

**QUALIFIED PENSION CONSULTING INC.**  
**403(B) PLAN CHECKLIST**  
**ELECTIVE DEFERRALS AND MATCHING CONTRIBUTIONS ONLY**

**Plan Sponsor Information**

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Sponsoring Employer \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

Telephone # \_\_\_\_\_ Tax ID # \_\_\_\_\_ Trust ID # \_\_\_\_\_

What is the Fiscal Year? | 12-consecutive month period beginning \_\_\_\_\_ and ending \_\_\_\_\_  
| A 52-53 week year beginning \_\_\_\_\_ and ending \_\_\_\_\_

Is there a Short Fiscal Year? | Yes, beginning \_\_\_\_\_  
| No

What Type of Business Entity is the Employer? *(check one)*

- |                         |                                     |
|-------------------------|-------------------------------------|
| Public School           | Partnership                         |
| C-Corporation           | S-Corporation                       |
| Tax Exempt Organization | Limited Liability Partnership (LLP) |
| Sole Proprietorship     | Limited Liability Company (LLC)     |
| Other _____             |                                     |

Are there any Additional Adopting Employers?

- | No  
| Yes - if there are additional adopting employers, please attach an Addendum containing information about the the Additional Adopting Employer(s)

Plan Administrator \_\_\_\_\_

Street Address \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ ZIP Code \_\_\_\_\_ Phone # \_\_\_\_\_

Who are the Trustees of the Plan?

| Individual Trustees \_\_\_\_\_  
\_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

| Corporate Trustee \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

**Does the Corporate Trustee have the following investment powers? (check one)**

- | **Discretionary Trustee.** The Corporate Trustee has full discretion in investing the assets of the Plan except as otherwise instructed by the Administrator, by the Employer, by an Investment Manager, by another Named Fiduciary, or by a Participant if the Participants are permitted to direct investments.
- | **Directed Trustee.** The Corporate Trustee is only permitted to invest the assets of the Plan as directed by the Administrator, by the Employer, by an Investment Manager, by another Named Fiduciary, or by a Participant if the Participants are permitted to direct investments.

## Plan Information

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1. What is the Plan Name? \_\_\_\_\_

\_\_\_\_\_ Plan # \_\_\_\_\_

2. What is the Plan's Effective Date(s)?

| This is a new plan effective \_\_\_\_\_

| This is an amended and restated plan effective \_\_\_\_\_ with  
an original effective date of \_\_\_\_\_

| This is a frozen plan which was frozen \_\_\_\_\_ and has an original  
effective date of \_\_\_\_\_

| The Plan remains frozen and is being amended and restated effective \_\_\_\_\_

3. When does the Plan Year begin? \_\_\_\_\_

| except for a short Plan Year beginning \_\_\_\_\_

4. When does the Plan Year end? \_\_\_\_\_

5. What is the Plan's Anniversary Date?

| The first day of the plan year

| The last day of the plan year

| Other \_\_\_\_\_

6. What contributions are permitted in this Plan? (check all that apply).

| Pre-Tax Elective Deferrals (*must be checked*)

| Roth Elective Deferrals

| 403(b) Catch-up Contributions (*"special 15 year" catch-up contributions*)

| 414(v) Catch-up Contributions (*"age 50" catch-up contributions*)

| Matching Contributions

| ACP Safe Harbor Contributions

| Rollover Contributions

| Transfer Contributions

| Voluntary Employee Contributions

| Prevailing Wage Contributions

7. What style of plan document do you want to use for this Plan?

| Prototype

| Volume submitter

## Service Definitions for Eligibility

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### 1. How will service be determined for eligibility purposes?

- (a) | **Counting of Hours Method Only.** A Participant's Service for all purposes is determined by the Counting of Hours Method, and a Year of Service for eligibility and Vesting is determined as selected in (1) and (2) below.
- (1) **Eligibility to participate.** A Year of Service for eligibility purposes is \_\_\_\_\_ Hours of Service (*max. 1,000*).  
A Break in Service for eligibility purposes is \_\_\_\_\_ Hours of Service (*max. 500*).
- (2) **Vesting.** A Year of Service for Vesting purposes is \_\_\_\_\_ Hours of Service (*max. 1,000*).  
A Break in Service for Vesting purposes is \_\_\_\_\_ Hours of Service (*max. 500*).
- (b) | **Elapsed Time Method Only.** A Participant's Service for all purposes is determined by the Elapsed Time Method.
- (c) | **A Mixture of Methods.** A Participant's Service for each purpose is determined by the method selected below.
- (1) **For eligibility purposes:** (*check one*)
- | Elapsed Time Method
  - | Counting of Hours Method:  
A Year of Service for eligibility purposes is \_\_\_\_\_ Hours of Service (*max. 1,000*).  
A Break in Service for eligibility purposes is \_\_\_\_\_ Hours of Service (*max. 500*).
- (2) **For Vesting purposes:** (*check one*)
- | Elapsed Time Method
  - | Counting of Hours Method:  
A Year of Service for Vesting purposes is \_\_\_\_\_ Hours of Service (*max. 1,000*).  
A Break in Service for Vesting purposes is \_\_\_\_\_ Hours of Service (*max. 500*).
- (3) **For benefit accrual and allocation purposes:** (*check one*)
- | Elapsed Time Method
  - | Counting of Hours Method

### 2. Is credit given for Predecessor Service with another employer?

- | No
- | Yes – complete the following:

**What is the name of the other employer?** \_\_\_\_\_

- | Credit is given for purposes of eligibility
- | Credit is given for vesting purposes for matching contribution purposes

### 3. Is the Service of an Eligible Employee who terminates employment and rehired after incurring a Break in Service credited according to the:

- | **One Year Holdout Rule.** The One Year Holdout Rule will be applied to rehired Eligible Employees.
- | **Rule of Parity.** The Rule of Parity will be applied to non-Vested rehired Eligible Employees.

### 4. If eligibility is determined by the Counting of Hours Method:

- (a) | **What is the eligibility computation period?** (*check one*)
- | Each anniversary of employment date based on an Employee's 12-month employment year
  - | Switches to the Plan Year after an Employee's initial 12-month employment year
- (b) | **The Vesting computation period will be:** (*check one*)
- | The Plan Year
  - | Based on an Employee's 12-month employment year
- (c) | **When is a year of service satisfied for eligibility?** (*check one*)
- | At the end of the eligibility computation period in which he or she is credited with the required Hours of Service
  - | At the time he or she is actually credited with the required Hours of Service

### 5. Can an Employee waive participation in the Plan?

- | Yes
- | No

## Elective Deferrals

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**1. Elective Deferrals.** Are Elective Deferral Contributions permitted?

- | Yes
- | No

**2. Does the term "Eligible Employee" exclude any of the following employees from participating in the Plan for elective deferral purposes?** *(check all that apply)*

- | None – no employees are excluded from participating in this Plan
- | Employees whose maximum elective deferral would not exceed \$200
- | Student employees of an education institution performing services described in Code §3121(b)(10)
- | Employees who work less than 20 hours per week
- | Non-resident aliens
- | Leased Employees (not otherwise excluded by statute)
- | Employees deferring into another 403(b) plan of the Employer
- | Employees of an Affiliated Employer that does not adopt this Plan

**3. What are the Minimum Age and Service Requirements for elective deferral contributions?** All Eligible Employees will be eligible to enter the Plan as a Participant for Elective Deferral purposes on the applicable Entry Date.

**4. What is the Plan's Entry Date for elective deferral purposes?** An Eligible Employee who has satisfied the applicable age and service requirements selected above will enter the Plan as a Participant on: *(check one)*

- | \_\_\_\_\_ on or after the date the requirements are satisfied. *(See note below)*
- | The first day of the Plan Year on or after the date the requirements are satisfied. *(See note below)*
- | The last day of the Plan Year on or after the date the requirements are satisfied. *(See note below)*
- | The first day of the month on or after the date the requirements are satisfied.
- | The first day of the payroll period on or after the date the requirements are satisfied.
- | The same day the requirements are satisfied.
- | The first day of the 1<sup>st</sup> or 7<sup>th</sup> month on or after the date the requirements are satisfied.
- | The last day of the 6<sup>th</sup> or 12<sup>th</sup> month on or after the date the requirements are satisfied.
- | The first day of the 1<sup>st</sup>, 4<sup>th</sup>, 7<sup>th</sup> or 10<sup>th</sup> month on or after the date the requirements are satisfied.
- | The last day of the 3<sup>rd</sup>, 6<sup>th</sup>, 9<sup>th</sup> or 12<sup>th</sup> month on or after the date the requirements are satisfied.

*Note: This option cannot be selected if you checked 1 years of service or 2 years of service for eligibility above or if the age requirement is age 21.*

**5. What is the Minimum and Maximum Elective Deferral Contribution?**

The minimum permitted Elective Deferral Contribution is \_\_\_\_\_% *(enter zero if no minimum)* of Compensation.

The maximum permitted Elective Deferral Contribution is \_\_\_\_\_% of Compensation.

**6. How often can a Participant change his or her Salary Reduction Agreement?** *(check one)*

- | At any time
- | Each pay period
- | Annually on the date established by the Administrator
- | Semi-annually on the date established by the Administrator
- | Quarterly on the date established by the Administrator
- | Monthly on the day established by the Administrator
- | On the date or dates as established by the Administrator

**7. Does the Plan provide for Automatic Enrollment?**

- | Yes *(A separate written Automatic Enrollment Policy can be provided by the Sponsoring Employer.)*
- | No

**8. If the plan provides for automatic enrollment, what is the amount of the automatic enrollment deferral percentage?**

- | A fixed percentage of Compensation equal to \_\_\_\_\_%
- | A fixed percentage of Compensation equal to \_\_\_\_\_% which increases \_\_\_\_\_% per year to a max. of \_\_\_\_\_%

**9. What is the date on which a Participant can begin making Elective Deferrals?**

- | The date this Adoption Agreement is signed by the Sponsoring Employer
- | \_\_\_\_\_ (must be after the date the Sponsoring Employer signs this Adoption Agreement)

**10. Can a Participant designate all or a portion of his or her Elective Deferrals as Roth Elective Deferrals?**

- | Yes
- | No

**11. How is a Participant's Compensation determined for Elective Deferral purposes?**

**(a) Compensation is defined as: (check one)**

- | Form W-2 Compensation
- | Code §3401 Compensation
- | Code §415 Safe Harbor Compensation

**(b) Elective contributions under Code §125, §132(f)(4), §402(h), §402(e)(3), §403(b), §457(b) and §414(h)(2) will:**

- | Be included as Compensation
- | Not be included as Compensation

**(c) The Compensation measuring period is the: (check one)**

- | Plan Year
- | Fiscal Year ending on or within the Plan Year
- | Calendar year ending on or within the Plan Year

**(d) The following categories of remuneration will be excluded as Compensation: (check all that apply)**

- | **1) None (skip to question 2)**
- | **2) Compensation received prior to becoming a Participant**
- | **3) Compensation received while an ineligible Employee under question 1(a) above.**
- | **4) Certain fringe benefits which are all items in Regulation §1.414(s)-1(c)(3)**
- | **5) Bonuses**
- | **6) Overtime**
- | **7) Commissions**
- | **8) Other** \_\_\_\_\_

**(e) | The amounts excluded under (e)(4) – (7) will only be excluded with respect to the following: (check all that apply)**

- | Highly Compensated Employees
- | Other \_\_\_\_\_

**(f) Is Post-Severance Compensation counted as Compensation?**

- | Yes
- | No

## Catchup Contributions

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**1. Are Participants permitted to make Code §414(v) "age 50" Catch-Up Contributions?**

- | Yes – this election shall apply to contributions made on or after \_\_\_\_\_. (Enter a date on or after Jan. 1, 2002)
- | No

**2. Will the Employer make matching contributions for the Code §414(v) "age 50" Catch-Up Contributions?**

- | Yes
- | No

**3. Are Participants with 15 years of service permitted to make Special Code §403(b) Catch-Up Contributions?**

- | Yes - this election applies to contributions made on or after \_\_\_\_\_. (Enter date)
- | No

**4. Will the Employer make matching contributions for the Special Code §403(b) Catch-Up Contributions?**

- | Yes
- | No

## Matching Contributions

### 1. Are matching contributions permitted?

- | Yes
- | No (skip to the next section on Rollover Contributions)

### 2. Does the term "Eligible Employee" exclude any of the following employees from participating in the Plan for purposes of Matching Contributions? (check all that apply)

- | None – no employees are excluded from participating in this Plan
- | Employees whose maximum elective deferral would not exceed \$200
- | Student employees of an education institution performing services described in Code §3121(b)(10)
- | Employees who work less than 20 hours per week
- | Non-resident aliens
- | Leased Employees (not otherwise excluded by statute)
- | Employees deferring into another 403(b) plan of the Employer
- | Employees of an Affiliated Employer that does not adopt this Plan
- | Highly Compensated Employees
- | Employees who are paid primarily
  - | by salary
  - | by the hour
  - | by commissions
- | Other (cannot be age or service related) \_\_\_\_\_

### 3. What are the Minimum Age and Service Requirements for Matching Contributions? An Eligible Employee will be eligible to enter the Plan as a Participant for Matching Contribution purposes on the applicable Entry Date upon satisfying the following age and/or service requirements: (check one age and one service requirement)

- | Age  | Service   |
|------|---|
| None | <b>1)</b> None  |
| 18   | <b>2)</b> 1-Year Period of Service  |
| 19   | <b>3)</b> _____ month(s) Period of Service (max. 12)  |
| 20   | <b>4)</b> _____ week(s) Period of Service (max. 52)   |
| 20½  | <b>5)</b> _____ day(s) Period of Service (max. 365)   |
| 21   | <b>6)</b> 1 Year of Service   |
|      | <b>7)</b> 1 Year of Service, or if earlier, _____ (max. 11) consecutive calendar months of employment<br>  in which the Employee is credited with at least _____ Hours of Service per month |
|      | <b>8)</b> 1 Year of Service, or if earlier, _____ (max. 51) consecutive weeks of employment<br>  in which the Employee is credited with at least _____ Hours of Service per week            |
|      | <b>9)</b> 1 Year of Service, or if earlier, _____ (max. 364) consecutive days of employment<br>  in which the Employee is credited with at least _____ Hours of Service per day             |
|      | <b>10)</b> 2 Years of Service – requires 100% full and immediate vesting  |

### 4. What is the Plan's Entry Date for Matching Contribution purposes? An Eligible Employee who has satisfied the applicable age and service requirements selected above will enter the Plan as a Participant on: (check one)

- | \_\_\_\_\_ (1<sup>st</sup> day of Plan Year) on or after the date the requirements are satisfied. (See note below)
- | The first day of the Plan Year on or after the date the requirements are satisfied. (See note below)
- | The last day of the Plan Year on or after the date the requirements are satisfied. (See note below)
- | The first day of the month on or after the date the requirements are satisfied.
- | The first day of the payroll period on or after the date the requirements are satisfied.
- | The same day the requirements are satisfied.
- | The first day of the 1<sup>st</sup> or 7<sup>th</sup> month on or after the date the requirements are satisfied.
- | The last day of the 6<sup>th</sup> or 12<sup>th</sup> month on or after the date the requirements are satisfied.
- | The first day of the 1<sup>st</sup>, 4<sup>th</sup>, 7<sup>th</sup> or 10<sup>th</sup> month on or after the date the requirements are satisfied.
- | The last day of the 3<sup>rd</sup>, 6<sup>th</sup>, 9<sup>th</sup> or 12<sup>th</sup> month on or after the date the requirements are satisfied.

Note: This option cannot be selected if you checked 1 year of service or 2 years of service for eligibility above or if the age requirement is 21.

**5. Are Age and/or Service Requirements waived for Matching Contribution purposes?**

- (a) | Yes, the Age and/or Service Requirements are waived as selected below.  
| Not waived (*skip to question 6*)

**(b) The date of the waiver is:** (*check one*)

- | The date this Adoption Agreement is signed by the Sponsoring Employer.  
| The following date \_\_\_\_\_

**(c) The eligibility requirements being waived are:** (*check all that apply*)

- | The age requirement  
| The service requirement

**(d) The waiver applies to:**

- | all Eligible Employees who are employed by the Employer on the date selected in (a) above.  
| all Eligible Employee who are employed by the Employer on the date selected in (a) above and and who are expected to be credited with at least \_\_\_\_\_ Hours of Service per month.

**6. Are there any requirements for Participants who make Elective Deferral Contributions to receive an allocation of Matching Contributions?** Note: If the Plan is intended to satisfy the ACP safe harbor of Code §401(m)(11) or 401(m)(12), no requirements can be imposed on a Participant below to receive an allocation of Matching Contributions during the applicable Plan Year.

- | No, there are no requirements to receive an allocation of matching contributions other than making an Elective Deferral  
| Yes, the Participant must be employed on the last day of the Plan Year  
| Yes, the Participant must be employed on the last day of the Plan Year and must be credited with \_\_\_\_\_ Hours of Service (*not more than 500 Hours of Service*)  
| Yes, the Participant must be credited with \_\_\_\_\_ Hours of Service (*not more than 1,000 Hours of Service*)  
| Yes, the Participant must be credited with a \_\_\_\_\_-month Period of Service in the Allocation (*max. 6*)  
| Yes, the Participant must be credited with \_\_\_\_\_ consecutive calendar months of service in the Allocation Period (*max. 6*)  
| Yes, the Participant must be credited with \_\_\_\_\_ consecutive days of service in the Allocation Period (*max. 182*)

**7. If there are requirements imposed in question #6 above for Participants to receive an allocation of Matching Contributions, are those conditions waived if the Participant terminates employment due to death, Disability, or attainment of retirement age?**

**(a) Are any of the requirements imposed in question #6 waived if the Participant terminates employment due to death?**

- | No  
| Yes, both the Hours of Service requirement and the last day requirement are waived  
| Yes, the Hours of Service requirement is waived  
| Yes, the last day requirement is waived

**(b) Are any of the requirements imposed in question #6 waived if the Participant terminates employment due to Disability?**

- | No  
| Yes, both the Hours of Service requirement and the last day requirement are waived  
| Yes, the Hours of Service requirement is waived  
| Yes, the last day requirement is waived

**(c) Are any of the requirements imposed in question #6 waived if the Participant terminates employment due to attainment of retirement age?**

- | No  
| Yes, both the Hours of Service requirement and the last day requirement are waived  
| Yes, the Hours of Service requirement is waived  
| Yes, the last day requirement is waived

**8. ACP Safe Harbor - Does the plan intend to operate as a safe harbor 401(m) plan and make an ACP safe harbor matching contribution?** A safe harbor 401(m) plan is exempt from most testing requirements contained in Code §401(m).

- | Yes
- | No (skip to question #9)

**(a) Which safe harbor matching contribution will the Employer make to the Plan?**

- | ACP contribution to be determined each year by resolution and notice to Participants
- | ACP safe harbor discretionary matching contribution which is totally discretionary but when made will not exceed 4% of a Participant's Compensation for an Allocation Period. (Note: contributions that exceed 4% of a Participant's Compensation is considered a non-safe harbor matching contribution and is subject to the ACP Test).
- | ACP safe harbor mandatory matching contributions formula which is:
  - equal to \_\_\_\_\_% of a Participant's Elective Deferrals
  - which do not exceed \_\_\_\_\_% of Compensation,
  - plus \_\_\_\_\_% of Elective Deferrals thereafter that do not exceed 6% of Compensation.
- | Qualified Automatic Contribution Arrangement (QACA) safe harbor matching contribution
- | Qualified Automatic Contribution Arrangement (QACA) non-elective contribution
- | Traditional ACP safe harbor 3% non-elective contribution
- | ACP safe harbor mandatory tiered formula equal to the amount stated below as long as the ratio of Matching Contributions for a Participant to the Participant's Elective Deferrals does not increase as the amount of the Participant's Elective Deferrals increases. (Note: In no event can Elective Deferrals that exceed 6% of Compensation for the Allocation Period be matched.)

- Tier 1** \_\_\_\_\_% of Elective Deferrals that do not exceed \_\_\_\_\_% of Compensation
- Tier 2** \_\_\_\_\_% of Elective Deferrals that exceed \_\_\_\_\_% but not \_\_\_\_\_% of Compensation
- Tier 3** \_\_\_\_\_% of Elective Deferrals that exceed \_\_\_\_\_% but not \_\_\_\_\_% of Compensation
- Tier 4** \_\_\_\_\_% of Elective Deferrals that exceed \_\_\_\_\_% but not \_\_\_\_\_% of Compensation

**(b) Will the safe harbor matching contribution be made to this plan or to another plan of the Employer?**

- | safe harbor matching contribution will be made to this plan
- | safe harbor matching contributions will be made to another plan instead of this plan. The name of that plan is:  
\_\_\_\_\_

**(c) What is the effective date of the safe harbor provisions?**

- | The initial effective date of the plan
- | Other: \_\_\_\_\_  
(Note: The effective date must comply with applicable IRS guidance. A safe harbor Plan year must be twelve (12) months long or at least three (3) months long if this is the first Plan Year of a newly established Plan).

**(d) If the safe harbor matching contribution is either the QACA safe harbor matching contribution or the QACA non-elective contribution, which of the following formulas will be used?**

- | \_\_\_\_\_% for the initial period commencing on the Participant's date of initial participation and ending on the last day of the first Plan year that begins after the date of the initial participation. (must be between 3% and 10%)
- | \_\_\_\_\_% of Compensation for the first Plan Year after the initial period (between 4% and 10%)
- | \_\_\_\_\_% of Compensation for the second Plan Year after the initial period (between 5% and 10%)
- | \_\_\_\_\_% of Compensation for the third and subsequent Plan Year(s) after the initial period (between 6% and 10%)

**(e) If the safe harbor matching contribution is the traditional 3% non-elective safe harbor contribution, which Participants will be eligible to receive this contribution? (check all that apply)**

- | All Participants
- | Each Participant who is a non-Highly Compensated Employee
- | Participants who have not completed a Year of Service since their original date of hire or who have not yet attained age 21, or who have not met the greatest age and service conditions contained in Code §4109a)(1)(A) within 6 months of the last day of the Plan Year.
- | Highly Compensated Employees who have completed \_\_\_\_\_ Hours of Service (max. 1,000)
- | Highly Compensated Employees who are employed on the last day of the Plan Year

**(f) When are the safe harbor matching contribution allocated?**

- | On an annual basis
- | On a payroll basis with no "true-up"
- | On a payroll basis with "true-up":
  - | each calendar month for Compensation and Elective Deferrals for that calendar month
  - | each plan-year quarter for Compensation and Elective Deferrals for that plan-year quarter
  - | at the end of each Plan Year

**9. What is the contribution and allocation formula for matching contributions?**

**(a) Is the matching contribution totally discretionary?**

- | Yes – the amount and allocation formula will be determined each year by the Employer *(skip to question 10)*
- | No

**(b) | Non-Tiered Formula.** The Employer will make a Matching Contribution for each Participant equal to the amount determined by the following non-tiered formula:

- | Equal to \_\_\_\_\_% of Elective Deferrals which do not exceed \_\_\_\_\_% of each Participant's Compensation
- | Equal to \_\_\_\_\_% of Elective Deferrals which do not exceed \$\_\_\_\_\_ for each Participant
- | Equal to \_\_\_\_\_% of Elective Deferrals which do not exceed the lesser of Elective Deferrals in excess of \_\_\_\_\_% of each Participant's Compensation or \$\_\_\_\_\_

**(c) | Tiered Formula.** The Employer will make a Matching Contribution for each Participant equal to the amount determined by the following tiered formula: *(check each tier that applies)*

- | **Tier 1** \_\_\_\_\_% of Elective Deferrals that do not exceed \_\_\_\_\_% of Compensation
- | **Tier 2** \_\_\_\_\_% of Elective Deferrals that exceed \_\_\_\_\_% but not \_\_\_\_\_% of Compensation
- | **Tier 3** \_\_\_\_\_% of Elective Deferrals that exceed \_\_\_\_\_% but not \_\_\_\_\_% of Compensation
- | **Tier 4** \_\_\_\_\_% of Elective Deferrals that exceed \_\_\_\_\_% but not \_\_\_\_\_% of Compensation
- | **Tier 5** \_\_\_\_\_% of Elective Deferrals that exceed \_\_\_\_\_% but not \_\_\_\_\_% of Compensation
- | **Tier 6** \_\_\_\_\_% of Elective Deferrals that exceed \_\_\_\_\_% but not \_\_\_\_\_% of Compensation

**(d) | Graded Formula One.** The Employer will make a Matching Contribution for each Participant based on the dollar amount of the Elective Deferral Contribution of each Participant as follows: *(check each tier that applies)*

- \_\_\_\_\_ % of the first \$ \_\_\_\_\_ of Elective Deferrals plus
- \_\_\_\_\_ % of the next \$ \_\_\_\_\_ of Elective Deferrals plus
- \_\_\_\_\_ % of the next \$ \_\_\_\_\_ of Elective Deferrals plus
- \_\_\_\_\_ % of the next \$ \_\_\_\_\_ of Elective Deferrals plus
- \_\_\_\_\_ % of the next \$ \_\_\_\_\_ of Elective Deferrals.

**(e) | Graded Formula Two.** The Employer will make a Matching Contribution for each Participant based on the percentage of Elective Deferrals of each Participant as follows: *(check each tier that applies)*

- \_\_\_\_\_ % of the first \_\_\_\_\_% of Elective Deferrals plus
- \_\_\_\_\_ % of the next \_\_\_\_\_% of Elective Deferrals plus
- \_\_\_\_\_ % of the next \_\_\_\_\_% of Elective Deferrals plus
- \_\_\_\_\_ % of the next \_\_\_\_\_% of Elective Deferrals plus
- \_\_\_\_\_ % of the next \_\_\_\_\_% of Elective Deferrals.

**(f) | Graded Formula Three.** The Employer will make a Matching Contribution for each Participant based on the dollar amount of Compensation of each Participant as follows: *(check each tier that applies)*

- \_\_\_\_\_ % if contribution is \$ \_\_\_\_\_ or more
- \_\_\_\_\_ % if contribution is \$ \_\_\_\_\_ or more
- \_\_\_\_\_ % if contribution is \$ \_\_\_\_\_ or more
- \_\_\_\_\_ % if contribution is \$ \_\_\_\_\_ or more
- \_\_\_\_\_ % if contribution if \$ \_\_\_\_\_ or more.

**(g) | Graded Formula Four.** The Employer will make a Matching Contribution for each Participant based on the percentage of Compensation of each Participant as follows: *(check each tier that applies)*

- \_\_\_\_\_ % if contribution is \_\_\_\_\_% or more
- \_\_\_\_\_ % if contribution is \_\_\_\_\_% or more
- \_\_\_\_\_ % if contribution is \_\_\_\_\_% or more
- \_\_\_\_\_ % if contribution is \_\_\_\_\_% or more
- \_\_\_\_\_ % if contribution if \_\_\_\_\_% or more.

(h) | **Graded Formula Five.** The Employer will make a Matching Contribution for each Participant based on the number of Years of Service or participation of each Participant as follows:

- | Based on Years of Service
- | Based on years of participation

Exceeding \_\_\_\_\_ years, the matching contribution is \_\_\_\_\_ %  
Exceeding \_\_\_\_\_ years, the matching contribution is \_\_\_\_\_ %  
Exceeding \_\_\_\_\_ years, the matching contribution is \_\_\_\_\_ %  
Exceeding \_\_\_\_\_ years, the matching contribution is \_\_\_\_\_ %  
Exceeding \_\_\_\_\_ years, the matching contribution is \_\_\_\_\_ %  
Exceeding \_\_\_\_\_ years, the matching contribution is \_\_\_\_\_ %

(i) | **Graded Formula Six.** The Employer will make a Matching Contribution for each Participant based on the number of Years of Service or participation of each Participant as follows:

- | Based on Years of Service
- | Based on years of participation

Exceeding \_\_\_\_\_ years, the matching contribution is \_\_\_\_\_ % plus  
\_\_\_\_\_ years to \_\_\_\_\_ years, the matching contribution is an additional \_\_\_\_\_ % plus  
\_\_\_\_\_ years to \_\_\_\_\_ years, the matching contribution is an additional \_\_\_\_\_ % plus  
\_\_\_\_\_ years to \_\_\_\_\_ years, the matching contribution is an additional \_\_\_\_\_ % plus  
\_\_\_\_\_ years to \_\_\_\_\_ years, the matching contribution is an additional \_\_\_\_\_ %

(j) | **Graded Formula Seven.** The Employer will make a Matching Contribution for each Participant based on the number of Years of Service or participation for each Participant as follows:

- | Based on Years of Service
- | Based on years of participation

Exceeding \_\_\_\_\_ year(s), the matching contribution is \_\_\_\_\_ % not to exceed \$ \_\_\_\_\_ per Participant plus  
\_\_\_\_\_ years to \_\_\_\_\_ years, the matching contrib. is an add'l \_\_\_\_\_ % not to exceed \$ \_\_\_\_\_ per Participant plus  
\_\_\_\_\_ years to \_\_\_\_\_ years, the matching contrib. is an add'l \_\_\_\_\_ % not to exceed \$ \_\_\_\_\_ per Participant plus  
\_\_\_\_\_ years to \_\_\_\_\_ years, the matching contrib. is an add'l \_\_\_\_\_ % not to exceed \$ \_\_\_\_\_ per Participant plus  
\_\_\_\_\_ years to \_\_\_\_\_ years, the matching contrib. is an add'l \_\_\_\_\_ % not to exceed \$ \_\_\_\_\_ per Participant plus  
\_\_\_\_\_ years to \_\_\_\_\_ years, the matching contrib. is an add'l \_\_\_\_\_ % not to exceed \$ \_\_\_\_\_ per Participant plus

**10. What is the Plan's Vesting Schedule for Matching Contribution purposes?** A Participant's Vested Interest in the Matching Contributions allocated to each Participant will be determined by the provisions below:

- | 100% full and immediate
- | 6 Year Graded
- | 3 Year Cliff
- | The schedule below (*each Year of Service must satisfy a 6 Year Graded schedule unless 100% Vesting occurs after 3 years*)

1 Year/Period of Service \_\_\_\_\_ %  
2 Years/Periods of Service \_\_\_\_\_ % (*must be at least 20% unless 100% vesting occurs after 3 years*)  
3 Years/Periods of Service \_\_\_\_\_ % (*must be at least 40%*)  
4 Years/Periods of Service \_\_\_\_\_ % (*must be at least 60%*)  
5 Years/Periods of Service \_\_\_\_\_ % (*must be at least 80%*)  
6 Years/Periods of Service \_\_\_\_\_ % (*must be 100%*)

**11. If the Vesting Schedule selected above is not 100% full and immediate, does a Participant become 100% vested at:**

- | Death
- | Disability
- | Early Retirement if the Plan permits Early Retirement

**12. Is any Service excluded for Vesting purposes?** A Participant's Vested Interest in the Matching Contributions allocated to each Participant will count all Years of Service / Periods of Service with the Employer except:

- | Years of Service before age 18
- | Years of Service before the Employer maintained this Plan or a predecessor plan
- | Years of Service during a period the Employer made no contributions to the Plan

**13. How is a Participant's Compensation determined for Matching Contribution purposes?**

**(a) Compensation is defined as:** *(check one)*

- | Form W-2 Compensation
- | Code §3401 Compensation
- | Code §415 Safe Harbor Compensation

**(b) Elective contributions under Code §125, §132(f)(4), §402(h), §402(e)(3), §403(b), §457(b) and §414(h)(2) will:**

- | Be included as Compensation
- | Not be included as Compensation

**(c) The Compensation measuring period is the:** *(check one)*

- | Plan Year
- | Fiscal Year ending on or within the Plan Year
- | Calendar year ending on or within the Plan Year

**(d) The following categories of remuneration will be excluded as Compensation:** *(check all that apply)*

- | **1) None** *(skip to question 2)*
- | **2) Compensation received prior to becoming a Participant**
- | **3) Compensation received while an ineligible Employee under question 1(a) above.**
- | **4) Certain fringe benefits which are all items in Regulation §1.414(s)-1(c)(3)**
- | **5) Bonuses**
- | **6) Overtime**
- | **7) Commissions**
- | **8) Other** \_\_\_\_\_

*Note: Compensation used for ACP Safe Harbor purposes must comply with Code §414(s) Compensation. The amounts excluded under (e)(4)-(8) may only be excluded if Compensation passes the compensation concentration test.*

**(e) | The amounts excluded under (e)(4) – (7) will only be excluded with respect to the following:** *(check all that apply)*

- | Highly Compensated Employees
- | Other \_\_\_\_\_

**(f) Is Post-Severance Compensation counted as Compensation?**

- | Yes
- | No

## Forfeitures

---

**1. How are forfeitures of matching contribution allocated?**

- | Allocated pro-rata based on compensation
- | Added to and allocated with contributions
- | Used to reduce contributions

**2. When will forfeitures occur?**

- | Upon the earlier of distributions or 5 consecutive Breaks in Service
- | After one Break in Service
- | After 2 consecutive Breaks in Service
- | After 3 consecutive Breaks in Service
- | After 4 consecutive Breaks in Service
- | After 5 consecutive Breaks in Service

## Rollover Contributions

---

**1. Are rollover contributions permitted?**

- | Yes
- | No (*skip to the next section on Voluntary Employee Contributions*)

**2. Who can make Rollover Contributions to the Plan? (check one)**

- | Any Employee (*including those who are not Eligible Employees*)
- | Any Eligible Employee (*whether a Participant or not*)
- | Any Eligible Employee who has become a Participant for Elective Deferral purposes

**3. From which plans will Rollover Contributions be accepted? (check any that apply)**

- | Code §401(a) plans
- | Code §403(a) plans
- | Code §403(b) plans
- | Code §408(a) plans
- | Code §408(b) plans
- | Code §457(b) plans

**4. Can Rollover Contributions include any of the following? (check all that apply)**

- | Roth Elective Deferrals (*only if this Plan permits Roth Elective Deferrals*)
- | Voluntary Employee Contributions
- | Mandatory Employee Contributions
- | Participant loans
- | In kind distributions (other than Participant loans)

**5. When can Rollover Contributions be withdrawn from the Plan? (check one)**

- | At any time
- | Annually on a date set by the Administrator
- | Semi-annually on dates set by the Administrator
- | Quarterly on dates set by the Administrator
- | Monthly on dates set by the Administrator
- | Only upon termination of employment (*complete question 6 below*)

**6. If Rollover Contributions can be withdrawn from the Plan only upon termination of employment, when will the distribution be made? (check one)**

- | At any time
- | An administratively reasonable time after the Participant has a 1-year Break in Service
- | An administratively reasonable time after the Participant has \_\_\_\_\_ (*max. 5*) consecutive 1-year Breaks in Service
- | An administratively reasonable time after the end of the Plan Year in which the Participant terminates employment
- | An administratively reasonable time after the Participant terminates employment
- | An administratively reasonable time after the Participant terminates employment, but not more than \_\_\_\_\_ days after termination of employment
- | An administratively reasonable time after the Participant terminates employment, but not earlier than \_\_\_\_\_ days after termination of employment
- | An administratively reasonable time after the next Valuation Date of the Plan
- | An administratively reasonable time after the Participant requests payment
- | An administratively reasonable time after the date the Participant reaches his or her Normal (or Early) Retirement Age under the Plan
- | Annually on a date set by the Administrator
- | Semi-annually on dates set by the Administrator

**7. Can Rollover Contributions which are withdrawn from the Plan be redeposited in the Plan?**

- | Yes
- | No

## Voluntary Employee Contributions

---

1. **Voluntary Employee Contributions.** Voluntary Employee Contributions are permitted as selected below:

(a) **Are Voluntary Employee Contributions permitted?**

- | Yes
- | No (skip to the section on Compensation Definitions)
- | No but were formerly permitted (skip to the section on Compensation Definitions)

(b) **Voluntary Employee Contributions can be made to the Plan by:** (check one)

- | Any Eligible Employee who has become a Participant for Elective Deferral purposes
- | Other: \_\_\_\_\_

(c) **Minimum and Maximum Contribution.**

The minimum permitted Voluntary Employee Contribution is \_\_\_\_\_% (enter zero if no minimum) of Compensation.

The maximum permitted contribution is \_\_\_\_\_% of Compensation.

Voluntary Employee Contributions can be made by a Participant

- | annually
- | monthly
- | each payroll period

(d) **Voluntary Employee Contributions can be withdrawn from the Plan:** (check one)

- | At any time
- | Annually on a date set by the Administrator
- | Semi-annually on dates set by the Administrator
- | Quarterly on dates set by the Administrator
- | Monthly on dates set by the Administrator
- | Only upon termination of employment and at the time selected in Section 15.5(f) of the Adoption Agreement

2. **How is a Participant's Compensation for purposes of Voluntary Employee Contributions determined?**

(a) **Compensation is defined as:** (check one)

- | Form W-2 Compensation
- | Code §3401 Compensation
- | Code §415 Safe Harbor Compensation

(b) **Deferrals under Code §125, §132(f)(4), §401(k), §402(h), §403(b), §457(b) and §414(h)(2) will:** (check one)

- | Be included as Compensation
- | Not be included as Compensation

(c) **The Compensation measuring period is the:** (check one)

- | Plan Year
- | Fiscal Year ending on or within the Plan Year
- | Calendar year ending on or within the Plan Year

(d) **The following categories of remuneration will not be counted as Compensation:** (check all that apply)

- | 1) Compensation received prior to becoming a Participant
- | 2) Compensation received while an ineligible Employee for Elective Deferral purposes
- | 3) All items in Regulation §1.414(s)-1(c)(3) (i.e., expense allowances, fringe benefit, moving expenses, etc.)
- | 4) Bonuses
- | 5) Overtime
- | 6) Commissions
- | 7) Other \_\_\_\_\_

(e) **The amounts excluded under (d)(4) – (7) will only be excluded with respect to the following:** (check all that apply)

- | Highly Compensated Employees
- | Other \_\_\_\_\_

(f) **Is Post-Severance Compensation counted as Compensation for purposes of Voluntary Employee Contributions?**

- | Yes
- | No

## Prevailing Wage Contributions

---

### 1. Will the Employer make contributions to the Plan for Prevailing Wage Service?

- | Yes – for all Participants
- | Yes – only for Participants who are non-Highly Compensated Employees (NHCEs)
- | No (*skip to the next section on Compensation Definitions*)

**2. What is the Plan's Vesting Schedule for Prevailing Wage Contributions?** Prevailing Wage contributions are 100% Vested at all times unless they are “annualized” pursuant to regulations promulgated by the Dept. of Labor and/or are not used to offset and Employer contribution that is required to be 100% Vested at all times, in which case they will be Vested according to the Vesting Schedule below.

- | 100% full and immediate
- | 6 Year Graded
- | 3 Year Cliff
- | The schedule below (*each Year of Service must satisfy a 6 Year Graded schedule unless 100% Vesting occurs after 3 years*)

1 Year/Period of Service _____%
2 Years/Periods of Service _____% ( <i>must be at least 20% unless 100% vesting occurs after 3 years</i> )
3 Years/Periods of Service _____% ( <i>must be at least 40%</i> )
4 Years/Periods of Service _____% ( <i>must be at least 60%</i> )
5 Years/Periods of Service _____% ( <i>must be at least 80%</i> )
6 Years/Periods of Service _____% ( <i>must be 100%</i> )

### 3. If the Vesting Schedule selected above is not 100% full and immediate, does a Participant become 100% vested at:

- | Death
- | Disability
- | Early Retirement if the Plan permits Early Retirement

**4. Is any Service excluded for Vesting purposes?** A Participant's Vested Interest in the Matching Contributions allocated to each Participant will count all Years of Service / Periods of Service with the Employer except:

- | Years of Service before age 18
- | Years of Service before the Employer maintained this Plan or a predecessor plan
- | Years of Service during a period the Employee made no contributions to the Plan

## Compensation Definitions

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### 1. What is the Compensation used by the Plan for any applicable Code §415 Limitation Determinations?

- | Form W-2 Compensation
- | Code §3401 Compensation
- | Code §415 Safe Harbor Compensation
- | Code §415 Statutory Compensation

### 2. Does Code §415(c)(3) Compensation include Deemed Code §125 Compensation?

- | Yes
- | No

### 3. In applying the limitations under Code §415, what is the Limitation Year?

- | Plan Year
- | The Fiscal Year ending on or within the Plan Year
- | The calendar year ending on or within the Plan Year

## Allocation of Earnings and Losses

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- | **Elective Deferral Accounts.** Investment earnings and losses on non-segregated Elective Deferral Accounts will be allocated in accordance with the provisions selected below. *(check one)*
  - | On a daily valuation basis as determined by the Administrator
  - | On a time weighted basis as determined by the Administrator
  - | On the beginning Account balance unadjusted for any contributions and withdrawals since the prior Valuation Date
  - | On the beginning Account balance adjusted for contributions and withdrawals since the prior Valuation Date
  - | Other \_\_\_\_\_
  
- | **ACP Safe Harbor Matching Contribution Accounts.** Investment earnings and losses on non-segregated ACP Safe Harbor Matching Contribution Accounts will be allocated in accordance with the provisions selected below. *(check one)*
  - | On a daily valuation basis as determined by the Administrator
  - | On a time weighted basis as determined by the Administrator
  - | On the beginning Account balance unadjusted for any contributions and withdrawals since the prior Valuation Date
  - | On the beginning Account balance adjusted for contributions and withdrawals since the prior Valuation Date
  - | Other \_\_\_\_\_
  
- | **Matching Contribution Accounts.** Investment earnings and losses on non-segregated non-safe harbor Matching Contribution Accounts will be allocated in accordance with the provisions selected below. *(check one)*
  - | On a daily valuation basis as determined by the Administrator
  - | On a time weighted basis as determined by the Administrator
  - | On the beginning Account balance unadjusted for any contributions and withdrawals since the prior Valuation Date
  - | On the beginning Account balance adjusted for contributions and withdrawals since the prior Valuation Date
  - | Other \_\_\_\_\_
  
- | **Rollover Contributions.** Investment earnings and losses on non-segregated Rollover Accounts will be allocated in accordance with the provisions selected below. *(check one)*
  - | On a daily valuation basis as determined by the Administrator
  - | On a time weighted basis as determined by the Administrator
  - | On the beginning Account balance unadjusted for any contributions and withdrawals since the prior Valuation Date
  - | On the beginning Account balance adjusted for contributions and withdrawals since the prior Valuation Date
  - | Other \_\_\_\_\_
  
- | **Voluntary Employee Contributions.** Investment earnings and losses on non-segregated Voluntary Employee Contribution Accounts will be allocated in accordance with the provisions below. *(check one)*
  - | On a daily valuation basis as determined by the Administrator
  - | On a time weighted basis as determined by the Administrator
  - | On the beginning Account balance unadjusted for any contributions and withdrawals since the prior Valuation Date
  - | On the beginning Account balance adjusted for contributions and withdrawals since the prior Valuation Date
  - | Other \_\_\_\_\_
  
- | **Prevailing Wage Contributions.** Investment earnings and losses on non-segregated Voluntary Employee Contribution Accounts will be allocated in accordance with the provisions below. *(check one)*
  - | On a daily valuation basis as determined by the Administrator
  - | On a time weighted basis as determined by the Administrator
  - | On the beginning Account balance unadjusted for any contributions and withdrawals since the prior Valuation Date
  - | On the beginning Account balance adjusted for contributions and withdrawals since the prior Valuation Date
  - | Other \_\_\_\_\_

## Normal and Early Retirement Age

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### 1. What is the Plan's Normal Retirement Age?

- | Attainment of Age \_\_\_\_\_ (max. 65)
- | The later of Age \_\_\_\_\_ (max. 65) and the | first | second | third | fourth | fifth anniversary of becoming a Participant in the Plan
- | The later of Age \_\_\_\_\_ (max. 65) and the | one | two | three | four | five years of service with the Sponsoring Employer, Affiliated Employer, or Other employer if credit is given above for service with another employer. The service requirement is deemed satisfied on:
  - | the actual date service is completed
  - | the first day of the year in which service is completed
- | The sum of Age and Years of Participation which equals \_\_\_\_\_, but in no event later than the later of age 65 or the 5<sup>th</sup> anniversary of participation.
- | The sum of Age and Years of Service which equals \_\_\_\_\_, but in no event later than the later of age 65 or the 5<sup>th</sup> anniversary of participation.

### 2. What is the Plan's Normal Retirement Date? (check one)

- | The Anniversary Date following the date a Participant reaches Normal Retirement Age
- | The Anniversary Date nearest the date a Participant reaches Normal Retirement Age
- | The first day of the month following the date a Participant reaches Normal Retirement Age
- | The first day of the month nearest the date a Participant reaches Normal Retirement Age
- | The last day of the month following the date a Participant reaches Normal Retirement Age
- | The last day of the month nearest the date a Participant reaches Normal Retirement Age
- | The same date a Participant reaches Normal Retirement Age

### 3. What is the Plan's Early Retirement Age?

- | Not applicable - Early Retirement is not permitted (*skip to the next Section on Distribution Provisions*)
- | Permitted and the Plan's Early Retirement Age is Age \_\_\_\_\_ (max. 64)
- | Permitted and the Plan's Early Retirement Age is the later of Age \_\_\_\_\_ or the date the Participant is credited with at least \_\_\_\_\_ Year(s) / Period(s) of Service.
- | Permitted and the Plan's Early Retirement Age is the later of Age \_\_\_\_\_ or the date the Participant is credited with at least \_\_\_\_\_ Year(s) / Period(s) of Participation.
- | Permitted provided the sum of age and Years of Service equals \_\_\_\_\_.
- | Permitted provided the sum of age and Years of Participant equals \_\_\_\_\_.

### 4. What is the Plan's Early Retirement Date? (check one)

- | Any Anniversary Date after a Participant reaches Early Retirement Age
- | The first day of any month after a Participant reaches Early Retirement Age
- | Any date after a Participant reaches Early Retirement Age

## Distribution Provisions

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1. **What is the Normal Form of Distribution for Distributions Other Than Death or Disability Benefits?** The benefit payable to a Participant who terminates employment with the Employer for reasons other than death or Disability, including terminating because of retirement on or after his or her Normal (or Early) Retirement Date, will be distributed in the manner selected below:

- (a) | **Lump Sum Payment**
- (b) | **Installment Payments**
- (c) | **Optional Forms of Distribution** (*check all that apply*)
  - | No Optional Forms of Distribution are permitted (*skip to question 2 below*)
  - | Installment payments
  - | Partial payments as requested from time to time by the Participant
  - | Any form of annuity which can be purchased from an insurance company (*subject to the QJSA rules*)

- (d) | **Qualified Joint and Survivor Annuity** | and Optional Forms of Distribution are: *(check all that apply)*
- | A lump sum payment
  - | Installment payments
  - | Partial payments as requested from time to time by the Participant
  - | Any other form of annuity which can be purchased from an insurance company
- (e) **Time of Distribution.** Distribution of benefits payable to a Participant who terminates employment with the Employer for reasons other than death or Disability, including terminating because of retirement on or after his or her Normal (or Early) Retirement Date, will be distributed within an administratively reasonable time after: *(check one)*
- | The Participant has a 1-year Break in Service
  - | The Participant has \_\_\_\_\_ *(max. 5)* consecutive 1-year Breaks in Service
  - | The end of the Plan Year in which the Participant terminates employment
  - | The Participant terminates employment
  - | The Participant terminates employment, but not more than \_\_\_\_\_ days after termination of employment
  - | The Participant terminates employment, but not earlier than \_\_\_\_\_ days after termination of employment
  - | The next Valuation Date of the Plan
  - | The Participant requests payment
  - | The date the Participant reaches his or her Normal (or Early) Retirement Age under the Plan

**2. What is the Normal Form of Distribution of Benefits Because of Disability?** With respect to a Participant who terminates employment because of his or her Disability, distribution will be made according to the provisions selected below.

- (a) | **Lump Sum Payment**
- (b) | **Installment Payments**
- (c) | **Optional Forms of Distribution** *(check all that apply)*
- | No Optional Forms of Distribution are permitted *(skip to question 2(e) regarding Time of Distribution)*
  - | Installment payments
  - | Partial payments as requested from time to time by the Participant
  - | Any form of annuity which can be purchased from an insurance company *(subject to the QJSA rules)*
- (d) | **Qualified Joint and Survivor Annuity** *(check all that apply)*
- | A lump sum payment
  - | Installment payments
  - | Partial payments as requested from time to time by the Participant
  - | Any other form of annuity which can be purchased from an insurance company
- (e) **Time of Distribution.** Distribution of a Disability Benefit will be made within an administratively reasonable time after: *(check one)*
- | The Participant has a 1-year Break in Service
  - | The Participant has \_\_\_\_\_ *(max. 5)* consecutive 1-year Breaks in Service
  - | The end of the Plan Year in which the Participant terminates employment
  - | The Participant terminates employment
  - | The Participant terminates employment, but not more than \_\_\_\_\_ days after termination of employment
  - | The Participant terminates employment, but not earlier than \_\_\_\_\_ days after termination of employment
  - | The next Valuation Date of the Plan
  - | The Participant requests payment
  - | The date the Participant reaches his or her Normal (or Early) Retirement Age under the Plan

- (f) **Definition of Disability.** A Participant will be considered to have suffered a Disability for Plan purposes if the Participant suffers a mental or physical impairment while still an Employee which: *(check all that apply)*
- | In the opinion of a physician acceptable to the Administrator, totally and permanently prevents the Participant from engaging in any occupation for pay or profit.
  - | In the opinion of a physician acceptable to the Administrator, totally and permanently prevents the Participant from performing customary and usual duties for the Employer
  - | In the opinion of the Social Security Administration, qualifies the Participant for disability benefits under the Social Security Act in effect on the date the Participant suffers the mental or physical impairment.
  - | In the opinion of the insurance company, qualifies the Participant for benefits under an Employer-sponsored long-term disability plan which is administered by an independent third party.
- (g) | **Exceptions.** Notwithstanding (b) above, a Participant will not be considered to have suffered a Disability for purposes of the Plan if the mental or physical impairment is the result of: *(check all that apply)*
- | The illegal drugs or intoxicants
  - | An intentionally self-inflicted injury or sickness
  - | An injury suffered as a result of an unlawful or criminal act by the Participant
  - | None of the above

### 3. What is the Normal Form of Distribution of Benefits Upon Death?

- (a) | **Lump Sum Payment**
- (b) | **Installment Payments**
- (c) | **Optional Forms of Distribution** *(check all that apply)*
- | No Optional Forms of Distribution are permitted *(skip to question 4 below)*
  - | Installment payments
  - | Partial payments as requested from time to time by the Participant
  - | Any form of annuity which can be purchased from an insurance company *(subject to the QJSA rules)*
- (d) | **Qualified Joint and Survivor Annuity** *(check all that apply)*
- | A lump sum payment
  - | Installment payments
  - | Partial payments as requested from time to time by the Participant
  - | Any other form of annuity which can be purchased from an insurance company

*Note: If Qualified Joint and Survivor Annuity is checked, any death benefit payable to the surviving Spouse of a deceased Participant will be distributed as a Qualified Pre-Retirement Survivor Annuity unless the QPSA has been waived by the Participant. Any death benefit payable to a non-Spouse Beneficiary (or any death benefit payable to a surviving Spouse where the QPSA has been waived) will be distributed in the form of distribution selected above in (a), (b), or (c).*

- (e) **What is the value of the QPSA?** If question 3(d) is checked, the value of a QPSA is:
- | 50% of the deceased Participant's Vested Aggregate Account
  - | 100% of the deceased Participant's Vested Aggregate Account
- (f) **If the Participant did not waive the QPSA prior to his or her death, is the deceased Participant's surviving Spouse permitted to waive the QPSA after the Participant's death?**
- | Yes
  - | No
- (g) **Time of Distribution.** Distribution of the benefits payable under the Plan due to Death will be made: *(check one)*
- | By the end of the fifth (5<sup>th</sup>) year for all Beneficiaries
  - | No later than the 60<sup>th</sup> day following the end of the Plan Year in which the Participant dies through extended payments for all beneficiaries as provided for in the Basic Plan Document
  - | By the end of the fifth (5<sup>th</sup>) year for all non-Spouse Beneficiaries and allow extended payments as provided for in the Basic Plan Document only if the Participant's Spouse is the Participant's sole primary Beneficiary.

**4. Mandatory Cash-Outs.** Subject to Section 5.5 of the Basic Plan Document, the Administrator will distribute the Aggregate Account balance of a terminated Participant without his or her consent based on the threshold selected below:

- (a) **Cash-Out Threshold.** The dollar threshold for mandatory cash-outs is *(check one)*
  - | \$5,000 including Rollover Contributions
  - | \$5,000 excluding Rollover Contributions
  - | \$1,000 including Rollover Contributions
  - | \$ \_\_\_\_\_ *(less than \$5,000 but more than \$1,000)* including Rollover Contributions
  - | \$ \_\_\_\_\_ *(less than \$1,000)* including Rollover Contributions
  
- (b) | **Use of Rollover Contributions.** If Rollover Contributions are excluded in (a), the election applies to distributions made on or after \_\_\_\_\_ *(the date cannot be earlier than January 1, 2002)* with respect to Participants who separated from service on or after \_\_\_\_\_ *(the date can be earlier than January 1, 2002)*.

**5. Are In-Service Distributions permitted?**

- | Yes, permitted for all Participants while he or she is still employed by the Employer as selected below
- | Yes, permitted for only Participants who are NHCEs while he or she is still employed by the Employer as selected below
- | No *(skip to question 7 on Financial Hardship Distributions)*

- (a) | **Distributions to Participants Still Employed After Normal Retirement Age.** A Participant who has reached Normal Retirement Age but has not terminated employment with the Employer can withdraw all or any portion of his or her Vested Aggregate Account balance.
  
- (b) | **Distributions to Participants Still Employed Before Normal Retirement Age.** A Participant who has not reached Normal Retirement Age, has not terminated employment with the Employer, and who has reached Age \_\_\_\_\_ *(at least 59½)* can withdraw all or any portion of his or her Elective Deferrals.

**6. Are Financial Hardship Distributions permitted?**

- | No
- | Yes

**7. When are benefits payable pursuant to a Qualified Domestic Relations Order (QDRO) distributed?**

- | Such benefits cannot be distributed until the affected Participant has reached the Earliest Retirement Age
- | Such benefits can be distributed at any time (even if the affected Participant has not yet reached the Earliest Retirement Age)

**8. Required Minimum Distributions.** In applying the required minimum distribution requirements set forth in Section 5.9 of the Basic Plan Document, the following provisions will apply:

- (a) **What is the Required Beginning Date for Participants who are not 5% owners?** *(check one)*
  - | Age 70½
  - | The later of Age 70½ or actual retirement
  
- (b) **Required Distributions After Death.** If a Participant dies before distributions are required to begin and there is a designated beneficiary, Section 5.9 of the Basic Plan Document requires that a Participant's entire interest be distributed to the designated beneficiary by December 31st of the calendar year containing the 5<sup>th</sup> anniversary of the Participant's death. Is the designated beneficiary permitted to elect the life expectancy method?
  - | Yes
  - | No
  
- (c) **Effective Date.** The required minimum distribution rules apply to distributions made on or after January 1, 2003. Do the required minimum distribution rules apply to distributions made on or after January 1, 2002?
  - | Yes, and the date is \_\_\_\_\_ *(the date must be on or after January 1, 2002)*.
  - | No

## Loans and Investments

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**1. Does the Plan permit loans to Participants?**

- | Yes *(complete the Loan Addendum at the end of this checklist. A separate written Loan Policy can be utilized in place of the Loan Addendum.)*
- | No

**2. Can the Plan invest the portion of a Participant's Account not invested in a Custodial Account in life insurance?**

- | Yes
- | No

**3. How are investments in a Participant's Aggregate account directed?**

- | 100% trustee directed *(skip to next section on Miscellaneous Elections)*
- | 100% participant directed

**4. If Participants are permitted to direct their investments, which of the following account balances are they permitted to direct the investments of?**

- | Pre-Tax Elective Deferrals
- | Roth Elective Deferrals
- | 403(b) Catch-up Contributions
- | 414(v) Catch-up Contributions
- | Rollover Contributions
- | Transfer Accounts
- | Voluntary Employee Contributions

## Miscellaneous Elections

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**1. Is a Calendar Year Election being made for the purposes of determining who is a Highly Compensated Employee (HCE)?**

- | Yes *(complete the Loan Addendum at the end of this checklist. A separate written Loan Policy can be provided by the Employer.)*
- | No

**2. Is the Top Paid Group Election being made for the purpose of determining who is a Highly Compensated Employee (HCE)?**

- | Yes *(complete the Loan Addendum at the end of this checklist. A separate written Loan Policy can be provided by the Employer.)*
- | No

**3. Are any expenses incurred for the benefit of a specific Participant charged directly to his or her account?**

- | Yes *(complete the Expense Addendum at the end of this checklist. A separate written Expense Policy can be provided by the Employer.)*
- | No

**4. How are the Actual Contribution Percentages of non-Highly Compensated Employees (NHCEs) determined?**

- | Current Year with no exceptions
- | Current Year with exceptions for the following years – \_\_\_\_\_
- | Prior Year with no exceptions
- | Prior Year with exceptions for the following years - \_\_\_\_\_

**5. If Prior Year testing is selected above, what is the non-Highly Compensated Employee percentage for the first Plan Year?**

- | 3%
- | Current Year percentages

## Loan Addendum

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**1. Who can borrow from the plan?** *(check all that apply)*

- | Active Participants who are still employees
- | Terminated participants with an undistributed benefit
- | Beneficiaries with an undistributed death benefit

**2. Is there a minimum allowable loan amount?**

- | No
- | Yes - \$ \_\_\_\_\_ (max. \$1,000)

**3. Is there a maximum allowable loan amount that is less than the statutory maximum amount of \$50,000?**

- | No
- | Yes - \$ \_\_\_\_\_ (max. \$49,999)

**4. Does the Plan use the \$10,000 / \$20,000 alternative maximum benefit?**

- | No
- | Yes

**5. Are loans permitted for reasons of financial hardship?**

- | No
- | Yes

**7. Are loans permitted for residential mortgages?**

- | No
- | Yes

**8. What is the initial interest rate on loans?**

- | The prime rate
- | The prime rate plus \_\_\_\_\_ %
- | The local bank lending rate
- | The local bank lending rate plus \_\_\_\_\_ %
- | A nominal rate of \_\_\_\_\_ %
- | Determined by the Administrator at the time of the loan

**9. How are loans to be repaid?**

- | By payroll deductions only
- | By payroll deduction or directly
- | By direct repayment only

**10. Is early repayment permitted?**

- | No
- | Yes, but only if the loan is repaid in full
- | Yes, as either a partial or full repayment

**11. How are loans treated at the termination of employment?**

- | The entire balance is due
- | Repayments can continue until the loan is repaid in full
- | Repayments can continue for 1 year after termination
- | Repayments can continue for 2 years after termination

**12. Are repayments suspended during a leave of absence?**

- | No
- | Yes

**13. When is a loan considered to be in default?**

- | After one missed payment
- | After two missed payments
- | As of the last day of the cure period

**14. How many loans can a participant have outstanding at any point in time?**

- | One
- | Two
- | Three

**15. Can an existing loan be refinanced?**

- | No
- | Yes – loans can be refinanced:
  - | at any time
  - | only when the new interest rate would be lower

**16. What is the fee to process a participant loan?**

- | No fee
- | Pass through of a third-party charge
- | Other - \$ \_\_\_\_\_

**17. What is the fee to maintain a Participant loan?**

- | No fee
- | Pass through of a third-party charge
- | Other - \$ \_\_\_\_\_

## **Expense Addendum**

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**1. What is the fee to process distribution forms?**

- | No fee
- | Pass through of third-party charge
- | Other - \$ \_\_\_\_\_

**2. What is the fee to calculate a lump sum benefit?**

- | No fee
- | Pass through of third-party charge
- | Other - \$ \_\_\_\_\_

**3. What is the fee to calculate an installment benefit?**

- | No fee
- | Pass through of third-party charge
- | Other - \$ \_\_\_\_\_

**4. What is the fee to calculate an annuity benefit?**

- | No fee
- | Pass through of third-party charge
- | Other - \$ \_\_\_\_\_

**5. What is the fee to process a hardship distribution?**

- | Not applicable – hardship distributions are not permitted
- | No fee
- | Pass through of third-party charge
- | Other - \$ \_\_\_\_\_

**6. What is the fee to process an in-service distribution?**

- | Not applicable – in-service distributions are not permitted
- | No fee
- | Pass through of third-party charge
- | Other - \$ \_\_\_\_\_

**7. What is the fee to process a required minimum distribution?**

- | No fee
- | Pass through of third-party charge
- | Other - \$ \_\_\_\_\_

**8. What is the fee to process a Qualified Domestic Relations Order (QDRO)?**

- | No fee
- | Pass through of third-party charge
- | Other - \$ \_\_\_\_\_

**9. What is the fee to establish an IRA for a missing participant?**

- | No fee
- | Pass through of third-party charge
- | Other - \$ \_\_\_\_\_

**10. What is the annual fee to maintain an undistributed account?**

- | No fee
- | Pass through of third-party charge
- | Other - \$ \_\_\_\_\_

**11. What is the annual fee to use the directed account option?**

- | No fee
- | Pass through of third-party charge
- | Other - \$ \_\_\_\_\_