsistent with federal law, rule, regulation or applicable judicial decision;

b. provide any type or form of benefit or any option that is not otherwise provided for under the terms of the Pension Fund;

c. provide total benefits having a greater actuarial value than would have been payable in the absence of this Order; or

d. pay benefits to the Alternate Payee under another order previously determined to be a Qualified Domestic Relations Order.