

## ARTICLE XXXVIII

### 401(K) PROGRAM

**Section 1. Contributions:** The AFL and the AFLPA shall establish for each League Year of this Agreement a plan qualified under Section 401(a) of the Internal Revenue Code of 1986 (the "Code"), which will permit deferrals by players pursuant to Section 401(k) of the Code, as amended (the "401(k) Plan"). Eligibility and terms shall be as follows, unless otherwise agreed by the AFL and the AFLPA:

- (a) Rookies will not be eligible to participate in the 401(k) Plan;
- (b) Players with one (1) to three (3) Accrued Seasons will be eligible to receive matching contributions by the Team of thirty percent (30%) of the players' 401(k) contributions, limited to \$1,750 per season;
- (c) Players with four (4) to five (5) Accrued Seasons will be eligible to receive matching contributions by the Team of thirty-five percent (35%) of the players' 401(k) contributions, limited to \$2,250 per season; or
- (d) Players with six (6) or more Accrued Seasons will be eligible to receive matching contributions by the Team of forty percent (40%) of the players' 401(k) contributions, limited to \$2,750 per season.

**Section 2. Administration:** The AFL will assume administrative responsibility for 401(k) benefits. The AFL shall have the right to change 401(k) administrators as long as the requirements in Section 1 are met. Upon request by the AFLPA, the AFL will promptly provide the AFLPA with any documents or other information relating to those benefits, including materials relating to experience and costs.

**Section 3. Canadian Employment:** To the extent reasonably practicable, the terms of the 401(k) Plan shall permit participation by players with respect to any employment in Canada on a tax-effective basis under Canadian income tax laws. If the AFL and the AFLPA determine that the 401(k) Plan cannot be provided on a tax-effective basis under Canadian income tax laws with respect to employment in Canada, an alternative arrangement relating to employment in Canada, which is acceptable to both the AFL and the AFLPA, shall be established in lieu of the 401(k) Plan.