

403(b) Plan Plan Limitation on Contribution and Benefits

Worksheet 6A – Determination of 403(b) Status

Instructions – All items must be completed unless the contrary is specifically provided. A "Yes" answer indicates a favorable conclusion is warranted while a "No" answer indicates a problem exists. Use the space on the worksheet to explain any "No" answer.

The technical principles in this worksheet may be changed by future regulations or guidelines

Name of plan

I. Definitions	Plan Reference	Yes	No	N/A
a. Does the plan define the limitation year in accordance with 1.415(j)-1				
b. Does the plan define compensation as "Includible Compensation" in accordance with 1.403(b)-2(b)(11), and is this definition of compensation used for purposes of determining the limits under 415 For self-employed ministers, this is earned income under 401(c)(2). Note: Differential wage payments and difficulty of care payments must be treated as compensation under 415(c)(3). Note: The post-severance compensation rules in 1.415(c)-2(e) also apply to 403(b) plans. Note: A former employee is deemed to have Includible Compensation for the period for the next five taxable years after ceasing employment. See WS 5B for contributions to former employees. See Section IV, below, relating to the 401(a)(17) limit on compensation.				
c. For purposes of determining Includible Compensation, the special 403(b) catch-up contribution, and the special rule for employer contributions to former employees, does the plan define " Year of Service " as each full year during which an individual is a full-time employee of an eligible employer for the entire work period, plus fractional credit for each part of a work period during which the individual is either a full-time employee or a part-time employee				
d. Special rule for church employees: For purposes of determining years of service under 1.403(b)-4(e), does the plan aggregate periods when an individual is an employee of the eligible employer or any associated church-related organizations				

Explain any "No" answers in this section

II. Limits on Elective Deferrals	Plan Reference	Yes	No	N/A
If the plan does not offer elective deferrals, skip to Section III				
a. Does the plan provide elective deferrals will not exceed the limit imposed by section 402(g)(1)(B) and adjusted for cost-of-living to the extent provided under section 402(g)(4) under all the plans of the employer				
b. Does the plan provide that if the participant is or has been a participant in one or more other plans under section 403(b) (and any other plan that permits elective deferrals under section 402(g)), then this plan and all such other plans will aggregated for purposes of applying 402(g) limit				
c. Does the plan permit a participant who will attain age 50 or more by the end of their taxable year to elect an additional amount of elective deferrals, up to the maximum age 50 catch-up elective deferrals for the year? (optional but plan document must state so if permitted)				

II. Limits on Elective Deferrals If the plan does not offer elective deferrals, skip to Section III	Plan Reference	Yes	No	N/A
d. Does the plan permit "special section 403(b)" catch-up elective deferrals for an employer who is a qualified organization? (optional) If not applicable, skip the rest of this section				
i. Is the employer a "qualified organization" as defined in 402(g)(7)(B)				
ii. Does the dollar limit for Special 403(b) catch-up provisions satisfy the code and regulations				
iii. Is a qualified employee defined as an employee who has completed at least 15 YOS with the qualified organization (or meet the exception for employees of church related organization in II(d)(iv) below)				
iv. Does the plan require all entities that are in a church-related organization or an organization controlled by a church-related organization under section 414(e)(3)(B)(ii) to be treated as a single employer in calculating years of service and previously made special section 403(b) catch-up elective deferrals for purposes of satisfying the 15-year requirement				
e. If the plan provides both the age 50 catch-up and the special 403(b) catch-up, does the plan allocate amounts in excess of the otherwise applicable 402(g) limit first to the special section 403(b) catch-up and next as an age 50 catch-up contribution				

Explain any "No" answers in this section

III. Limitations on Annual Additions	Plan Reference	Yes	No	N/A
a. Does the plan include a definition of annual additions that satisfies the requirements of the Code and regulations				
b. Does the plan provide that the annual additions for any limitation year cannot exceed the lesser of				
i. \$61,000 (for 2022), as adjusted for increases in the cost-of-living, or				
ii. 100 percent of the participant's Includible Compensation for the limitation year				
c. Does the plan provide that, in the case of contributions to a 403(b) contract that exceed the limitations above, any such excess annual additions will be held in a separate account under the IRC 403(b) contract, which is not treated as a 403(b) contract, until distributed				
d. If the plan provides for special contributions for former employees , does the plan language satisfy the requirements of section 1.403(b)-4(d)				
e. Does the plan provide for contributions on behalf of participants who have become permanently and totally disabled, as defined in section 22(e)(3)? (optional)				
i. Does the plan provide for the continuation of contributions on behalf of all such disabled participants for a fixed or determinable period or only for non-highly compensated employees who become disabled				
ii. Are contributions nonforfeitable when made				

III. Limitations on Annual Additions	Plan Reference	Yes	No	N/A
f. Does the plan provide all 403(b) annuity contracts purchased by an employer for a participant are treated as one 403(b) annuity contract for purposes of section 415 limits on annual additions				
g. Special Rule: If the participant controls any employer, does the plan provide that the sum of the participant's annual additions for the limitation year under the plan, any other section 403(b) plans of the employer, any defined contribution plans maintained by controlled employers, and any section 403(b) plans of any other employers may not exceed the annual addition limits				

Explain any "No" answers in this section

IV. 401(a)(17) Limitation	Plan Reference	Yes	No	N/A
a. Does the plan limit the amount of compensation taken into consideration in determining contributions to \$305,000 (for 2022) in accordance with section 401(a)(17) as adjusted for cost of living Note: this requirement does not apply to churches and QCCOs. Note: this requirement does not apply to elective deferrals.				

Explain any "No" answers in this section