

**Amendment Eight to the  
Public Employees Retirement System of Ohio  
Defined Contribution Plan**

WHEREAS, the Public Employees Retirement System of Ohio Defined Contribution Plan ("Plan") was originally effective January 1, 2003;

WHEREAS, the Public Employees Retirement Board, as Trustees of the Plan ("Trustees"), reserved the right to amend the Plan pursuant to Article XXII of the Plan;

WHEREAS, the Trustees now desire to amend the Plan;

NOW, THEREFORE, the Plan is hereby amended as follows:

**1. Section 3.04 of the Plan**, describing Voluntary Employee Contributions is hereby amended to be and read as follows:

Active Participants may also make additional after-tax contributions to the Miscellaneous Contribution Account, subject to the limitations in Article IV. Deposits shall be credited to the current tax year, except that a deposit may be credited to the prior tax year if the deposit was received by the System or postmarked on or before December 31 of the prior tax year.

**2. Section 4.02(h) of the Plan**, describing Eligible Rollover Distributions from this Plan is hereby amended to be and read as follows:

For purposes of this Section, "compensation" means compensation as defined in Code Section 415(c)(3). In general, Code Section 415(c)(3) defines compensation as all of a Participant's wages as defined in Code Section 3401(a) for the purposes of income tax withholding at the source but determined without regard to any rules that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in Code Section 3401(a)(2)); provided, however, compensation shall also include the amount of any elective deferrals, as defined in Code Section 402(g)(3), ~~and~~ any amount contributed or deferred by the Employer at election of the Employee and which is not includible in the gross income of the Employee by reason of Code Section 125, 132(f), or 457; and effective January 1, 2009, differential wage payments as defined in Code Section 3401(h)(2). "Compensation" for purposes of this Section shall not include any picked-up Employee contributions to this Plan.

**3. Section 15.01 of the Plan**, describing Eligible Rollover Distributions from this Plan is hereby amended to be and read as follows:

Notwithstanding any provision of the Plan to the contrary that would otherwise limit a Distributee's election under this Section, a Distributee may elect, at the time and in the manner prescribed by the Board, to have any portion of an Eligible Rollover Distribution paid directly to an Eligible Retirement Plan specified by the Distributee in a Direct Rollover.

Effective January 1, 2010, a non-spouse Beneficiary may elect to make a direct rollover to an inherited individual retirement account or annuity described in Code

Section 408(a) or 408(b), or a Roth individual retirement account or annuity described in Code Section 408A that is established on behalf of the Beneficiary. Such rollover shall be made in a manner consistent with the Code Section 402(c)(11) and any other applicable guidance.

4. Section 15.02(b) of the Plan, defining an Eligible Retirement Plan is hereby amended to be and read as follows:

An "Eligible Retirement Plan" is any program defined in Code Sections 401(a)(31) and 402(c)(8)(B), that accepts the Distributee's Eligible Rollover Distribution, as follows:

- (1) An individual retirement account under Code Section 408(a);
- (2) An individual retirement annuity under Code Section 408(b) (other than an endowment contract);
- (3) A qualified trust;
- (4) An annuity plan under Code Section 403(a);
- (5) An eligible deferred compensation plan under Code Section 457(b) which is maintained by an eligible employer under Code Section 457(e)(1)(A) (so long as the plan agrees to separately account for amounts rolled into the plan); and
- (6) An annuity contract under Code Section 403(b); and
- (7) Effective January 1, 2008, a Roth individual retirement account or annuity described in Code Section 408A, subject to the limitations set forth in such Internal Revenue Code provision; provided, however, that the Plan is not responsible for assuring that a Distributee is eligible to make such a rollover.

5. Section 21.10 of the Plan, describing Military Service is hereby enacted to be and read as follows:

Effective January 1, 2007, notwithstanding any provision of this Plan to the contrary, the Survivor of a Participant on a leave of absence to perform military service with reemployment rights described in Code Section 414(u), where the Participant cannot return to employment on account of his or her death, shall be entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) that would be provided under this Plan had the Participant died as an actively contributing Participant to the extent required by Code Section 401(a)(37). This provision does not create any right to a survivor benefit that is not otherwise permitted by this Plan.

6. In all other respects, the Plan shall be and remain unchanged.

IN WITNESS WHEREOF the undersigned has executed this Amendment on the date indicated:

1-1-12  
Date

Karen Carraher  
Karen Carraher, Executive Director