

To: SUU Board of Trustees
From: Dorian Page, Vice President for Finance & Facilities
David McGuire, Director of Human Resources
Date: January 29, 2009
Re: SUU 401(a) Defined Contribution Retirement Plan

It is proposed that the Board of Trustees approve the SUU 401 (a) Defined Contribution Retirement Plan Resolution plan re-statement and amendments.

The SUU 401(a) defined contribution retirement plan is currently being re-stated to include current plan language as required by the Internal Revenue Service. The new plan document will also incorporate the use of the new group retirement annuity contract which is similar to the new group contract that is currently being used for the University's 403(b) supplemental retirement plan. The University Human Resources Department has been working with New Pinnacle Consulting Group and Giller and Calhoun law firm, Denver, CO, to complete this work. Once the re-statement work is completed, the 401(a) plan will be submitted to the IRS for review and re-qualification.

In 2002, the EGTRRA amendments were adopted into the plan but never formally adopted by the Board of Trustees. Part of the re-qualification process requires that the following EGTRRA amendments be formally adopted by the Board of Trustees:

1. Conforming Amendments Required by the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA"):
 - The limit on the maximum amount of compensation that may be taken into account under the plan has been increased.
 - The contribution limitations (both dollar amount and percentage of compensation) have been increased.
 - The direct rollover rules have been changed by expanding the definitions of "eligible rollover distribution" and "eligible retirement plan."

2. Amendments Reflecting the Final Regulations under Section 415 of the Internal Revenue Code -- Contribution Limitations:
 - The definition of compensation now includes certain payments made after severance of employment (*e.g.*, regular compensation, accrued leave payments.)
3. Optional Amendments Permitted by the Pension Protection Act of 2006:
 - Non-spouse beneficiaries are now permitted to make direct rollovers of their distributions.
4. Investment Options:
 - The permitted investments schedule is being updated to reflect current investment options.
5. Nonsubstantive Changes:
 - The plan document is being restated to incorporate previously approved stand-alone amendments and to conform plan language to that of the 403(b) plan documents.

(Summary of plan amendments prepared by Giller and Calhoun law firm, Denver, CO.)