

**AMENDMENT NUMBER SIX TO THE STATE OF DELAWARE
DEFERRED COMPENSATION PLAN UNDER IRC § 403**

The Plans Management Board (the “Board”) of the State of Delaware currently maintains the State’s Deferred Compensation Plan (the “Plan”) under Internal Revenue Code Section 403(b), as authorized by Title 29, Chapter 60A of the Delaware Code, which Plan was restated, effective January 1, 2017, and thereafter amended on five prior occasions.

The Board, as authorized by majority vote, now desires to further amend the Plan, effective January 1, 2022, to memorialize the Board’s adoption of qualified birth and adoption distribution provisions pursuant to the federal Setting Every Community Up for Retirement Enhancement Act of 2019.

1. Section 5.1 is revised and restated as follows:

5.1 **Benefit Distributions At Severance from Employment or Other Distribution Events.** Except as permitted in this Article V or Section 3.4 (relating to excess Elective Deferrals), or Section 8.3 (relating to termination of the Plan), distributions from a Participant’s Account may not be made earlier than the earliest of the date on which the Participant has a Severance from Employment, dies, becomes Disabled, or attains age 59½. Distributions shall otherwise be made in accordance with the terms of the Individual Agreements.

2. A new Section 5.8 of the Plan is added to Article V to read as follows:

5.8. **Qualified Birth or Adoption Distributions.**

(a) A Participant may request one or more Qualified Birth or Adoption Distributions from his or her Account, regardless of whether he or she has had a Severance from Employment, subject to the provisions of this paragraph. Qualified Birth or Adoption Distributions to a Participant from this Plan and the State of Delaware’s 457(b) plan may not exceed Five Thousand Dollars (\$5,000) per birth or adoption. A Participant shall certify to the Administrator or the Administrator’s designee that he or she satisfies the criteria to receive a Qualified Birth or Adoption Distribution prior to receiving a Qualified Birth or Adoption Distribution.

(b) A “Qualified Birth or Adoption Distribution” means a distribution made in accordance with Section 5.8(a) to a Participant within the one-year period beginning on the date on which (i) the child of the Participant is born or (ii) the legal adoption by the Participant of an individual (other than the child of the Participant’s Spouse) who has not attained age eighteen (18) or is physically or mentally incapable of self-support is finalized.

3. In all other respects, the Plan shall remain unchanged. The Board reserves the right to further amend the Plan pursuant to Section 8.2 of the Plan.

IN WITNESS WHEREOF, the undersigned has executed this amendment to the Plan on behalf of the Plans Management Board this ___ day of August 2022.

PLANS MANAGEMENT BOARD

By: Donna Vieira, Chair