

INSTRUCTIONS FOR MILITARY LEAVE MAKE-UP CONTRIBUTION REQUEST & AUTHORIZATION FORM

Plan Name: **Woods Powr-Grip Co., Inc. 401(k) Profit Sharing Plan and Trust**

Plan Number: **28201**

Background

The Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA") offers key protections to American workers who are called to military duty. USERRA provides that upon return from qualified military service, eligible participants may make additional contributions to their employer-sponsored retirement plan subject to the limits that would have been in place had they remained actively employed by the employer during the period of covered military service. These *Make-Up Contributions* may be made over a period of five (5) years from date of reemployment, or three times the length of qualified military service, whichever is shorter. Any "Make-Up" Contributions will be matched by the Plan to the extent and in the amount they would have been matched if actually made during the period of military service.

General USERRA Requirements

USERRA requires that reemployment rights and other employment benefits be extended to plan participants returning from military duty.

To be eligible for this protection, the participant must give the employer written notice that he/she is leaving to perform military service. The notice requirement is waived when notice is precluded by military necessity or when giving of such notice is impossible or unreasonable under the circumstances. Generally, the cumulative length of absence and of all previous absences from a position of employment with that employer by reason of service cannot exceed five years.

By law, the participant's seniority and any benefits associated with seniority, must continue to accrue while the participant is on active duty as if the employee had never left.

The Act, however, places several limitations on the reemployment rights of the reservist. For instance, an employer whose circumstances have changed such that reemployment becomes impossible or unreasonable does not have to reemploy the reservist. Reemployment also becomes unnecessary if the employment from which the person leaves to serve is for a brief, nonrecurring period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

The Act also requires that the returning reservist notify the employer of his/her intent to return and includes specific limitations regarding the timeframe in which the employee must return to work.

Eligible employees who leave employment to perform qualified military service will not incur a break in employment service with the Employer during such military leave and are considered to be in the service of the Employer for retirement plan vesting, contribution and benefit accrual purposes. Eligible employees who return to work must be allowed to immediately participate in the Plan upon their return from military leave.

Plan Administrator Action

Please provide each eligible Participant with the Military Leave Make-up Contribution Request & Authorization Form upon return from qualified military service. You may request this form from your Fidelity representative.

Please review the form for accuracy and confirm that all applicable statutory and plan limits have been satisfied. Please sign and date the form confirming your that contributions indicated by the Participant be made to the plan. Please forward to your payroll provider and confirm that the payroll provider appropriately updates records and the information is transmitted to Fidelity.

This information is general in nature. Plan Sponsors should consult with their legal counsel regarding the specific facts and circumstances of each employee for whom USERRA requirements may apply. This document and any related materials are not intended and should not be construed as legal advice to the Plan Administrator or Plan Participant.