

TIAA
APPROVAL GUIDELINES AND PROCEDURES
FOR
QUALIFIED DOMESTIC RELATIONS ORDERS
Effective November, 2021

Introduction

Plans subject to the anti-assignment rule under the Employee Retirement Income Security Act of 1974, as amended (“ERISA”) and/or the Internal Revenue Code of 1986, as amended (the “Code”) are prohibited from paying benefits to individuals other than Plan Participants and their beneficiaries. An exception to this general rule is for the payment of benefits to an Alternate Payee if the payment is mandated by a qualified domestic relations order (“QDRO”).

In accordance with the applicable provisions of ERISA and the Code, the following Approval Guidelines and Procedures for Qualified Domestic Relations Orders (“QDRO Guidelines”) are used by TIAA to process Domestic Relations Orders that are (i) intended to be Immediate Annuity Orders (as hereinafter defined); or (ii) intended to be Deferred Annuity Orders (as hereinafter defined) and received in connection with those Plans under which the Plan Administrator has delegated to TIAA the duty of processing Deferred Annuity Orders, including those governmental, non-electing church and eligible deferred compensation plans that are not subject to the anti-assignment rule under ERISA and/or the Code. These QDRO Guidelines apply only with respect to Plan assets that are on TIAA’s recordkeeping platform.

1. Definitions

The terms used in these QDRO Guidelines shall have the following meaning:

- a. “Alternate Payee” means a Participant’s spouse, former spouse, child or other dependent of the Participant.
- b. “Date of Distribution” means the date an Alternate Payee’s award (made pursuant to a qualified Deferred Annuity Order) is distributed from the Plan.
- c. “Date of Transfer” means the date the Alternate Payee’s account under the Plan is funded following qualification of a Deferred Annuity Order.
- d. “Deferred Annuity Order” means an Order that divides the Participant’s account or contract into two separate accounts or contracts: one for the Participant and one for the Alternate Payee. A Deferred Annuity Order is sometimes referred to as a Separate Interest Order. An Order that seeks to divide a Transfer Payout Annuity will be treated as a Deferred Annuity Order.
- e. “Domestic Relations Order” or “Order” means any executed judgment, decree or order (including approval of a property settlement agreement) issued by a state authority

which relates to the provision of child support, alimony payments or marital property rights to an Alternate Payee, and which is made pursuant to a state domestic relations law (including a community property law). An Order may be issued by a court of law or by a state agency, such as a child support enforcement agency.

- f. “Funding Vehicle(s)” means the annuity contract(s) or custodial account(s) issued for funding amounts under the Plan.
- g. “Immediate Annuity Order” means an Order that assigns a portion of each benefit payment to the Alternate Payee. An Immediate Annuity Order is sometimes referred to as a Shared Interest Order.
- h. “Interest-Only Payments” means payment made under the Interest Payment and Retirement Annuity available under certain TIAA Traditional Funding Vehicles.
- i. “Joinder” means a legal document issued under the jurisdiction of a state court that results in the addition of one or more parties, such as an employee benefit plan, to an existing lawsuit for divorce or legal separation. It may be signed by a judge or a court clerk.
- j. “Letter of Adverse Interest” means any written communication on behalf of a spouse, former spouse, child, or other dependent of the Participant indicating that such spouse, former spouse, child or other dependent has an adverse interest in the Participant’s account(s)/benefit(s) under the Plan.
- k. “Minimum Distribution Payment” means payments made under the Minimum Distribution Annuity that allows participants to meet the minimum distribution requirements under federal law without having to either request payment each year or choose another distribution option.
- l. “Participant” means the employee or former employee of the employer sponsoring the Plan who has an account under such Plan that is the subject of an Order.
- m. “Plan” means the qualified pension, profit-sharing or cash or deferred arrangement, or tax-deferred annuity of an employer, to the extent that the assets of the Plan are on TIAA’s recordkeeping platform. For the avoidance of doubt, “Plan” shall also include a governmental plan or an eligible deferred compensation plan, each as defined in the Code, and a church plan, as defined in ERISA.
- n. “Plan Administrator” means the individual or entity appointed under the terms of the Plan to administer Domestic Relations Orders.
- o. “Sample Model Order(s)” means the Deferred Annuity Order and Immediate Annuity Order templates available from TIAA that can be used for assigning the Participant’s account and/or benefit to an Alternate Payee.

- p. "Transfer Payout Annuities" means certain fixed payment options from certain TIAA Traditional Funding Vehicles.
- q. "Valuation Date" must be the Date of Transfer and is used for the purpose of calculating the Alternate Payee's award.

2. Notification Upon Receipt of Order.

Upon receipt of an Order, TIAA will send written notification of the Order's receipt to the Participant and the Alternate Payee(s) named in the Order by regular mail to the address(es) specified in the Order, and to any other Alternate Payee under a prior QDRO. If the Order does not specify an address, the notice will be sent to the last address of each party that is known to the Plan Administrator. Please note TIAA will not process the Order until TIAA receives an original or certified copy of the Order.

In the event TIAA completes its review of the Order within thirty (30) days of receipt, TIAA shall send, in lieu of the notification described in the preceding paragraph, notification of its determination of the qualified or nonqualified status of the submitted Order to the Participant, the Alternate Payee named in the Order and any other Alternate Payee under a prior QDRO.

A copy of these QDRO Guidelines will be sent with any notice provided under this section 2 (unless previously provided in connection with the same domestic relations matter that is the subject of the Order).

The Participant and the Alternate Payee may each designate a representative for receipt of copies of notices that are sent to the Participant and Alternate Payee under these QDRO Guidelines. Unless the Participant or Alternate Payee otherwise requests, whenever notices are sent to the Participant or Alternate Payee under these QDRO Guidelines, copies also will be sent to their respective designated representatives.

In addition, TIAA will place a disbursement restriction on the Participant's account(s) or benefit payments, as applicable, in accordance with section 4.

3. Notice of a Pending Order

- a. If, prior to the Plan's receipt of an Order, TIAA receives written notice from the Plan Administrator, the Participant, the potential Alternate Payee(s) or their designated representatives that a Participant's account(s) or benefit payments will be subject to a forthcoming Order based on a domestic relations action ("Notice of a Pending Order"), the following will apply:
 - i. TIAA will promptly notify the Participant and each potential Alternate Payee (specified in the Notice of a Pending Order as entitled to a payment of benefits under the Plan) of receipt of the notice. TIAA will follow the procedures in section 2 for delivering notice, including providing a copy of these QDRO Guidelines.

- ii. If the Participant is not receiving annuity payments or Minimum Distribution Payments, TIAA will take the actions deemed necessary to maintain the status of the Participant's account, including, but not limited to, placing a disbursement restriction on the Participant's account(s) in accordance with section 4, unless otherwise directed by the Plan Administrator.
 - iii. If the Participant is receiving annuity payments or Minimum Distribution Payments, TIAA will not place a disbursement restriction on the Participant's account(s) or benefits payments until TIAA receives an Order.
- b. Receipt of the following documents will be considered Notice of a Pending Order:
- i. A court-order or subpoena requesting information about the Participant's account/benefit payments in connection with a domestic relations matter.
 - ii. A draft Order (other than a draft amended Order described in section 7.b.)
 - iii. A court order, including Joinder of the Plan to the domestic relations matter, directing the Plan to prohibit payment of benefits to the Participant pending further order from the court.
 - iv. A Letter of Adverse Interest (as defined in Section 1.j of these Guidelines), provided it (i) clearly identifies the Participant and the Plan to which it applies, and (ii) has been notarized by a notary public or signed by an attorney, or has been filed with a court of competent jurisdiction (i.e., the document must be file-stamped by the court clerk's office).

4. Disbursement Restrictions

The disbursement restrictions will depend upon whether TIAA has received an Order or Notice of a Pending Order (e.g. a draft Order, Joinder or Letter of Adverse Interest). While the Participant's account(s) or benefit payment is(are) subject to a disbursement restriction, he/she may not initiate loans, withdrawals or distributions. However, the Participant may continue to direct the investment of future contributions and existing balances.

a. Order

If the Participant is currently receiving benefits at the time an Order is received, distributions will be suspended as soon as administratively practicable and for the duration of the disbursement restriction period. The disbursement restriction will remain on a Participant's account(s) until the earliest of the following occurs:

- i. In the case of a Deferred Annuity Order, the Date of Transfer;
- ii. In the case of an Immediate Annuity Order, the date the Order is processed. For this purpose, an Immediate Annuity Order is considered processed on the date

all administrative steps are completed by TIAA to split each payment between the Participant and the Alternate Payee, even if the actual payments to the Alternate Payee will not begin for a period of time following TIAA's completion of the administrative steps;

- iii. The expiration of 18-months following receipt of the Order; or
- iv. Receipt of an Order vacating a previously received Order (the receipt of which caused the disbursement restriction to be originally placed on the Participant's account(s)).

b. Notice of a Pending Order

In general, current payment elections by the Participant shall remain in effect. However, any elections to receive Systematic Withdrawal and Transfer payments will be suspended during the disbursement restriction period. The disbursement restriction will remain on a Participant's account(s) until the earliest of the following occurs:

- i. The date Minimum Distribution Payments must commence, but only to the extent of the Minimum Distribution Payments;
- ii. Six (6) months following receipt of the notice. This six (6) month period may be extended for an additional six (6) months from the date TIAA receives a subsequent written notice (other than in the form of a new or subsequent draft Order), provided this subsequent written notice is received before the expiration of the first 6-month period, and the Participant has not commenced Minimum Distribution Payments; or
- iii. Subsequent notice in form and substance acceptable to TIAA indicating that the domestic relations matter has been resolved without affecting the Participant's account(s) under the Plans, e.g. receipt of a court order releasing the Joinder on the Plan(s).

The submission of a new or subsequent draft Order (other than a draft amended Order described in section 7.b.) is considered a separate Notice of a Pending Order. Accordingly, a separate disbursement restriction period will begin upon receipt of the new or subsequent draft Order.

5. Requirements to be a QDRO

- a. The Order must clearly provide the following information in order to be qualified:

i. Account Identification

The Order must clearly specify the Plan's name (and the TIAA and CREF contracts and certificates or other investments, if applicable) to which it applies. The Order

will apply to all the Participant's vested assets in the Plan on TIAA's recordkeeping system; provided, however, that the accumulations under any account that are needed to secure (as collateral) an outstanding loan are not available to be awarded to an Alternate Payee.

ii. Participant Information

The Order must clearly specify:

- a) The Participant's name;
- b) Last known mailing address;
- c) Social Security Number; and
- d) Date of Birth.

Note: *The failure to include the Participant's social security number and date of birth will not cause the Order to be non-qualified. TIAA may request that the Participant's social security number and date of birth be provided in an addendum in form and substance acceptable to TIAA attached to the Order. This addendum will not be part of the public record.*

iii. Alternate Payee Information

The Order must clearly specify:

- a) The Alternate Payee's name;
- b) Last known physical address and mailing address (a mailing address must be included only if it is different than the physical address);
- c) Telephone number;
- d) Social Security Number;
- e) Date of Birth; and
- f) Relationship to the Participant.

Note: *If the Order pertains to child support, the minor child(ren) **must** be named as the Alternate Payee(s); however, the Order **must** also provide the name and physical and mailing address of the Alternate Payee's legal representative (i.e., guardian, a party acting in loco parentis, a trustee as agent for the Alternate Payee or a Division of Child Support Enforcement acting as an agent for the child.)*

Note: *If the telephone number, social security number, date of birth and the relationship to the Participant are not included in the Order, TIAA will request that the information be provided in an addendum in form and substance acceptable to TIAA attached to the Order. This addendum will not be part of the public record. The failure to provide this information will not cause the Order to be non-qualified; however, it will delay the processing of the distribution to the Alternate Payee.*

iv. The Alternate Payee's Award

a) *Amount.*

An Order must award the Alternate Payee one of the following:

1. If the Order is a Deferred Annuity Order, a percentage or specific dollar amount of the Participant's account balance in the Plan assets for which TIAA acts as the sole recordkeeper as of the Valuation Date; or
2. If the Order is an Immediate Annuity Order, a percentage or specific dollar amount of the Participant's benefit payments for which TIAA acts as the sole recordkeeper.

b) *Earnings and Adjustments.*

1. If the Order is a Deferred Annuity Order, the Valuation Date must be the Date of Transfer.
2. If the Order is an Immediate Annuity Order, the Alternate Payee will automatically share in any increase or decrease in the Participant's benefit payments at the same percentage as stated in the Alternate Payee's award, unless the Immediate Annuity Order states otherwise.

c) *Timing*

1. If the Order is a Deferred Annuity Order, the Valuation Date must be Date of Transfer.
2. If the Order is an Immediate Annuity Order, the number of payments or the time period to which the Order applies must be specified; provided, however, that an Immediate Annuity Order cannot apply to payments that have been processed before the date the Order is received by TIAA.

b. The Order will be non-qualified if it:

- i. Requires the Plan to provide any type or form of benefit, or any option, which is not otherwise provided by the Plan;

- ii. Provides for increased benefits (determined on the basis of actuarial value);
- iii. Provides for payment of benefits to an Alternate Payee which are required to be paid to a different Alternate Payee under a previous QDRO;
- iv. Contains a beneficiary designation;
- v. Contains a Valuation Date that is not the Date of Transfer; or
- vi. With respect to Deferred Annuity Orders only, provides that the Alternate Payee's award be transferred from a specific contribution source (e.g., the after-tax source only). See section 6.b.iv. below.

Subject to the other requirements of these QDRO Guidelines, an Order will not fail to be treated as qualified solely because of the time at which it is issued or solely because the Order is issued after, or revises, another Order or QDRO (but only if the Order does not assign benefits that are assigned to another Alternate Payee under another QDRO).

6. Determination That Order is a QDRO

If TIAA determines that the Order is qualified, the following will apply:

- a. The Participant and the Alternate Payee, and their representatives, if any, will be notified of TIAA's determination of the Order's qualified status in accordance with the standards set forth in section 2. This notice shall include a statement of the right of the Participant and the Alternate Payee, and their representatives, to dispute this determination, as set forth in section 9 below.
- b. If the QDRO is a Deferred Annuity Order:
 - i. An account under the Plan will be established for the Alternate Payee as soon as administratively feasible following the determination that the Order is qualified. However, if the information necessary to establish the Alternate Payee's account has not been provided to TIAA, e.g. the Alternate Payee's social security number is not included in the Order or an addendum to the Order, TIAA will contact the Alternate Payee to request the missing information at the same time TIAA notifies the Alternate Payee that the Order is qualified, in accordance with the standards set forth in section 2. Failure to supply any missing information will delay establishment of the Alternate Payee's account.
 - ii. Once the account is established, the Alternate Payee will receive a letter with instructions for contacting TIAA's National Contact Center and accessing TIAA's website. All distributions of the Alternate Payee's account must be initiated in accordance with the administrative procedures that have been established for the Plan and are subject to any applicable restrictions in the

Funding Vehicles. All requests for distributions, rollovers, current account statements, designation of a beneficiary, direction of investments or requests for information, related to the Alternate Payee's account, must be initiated in accordance with the Plan's administrative procedures.

- iii. The Alternate Payee's award will be transferred from the Participant's investment options in effect as of the Date of Transfer. No portion of any outstanding loan balance shall be transferred to the Alternate Payee. However, if the Participant's account includes brokerage funds, the QDRO Relationship Manager ("QRM") assigned to the Participant and the Alternate Payee will coordinate with them to liquidate the brokerage fund assets needed to satisfy the Alternate Payee's award. If a QRM has not been assigned to the Participant and the Alternate Payee, or the Participant and the Alternate Payee are unsure if a QRM has been assigned, they should contact TIAA's National Contact Center at 1-800-842-2252. Consultants are available weekdays from 8 a.m. to 10 p.m. (ET). An Order will not be qualified if the award cannot be satisfied without including the assets currently held in the brokerage funds.
- iv. The Alternate Payee's award must be transferred proportionately from all contribution sources in the Participant's account(s) as of the Date of Transfer. The Order cannot specify that the Alternate Payee's award be transferred from a specific contribution source (e.g., the after-tax source only). Orders that provide for this will be non-qualified.
- v. Until the Alternate Payee provides investment directions, the account established for the Alternate Payee will remain invested in the same manner as it was invested by the Participant on the Date of Transfer. However, if the Alternate Payee's award includes a Transfer Payout Annuity, all payments from the Transfer Payout Annuity will be deposited in the Plan's default investment option until otherwise directed by the Alternate Payee.
- vi. The Alternate Payee's award will be adjusted for earnings and losses from the Date of Transfer to the Date of Distribution.
- vii. Specific rollover instructions contained in the Order will be disregarded. However, an Alternate Payee who is a spouse or former spouse may separately elect a rollover distribution pursuant to the administrative procedures of the Plan following the Date of Transfer. An award paid to an Alternate Payee who is a child or other dependent cannot be rolled over.
- viii. If an Order is silent regarding the payment of benefits in the event that the Alternate Payee dies prior to the complete distribution of his/her account, the Alternate Payee will have the right to designate a beneficiary in the same manner that the Participant could designate a beneficiary under the Plan, and the Alternate Payee's account will be distributed to his or her beneficiary. If the Alternate Payee does not designate a beneficiary, then his or her account

shall be distributed in accordance with the administrative procedures established for the Plan.

c. If the Order is an Immediate Annuity Order:

- i. The Alternate Payee shall receive payment of his/her award as soon as administratively feasible following the later of (i) qualification of the Order, or (ii) the date stated in the Order. The portion of each benefit payment (e.g. a flat-dollar amount or percentage) assigned to the Alternate Payee under an Immediate Annuity Order will be made from the payments processed after TIAA determines that the Order is a QDRO.
- ii. If an Order is silent regarding the payment of benefits in the event that the Alternate Payee dies prior to the complete distribution of the award, the payments due to the Alternate Payee will revert to the Participant.
- iii. Unless ended earlier in accordance with the time stated in the Order, payments to the Alternate Payee will cease upon the Participant's death, subject to any right to survivor benefits.

7. Determination that the Order is not a QDRO

If TIAA determines that the Order is non-qualified, the following will apply:

- a. The Participant and the Alternate Payee, and their representatives, if any, will be notified of TIAA's determination of an Order's non-qualified status in accordance with the standards set forth in section 2. This notice will clearly identify and detail the deficiencies in the Order and the information necessary to render the Order qualified pursuant to these QDRO Guidelines.
- b. Subsequent to the determination that an Order is non-qualified, a draft amended Order must be provided to TIAA for review within 18 months following receipt of the original Order. (A draft amended Order is defined as an Order that has not been executed by a court of proper jurisdiction and follows an Order that TIAA has reviewed and determined to be non-qualified relative to the same domestic relations proceeding.)

8. Requests for Information for Drafting QDROs.

A Participant may access information about his or her account or benefit payments at any time by calling 1-800-842-2252. Information regarding the Participant's account or benefit payments will be provided in writing to parties other than the Participant only in response to a properly served subpoena or other court-order requesting information about the Participant's account or benefit payments, or authorization from the Participant in the following manner: (i) notarized written authorization, or (ii) written authorization sent by secure electronic message from the Participant's My Account homepage. For questions regarding a Participant's account

or benefit payments, please call 1-800-842-2252. Consultants are available weekdays from 8 a.m. to 10 p.m. (ET).

Upon request, TIAA will also provide a copy of the Sample Model Orders that would be acceptable under these QDRO Guidelines. Since each QDRO is unique, TIAA does not require use of the Sample Model Orders. However, no Order will be qualified unless it meets the requirements of ERISA (if applicable), the Code and these QDRO Guidelines.

9. Disputes.

Once an Order is determined to be a QDRO, TIAA will proceed with processing the Alternate Payee's award in accordance with the QDRO. Notwithstanding the preceding sentence, if either the Participant, the Alternate Payee and/or their designated representative contact TIAA to indicate that there is a dispute regarding the terms of the Order, or TIAA's determination that an Order is qualified, TIAA will place a temporary disbursement restriction on the Participant's and the Alternate Payee's account(s) or benefit payments for up to **60 days**. In general, notice of a dispute must be provided **in writing** within **(30) days** following the date of TIAA's written notification that an Order has been determined to be qualified. However, a temporary disbursement restriction will be placed if TIAA receives **verbal notification** of a dispute within **(30) days** following the date of TIAA's written notification that an Order has been determined to be qualified, provided **written notification** of the dispute is then received by TIAA within **(48) hours** of the verbal notification.

If a new Order or court document demonstrating that the parties are in dispute and intend to seek an amended Order is not received within **60 days** of TIAA receiving written notification of the dispute, the disbursement restriction on the Participant's and the Alternate Payee's account(s) or benefit payments will be removed and the terms of the original QDRO will be honored.

If, following TIAA's receipt of a notice of dispute, the Participant and Alternate Payee notify TIAA in writing signed by each party and notarized indicating that they are no longer disputing the terms of the QDRO, TIAA will lift the temporary disbursement restriction. This subsequent notice shall be considered a waiver of their rights to dispute the terms of the QDRO. The Alternate Payee will be entitled to take a distribution or continue receiving payment of benefits, assuming he/she is otherwise entitled to do so in accordance with the terms of the QDRO and the Plan

10. Contacting TIAA

All written notices, submission of documents and disputes shall be sent to:

TIAA
Attn: QDRO Unit
P.O. Box 1259
Charlotte, NC 28201

FAX: (800) 914-8922
(draft Orders only)