

**ROTH 457 AMENDMENT
SMALL BUSINESS JOBS ACT OF 2010 ("SBJA")**

**ARTICLE I
PREAMBLE**

- 1.1 Adoption and effective date of amendment. This amendment of the Plan is adopted to reflect amended Code Section 402A, as enacted by the Small Business Jobs Act of 2010 ("SBJA"). This amendment is intended as a good faith compliance with the requirements of the Act and guidance issued thereunder, and shall be interpreted in a manner consistent with such guidance. The amendment shall be effective as of the date indicated below.
- 1.2 Employer's Election. As of the effective date, the Employer adopts the provisions as elected under Article II. These provisions will remain in effect until a document incorporating the provisions of "SBJA" is adopted or if the provisions become obsolete.
- 1.3 Supersession of inconsistent provisions. This amendment shall supersede the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this amendment.

**ARTICLE II
ADOPTION AGREEMENT ELECTIONS**

- 2.1 **Effective Date.** Roth Elective Deferrals are permitted under the Plan as of _____, 20__ . (Enter a date no earlier than January 1, 2011).
- 2.2 **Unforeseeable Emergency.** A Participant may receive a distribution from their Roth Elective Deferral account in the event of an unforeseeable emergency.

**ARTICLE III
ROTH ELECTIVE DEFERRALS**

- 3.1 Roth Elective Deferrals are permitted. The Plan's definitions and terms shall be amended as follows to allow for Roth Elective Deferrals as of the effective date entered at 2.1. Roth Elective Deferrals shall be treated in the same manner as Elective Deferrals for all Plan purposes. The Employer may, in operation, implement deferral election procedures provided such procedures are communicated to Participants and permit Participants to modify their elections at least once each Plan Year.
- 3.2 Elective Deferrals. For years beginning after January 1, 2011, the term "Elective Deferrals" includes Pre-tax Elective Deferrals and Roth Elective Deferrals.
- 3.3 Pre-Tax Elective Deferrals. "Pre-Tax Elective Deferrals" means a Participant's Elective Deferrals which are not includible in the Participant's gross income at the time deferred and have been irrevocably designated as Pre-Tax Elective Deferrals by the Participant in his or her deferral election. A Participant's Pre-Tax Elective Deferrals will be separately accounted for, as will gains and losses attributable to those Pre-Tax Elective Deferrals.

This amendment has been executed this _____ day of _____, 20__.

Name of Plan: _____

Security Benefit Plan #: _____

EMPLOYER

Name of Employer: _____

By: _____

Date signed: _____