

**WASHINGTON STATE UNIVERSITY
VOLUNTARY INVESTMENT PROGRAM**

First Amendment

Pursuant to Section 9.1 of the Washington State University Voluntary Investment Program (Amended and Restated, Effective January 1, 2009), and as further amended from time to time (the "Plan"), Washington State University hereby amends the Plan, effective January 1, 2010, as follows:

1. A new Section 2.14 and Section 2.15 shall be added as follows, and the subsequent numbering shall be adjusted accordingly (i.e., Section 2.14 shall be renumbered Section 2.16, Section 2.15 shall be renumbered Section 2.17, etc.):

"2.14. **Roth Accumulation Account** means an Accumulation Account established for a Participant who elects to make Roth VIP Contributions in accordance with Section 4.11.

2.15 **Roth VIP Contribution** means a VIP Contribution that is (a) designated irrevocably by the Participant at the time he or she completes a Salary Reduction Agreement pursuant to Section 3.1 as a Roth VIP Contribution that is being made in lieu of all or a portion of the pre-tax elective deferrals that the Participant is otherwise eligible to make under the Program; and (b) treated by WSU as includible in the Participant's income at the time the Participant would have received that amount in cash if the Participant had not made the deferred election."

2. The following shall be added as a new Section 4.11:

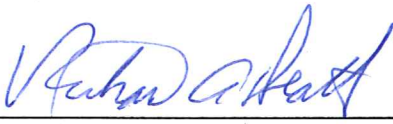
"4.11. **Roth Elective Deferrals.** As of January 1, 2010, the Program will accept Roth VIP Contributions made by Participants. A Participant's Roth VIP Contributions will be allocated to an Accumulation Account maintained for such Roth VIP Contributions as described in Section 4.11(a). Unless specifically stated otherwise, Roth VIP Contributions will be treated as VIP Contributions for all purposes under the Program.

- (a) Contributions and withdrawals of Roth VIP Contributions will be credited and debited to the Roth Accumulation Account maintained for each Participant. The Program will maintain a record of the amount of Roth VIP Contributions in each Participant's Roth Accumulation Account. Gains, losses, and other credits or charges must be separately allocated on a reasonable and consistent basis to each Participant's Roth Accumulation Account and the Participant's other Accumulation Accounts under the Program. No contributions other than Roth VIP Contributions and properly attributable earnings will be credited to each Participant's Roth Accumulation Account.

- (b) Notwithstanding Section 6.7, a direct rollover of a distribution from a Roth Accumulation Account under the Program will only be made to another Roth elective deferral account under an applicable retirement plan described in Code section 402A(e)(1) or to a Roth IRA described in Code section 408A, and only to the extent the rollover is permitted under the rules of Code section 402(c).
- (c) Notwithstanding Section 4.6(a), the Program will accept a rollover contribution to a Roth Accumulation Account only if it is a direct rollover from another Roth elective deferral account under an applicable retirement plan described in Code section 402A(e)(1) and only to the extent the rollover is permitted under the rules of Code section 402(c).
- (d) The Program will not provide for a direct rollover (including a automatic rollover) for distributions from a Participant's Roth Accumulation Account if the amount of the distributions that are eligible rollover distributions are reasonably expected to total less than \$200 during a year. In addition, any distribution from a Participant's Roth Accumulation Account is not taken into account in determining whether distributions from a Participant's other Accumulation Accounts are reasonably expected to total less than \$200 during a year. However, eligible rollover distributions from a Participant's Roth Accumulation Account are taken into account in determining whether the total amount of the Participant's Accumulation Account balances under the Program exceeds \$1,000 for purposes of mandatory distributions under the Program.
- (e) The provisions of the Program that allow a Participant to elect a direct rollover of only a portion of an eligible rollover distribution but only if the amount rolled over is at least \$500 is applied by treating any amount distributed from the Participant's Roth Accumulation Account as a separate distribution from any amount distributed from the Participant's other Accumulation Accounts in the Program, even if the amounts are distributed at the same time.
- (f) In the case of a distribution of excess contributions, a highly compensated employee may designate the extent to which the excess amount is composed of pre-tax VIP Contributions and Roth VIP Contributions but only to the extent such types of contributions were made for the year. If the highly compensated employee does not designate which type of contributions are to be distributed, the Program will distribute pre-tax VIP Contributions first."

IN WITNESS WHEREOF, Washington State University has caused this First Amendment to be executed in its name and on its behalf by its duly authorized officer.

WASHINGTON STATE UNIVERSITY

By: 

Dated: 12/17/09