Form **4461**

(Rev. June 1977)

Department of the Treasury
Internal Revenue Service

Application for

Approval of Master or Prototype Defined Contribution Plan

(Form of Plan under Section 401(a) of the Internal Revenue Code and related Trust under Section 501(a) of the Internal Revenue Code)

This Form is Open to Public Inspection

For IRS Use Only

Letter number ▶

Issue date ▶

EPMF status code

File folder number ▶

File Original and One Copy of This Form with Internal Revenue Service

Note: *Form 3672 must be used for plans covering self-employed individuals.*

Please complete every item on this form. If an item does not apply enter "N/A."

Section references are to the Internal Revenue Code

1 Approval requested:
(a) ☐ Initial application
(b) ☐ Amendment—Enter ▶

(1) Latest letter serial number or notification letter number	(2) Date letter issued	(3) File folder number

2 (a) Name of sponsoring organization

Address (number and street)

City or town, State and ZIP code

2 (b) Employer identification number of sponsor

3 (a) Name of person to be contacted

3 (b) Telephone number
( )

4 Type of sponsoring organization:
(a) ☐ Bank
(c) ☐ Regulated investment company
(d) ☐ Trade or professional association

5 (a) Form of plan:
(1) ☐ Master plan

14 (b) Minimum participation standards:	Yes	No	N/A	Article or Section and Page Number
(1) Are these identical for present and future employees?				
(i) If not, does the plan provide that all officers, shareholders, and highly compensated employees must be able to meet the eligibility requirements for future employees on the plan's effective date?				
(2) Does the plan meet the minimum age and service requirements of section 410(a)(1)?				
(3) Are the requirements for participating determined without regard to maximum age?				
(4) Are all years of service counted for participation purposes?				
(i) If not, is the service not counted excludable under sections 410(a)(5)(B), (C) or (D)?				
(5) Does the eligibility computation period begin with the date on which the employee first performed an hour of service?				
(6) Is an employee required to complete no more than 1,000 hours of service during the computation period to be credited with a year of service?				
(7) Will a new employee, otherwise eligible, participate no later than the earlier of the first day of the first plan year after meeting the minimum age and service requirements of section 410(a)(1), or 6 months after satisfying such requirements?				
(8) Does the plan provide that a participant who incurs a break in service and terminates employment after the participant has earned a nonforfeitable right to a portion of such participant's account balance shall participate immediately on returning to the employ of the employer?				
(9) In the case of an employee with no vested benefit, who sustains a break in service, where the number of years of break are less than the number of years of service, does such employee participate immediately upon returning to the employ of the employer?				
(10) Does the plan use the plan year as the computation period to measure years of service for purposes of eligibility after the first computation period?				
(i) If so, does the first such plan year computation period include the first anniversary of the date of hire?				
(11) After an employee meets the eligibility requirements of the plan, does the plan shift to a vesting computation period to determine years of service for retention of eligibility to participate in the plan?				
(i) If so, does this vesting computation period include the last day of the eligibility computation period in which the employee first completed the service requirement for participation in the plan?				
(ii) Does the plan use the plan year as the vesting computation period?				
(12) Is the computation period for determining a break in service the same as is used to compute a year of service for eligibility?				
(c) Employer contributions:				
(1) Does the plan contain separate adoption agreements for integrated and non-integrated formulas?				
(2) Under a money purchase plan, are contributions on behalf of each employee definite?				
(3) Under a profit-sharing plan, are contributions allocated under a definite formula?				
(4) Under a profit-sharing plan, are contributions limited to current and/or accumulated profits?				
(5) Is the contribution or allocation formula properly integrated?				
(6) Are annual additions limited as required by section 415?				
(7) Does the plan provide that if a shareholder-employee is covered, only the first $100,000 of compensation of each employee covered under the plan shall be taken into account for purposes of determining contributions or allocations under the plan?				
(8) In the case of a fully insured plan, is there a provision for purchasing additional contracts due to increases in compensation?				
(i) If so, will additional contracts be purchased when contributions are sufficient to purchase a policy with a face amount of $1,000 or $10 additional monthly benefit?				
(9) Does the plan require separate accounting for each employee's accrued benefit?				
(10) Are contributions made on behalf of employees who complete 1,000 hours of service but terminate employment before the end of the year?				

14 (d) Employee contributions:	Yes	No	N/A	Article or Section and Page Number
(1) Are all employee contributions and earnings thereon nonforfeitable at all times?				
(2) Are voluntary contributions limited to 10% for all qualified plans?				
(3) Are mandatory contributions limited to 6%?				
(4) May earnings on voluntary contributions be withdrawn?				
(i) If so, does the plan contain provisions prohibiting constructive receipt?				
(5) Are separate accounts maintained for employer and employee contributions? If not, does the plan identify what portion of an account balance is attributable to employer and employee contributions in accordance with section 411(c)(2)?				
(e) Forfeiture provisions:				
(1) Under a money purchase plan, are forfeitures required to be used to reduce employer contributions?				
(2) Under a profit-sharing plan, may forfeitures be used to increase benefits?				
(i) If so, are forfeitures allocated on the basis of compensation?				
(3) (i) Under a profit-sharing plan, does the plan provide that forfeitures shall not inure to the benefit of shareholder-employees if the employer has elected to be a subchapter S corporation?				
(ii) Does such a plan provide that forfeitures shall be used to reduce employer contributions?				
(4) Does the plan provide that forfeitures resulting from contributions of an adopting employer cannot be reallocated for the benefit of another adopting employer?				
(5) Does the plan prohibit the forfeiture of vested benefits because of withdrawal of a participant's contributions or earnings thereon?				
(f) Distribution provisions:				
(1) Does the plan provide payment of benefits in the form of a life annuity? If "No," do not complete questions (2) through (5).				
(2) If the plan provides forms of benefit other than a joint and survivor annuity, are joint and survivor annuity payments (unless a participant elects otherwise) automatically provided to any participant who (a) begins to receive payments on or after he attains normal retirement age, (b) dies (on or after normal retirement age) while in active service of the employer, (c) separates from service on or after attaining normal retirement age (or qualified early retirement age) and thereafter dies before beginning to receive benefits?				
(3) If a plan provides for payment of benefits prior to normal retirement age, is a joint and survivor annuity automatically provided (unless a participant elects otherwise) if a participant begins to receive benefits on or after he attains the qualified early retirement age (as defined in section 1.401(a)–11(b)(4) of the Income Tax Regulations)?				
(4) If the plan provides for the payment of benefits before normal retirement age, does it provide for (i) an election by the participant of a survivor annuity to provide coverage in the event of the death of the participant prior to retirement, or (ii) a death benefit equal to at least the vested portion of his account balance as of the date of death?				
(5) If the plan provides the election provided in question (4), does the plan also require that payments to the survivor not be less than specified in section 401(a)(11)(C)?				
(6) Does the plan require that a participant who terminates employment for reasons other than retirement, disability or death must also incur a break in service in order to receive a distribution from the plan?				
(7) Are distributions limited so that no more than incidental death benefits are provided?				
(8) Are annuity contracts nontransferable when distributed?				
(9) Do benefits under the plan commence, unless otherwise elected, no later than the 60th day after the latest of the close of the plan year in which (1) the participant attains the earlier of age 65 or the plan's normal retirement age or (2) the participant terminates his service with the employer?				
(10) Does the plan contain an early retirement provision which requires or could require both a minimum age and service for eligibility?				
(i) If so, does it provide that a participant who meets the service requirement but separates before meeting the age requirement will upon satisfaction of the age requirement unless elected otherwise, commence to receive benefits?				

14 (g) Vesting provisions:	Yes	No	N/A	Article or Section and Page Number
(1) Are all years of service counted for vesting purposes?				
(i) If not, is the service not counted excludable under section 411(a)(4)?				
(2) Does the plan provide that a participant's account balance derived from employer contributions is nonforfeitable upon reaching normal retirement age (as defined in section 411(a)(8))?				
(3) Is a computation period for vesting purposes specified in the plan?				
(4) Is the computation period for determining a break in service the same as used to complete a year of service for vesting?				
(5) Does the plan contain vesting options which satisfy the requirements of subparagraphs (A), (B) or (C) of section 411(a)(2)?				
(6) Does the plan contain the "four-forty" vesting schedule?				
(i) If so, does such schedule provide that all years of service are counted?				
(7) If the plan contains other vesting options, are they limited so that at all times they will provide a percentage of nonforfeitable rights which is not less than the percentage that would be provided under any one of the options under section 411(a)(2)?				
(8) If a participant separates from service with a nonforfeitable interest does the plan require that upon re-employment that his pre-break service will be considered for vesting purposes in post-break account balance after he has completed no more than a year of service?				
(9) If an employee who has no vested interest separates from service and is re-employed before the number of consecutive one year breaks in service equals or exceeds the number of years of service whether or not consecutive ("Rule of Parity"), does the plan require that upon re-employment his pre-break service will be considered for vesting purposes in post-break account balance after he has completed a year of service?				
(10) Does a participant who has at least 5 years of service have a reasonable period of time after the adoption of an amendment to the vesting schedule to elect to have his nonforfeitable percentage computed without regard to the amended vesting schedule?				
(h) Death benefits:				
(1) If life insurance is provided, are premiums properly limited?				
(2) If ordinary life insurance contracts are purchased, will such contracts be either converted to cash or an annuity contract at or before retirement or distributed to the participant?				
(i) Investment provisions:				
(1) Are trust assets valued—				
(i) At least annually?				
(ii) At current fair market value?				
(iii) On a specified date?				
(2) Does the trust contain provisions for allocating trust earnings and losses?				
(3) If investments, including insurance contracts, may be earmarked are such investments subject to the employee's consent or purchased ratably where employee consent is not required?				
(j) Amendment and termination:				
(1) Is there a provision for the sponsor to amend the plan?				
(2) Does the plan prohibit adopting employers from amending other than elective provisions unless the employer wants to cease participation in the master or prototype plan?				
(3) Are amounts credited to participant's accounts nonforfeitable upon termination or partial termination of the plan?				
(4) Under a profit-sharing plan are the employees' rights under the plan nonforfeitable upon complete discontinuance of contributions?				

14 (k) Miscellaneous plan provisions:	Yes	No	N/A	Article or Section and Page Number
(1) Does the plan provide for disposition of dividends and other credits on insurance contracts?				
(2) Does the plan prohibit the assignment or alienation of benefits?				
(3) Does the plan provide that corpus or income may not be diverted for purposes other than the exclusive benefit of employees or their beneficiaries?				
(4) Does the plan provide that after its merger, transfer of assets, or consolidation, benefits will be no less than before such merger, consolidation or transfer?				
(5) Does the plan provide that if an adopting employer fails to attain or retain qualification, such employer can no longer participate under the master or prototype plan?				
(6) Does the plan provide that funds held in a master trust on behalf of an adopting employer will be removed as soon as administratively feasible should such employer fail to attain or retain qualified status?				
(7) Does the plan provide that all employees of all corporations, trades or businesses under common control shall be treated as employed by a single employer?				
(8) Where the employer maintains the plan of a predecessor employer, does the plan provide that service with a predecessor employer is counted as service with the employer?				
(9) Does the plan provide that in the event of any conflict between provisions of this plan and the terms of any policy or contract issued thereunder, the provisions of the plan shall control?				
(10) If the plan is designated as a "Master" plan, is there only one trust or custodial account for all adopting employers?				

15 Procedural requirements:	Yes	No
(a) Has power of attorney been submitted with application (or previously submitted)?		
(b) In the case of an initial request, have the following documents been submitted as required by instructions—		
(1) Adoption agreement(s) (see specific instructions)?		
(2) Copy of plan?		
(3) Copy of trust indenture or custodial account?		
(4) Cover letter requesting field prototype approval and stating that the sponsor can reasonably expect at least 5 of its clients to adopt the plan?		
(c) In the case of a request involving an amendment, after initial qualification, have the following documents been included—		
(1) A copy of the amendment(s)?		
(2) A description of the amendment covering the items changed and an explanation of the provisions before and after the amendment?		
(3) A completely restated plan (see specific instructions)?		
(4) A working copy of the plan in which there has been incorporated all of the previous amendments representing the provisions of the plan as currently in effect (see specific instructions)?		
(5) Consent of participating employers to amend plan (see specific instructions)?		
(d) If the plan is being amended for the first time to conform to the requirements of the Employee Retirement Income Security Act of 1974, or if this is a new plan which contains provisions that permit it to be substituted for a pre-existing plan, do you represent that within 90 days after receiving a favorable opinion letter, you will—		
(1) Contact each employer who has previously adopted your pre-existing plan and give such employer an opportunity to decide whether to continue in the master or prototype plan and, if so, to amend his adoption agreement to participate under your amended plan or to adopt your new plan?		
(2) Advise those employers who cannot or do not adopt an amended plan or a new plan that such employers may not continue to participate under the master or prototype plan?		
(3) In the case of a prototype plan, advise each adopting employer of the possible need to amend the related trust agreement?		
(e) Is the plan and trust (or custodial account) agreement patterned after and substantially the same as another plan and trust (or custodial account) agreement and on which a favorable letter has been requested? If "Yes," see specific instructions.		

General Instructions

Before submitting this application you should check to be sure that the information provided is accurate and complete in all respects. If an item does not apply, so indicate by entering "N/A" in that item. **Incomplete applications will be returned without action.**

A. Purpose of Form.—This application is to be used for initial approval and amendment of the form of:

(1) A master or prototype defined contribution pension, annuity or profit-sharing plan, that does not include self-employed individuals.

(2) A field prototype defined contribution pension or profit-sharing plan, that does not include self-employed individuals.

B. Who May File.—

(1) Master or Prototype Plans.—Trade or professional associations, banks (savings and loan associations that qualify as banks and Federally insured credit unions), insurance companies and regulated investment companies.

(2) Field Prototype Plans.—A firm, other than a firm which fits into the categories listed in B(1), whose clients number at least 25 employers who maintain corporate employee pension benefit plans.

C. What to File.—For initial approval file this application in duplicate and a single copy of each applicable document listed in item 15(b). For approval of an amendment file this application in duplicate and a single copy of each applicable document listed in item 15(c).

D. Where to File—

(1) Master or Prototype.—Commissioner of Internal Revenue, Washington, D.C. 20224, Attention: E:EP:T.

(2) Field Prototype.—Each key District Director in whose jurisdiction the sponsor anticipates that the employers will adopt the form of plan.

E. Signature.—The application must be signed by a duly authorized partner or officer of the applicant or such other person authorized pursuant to a power of attorney properly executed and filed with the application.

Note

Disclosure Requested by Taxpayers.—The Tax Reform Act of 1976 permits a taxpayer to request the Service to disclose and discuss the return or return information with respect to such taxpayer with any person or persons as the taxpayer may designate in a written request. A taxpayer wishing to designate a person or persons to assist in an application for approval must provide the IRS office of jurisdiction with a written request which must contain:

(1) The taxpayer's name, address, employer identification number and plan number(s).

(2) A statement which clearly identifies the person or persons whom the taxpayer has authorized to receive the return information. This information must include the person or persons whom the taxpayer has authorized to receive the return or return information. This information must include the person or persons' name, address and social security number. Also, the person or persons' telephone number(s) should be included.

(3) A paragraph which clearly and explicitly describes the return and/or return information which the taxpayer authorizes the IRS to disclose.

Specific Instructions

(Numbered to correspond with the item numbers on the form.)

1. Indicate whether this application is for an initial approval or an amendment to a previously approved plan by checking the appropriate box. If the application relates to an amendment of a previously approved plan enter the latest letter serial number or notification letter number, the date of such letter and the file folder number.

5. Form of plan.—A "Master Plan" is a form of plan in which the funding organization (trust, custodial account or insurer) is designated by the sponsoring organization. In the case of a master plan there is only one trust or custodial account for all employers adopting the plan. A "Prototype Plan" is a form of a plan in which the funding organization may be designated by the adopting employer. In the case of a prototype plan, there is a separate trust or custodial account with respect to each employer adopting the plan.

A Field Prototype Plan is a form of plan which sponsors (see B, Who May File, (2)) of employee plans may file with Key District Directors for approval as to form.

10. Target Benefit Plans check box (a).

15. Procedural requirements.—A separate application must be filed for each plan submitted. Options provided by the plan must be set forth in a separate document known as the adoption agreement. In addition, where the plan contains more than one type of contribution formula, such as one integrated with social security and one not integrated with social security, a separate adoption agreement must be submitted for each such plan formula.

If a plan is being amended for the first time to conform to the requirements of the Employee Retirement Income Security Act of 1974, or if the plan has been amended at least three times since the last restated plan was submitted, one of the documents specified under item 15(c)(3) or (4) must be attached to this application.

If a restated plan is being submitted with this application a copy of the amendment and a description of such amendment need not be submitted.

If a written consent of participating employers is required attach copies of the signed consent of each participating employer.

15(e). If you checked "Yes" to this question you may attach an exhibit that gives the name of the plan and the file folder number. If the plan has been approved also give the IRS letter serial number or notification letter number and the date the plan was approved. If you show the language differences between the two plans and agreements, this information may expedite the review of your plan.

U.S. GOVERNMENT PRINTING OFFICE: 1977—O-235-270