

**AMENDMENT TO THE  
DELAWARE VOLUNTEER FIREMEN'S PENSION PLAN**

**WHEREAS**, the State of Delaware established and maintained the Delaware Volunteer Firemen's Pension Plan ("Plan"), originally effective July 1, 1986, pursuant to Title 16, Chapter 66A, §§ 6651 through 6664 of the Delaware Code;

**WHEREAS**, the Plan is a length of service award plan under Section 457(e)(11)(A)(ii) of the Internal Revenue Code of 1986, as amended ("Code"), and the regulations thereunder;

**WHEREAS**, the purpose of the Plan is to provide retirement and death benefits to longterm eligible volunteers providing qualified services to fire departments and rescue services, as provided therein;

**WHEREAS**, the State of Delaware set forth the terms of the Plan in a written plan document, effective January 1, 2007, and thereafter amended and restated the Plan, effective January 1, 2008;

**WHEREAS**, the Board of Trustees of the Delaware Public Employees' Retirement System ("DPERS"), who serve as the Board of Pension Trustees ("Board") of the Plan, submitted to the Internal Revenue Service ("IRS") a request for certain rulings on behalf of the Plan concerning the following: (i) that the Plan is a length of service award plan within the meaning of Section 457(e)(11)(A) of the Code and the regulations thereunder; (ii) that amounts paid to eligible members are includible in the member's gross income only in the taxable year in which such amounts are paid; and (iii) that benefits under the Plan paid to eligible members or their beneficiaries are not treated as "wages" for purposes of Federal Insurance Contributions Act ("FICA") taxes;

**WHEREAS**, with respect to the ruling request, the IRS has requested that DPERS and the Board amend the second ruling request and amend the Plan.

**NOW, THEREFORE, THE BOARD** hereby amends the Plan, effective as of January 1, 2008, to be and read as follows:

1. Section 4.01 of the Plan, regarding member benefits, shall be amended to be and read as follows:

**Section 4.01. Member Benefits.** A Participant is eligible for a monthly Benefit at such time that he or she (i) attains Normal Retirement Age and (ii) has a Vested Benefit under Article III and (iii) ceases earning Credited Service. The monthly Benefit shall be equal to five dollars (\$5.00) times years of Credited Service, up to a maximum of twenty-five (25) years of Credited Service. Benefits shall begin the first month after the Participant becomes eligible for a Benefit under this Section 4.01, and shall end the month that the Participant dies.

2. Section 7.06 of the Plan, regarding limitation on recovery, shall be deleted in its entirety.

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

**IN WITNESS WHEREOF** the undersigned have executed this AMENDMENT TO THE PLAN effective on the dates indicated herein.

**CHAIRMAN**

**THE STATE BOARD OF  
PENSION TRUSTEES OF THE  
DELAWARE VOLUNTEER  
FIREMEN'S PENSION PLAN**

January 30, 2009  
Date

P.S. Reese  
Philip S. Reese, Chairman