

403(b) Plan Elective Deferrals

Worksheet 12A – Determination of 403(b) Status

Instructions – All items must be completed (except for cross-references, which are shaded to indicate no answer is required). A “Yes” answer generally 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. Applicability	Plan Reference	Yes	No	N/A
a. Does the plan offer elective deferrals? (If “No,” skip this worksheet; if “Yes,” go on to I(b))				
b. Are elective deferrals properly defined under the plan				

Explain any "No" answers in this section

II. Contributions	Plan Reference	Yes	No	N/A
a. For eligibility to make elective deferrals and designate such deferrals as Roth contributions, see the discussion in WS 1a regarding the universal availability and effective opportunity requirements				
b. If the plan accepts designated Roth contributions Are the designated Roth contributions designated irrevocably by the participant at the time of the cash or deferred election as a designated Roth contribution that is being made in lieu of all or a portion of the pre-tax elective deferrals which the participant is otherwise eligible to make under the plan				
c. Are the designated Roth contributions treated by the employer as includible in the participant's income at the time the participant would have received that amount in cash if the participant had not made a cash or deferred election				
e. Does the plan separately account for pre-tax elective deferrals and designated Roth contributions				

Explain any "No" answers in this section

III. Limits and Catch-Ups	Plan Reference	Yes	No	N/A
a. For the basic limit under section 402(g)(1) on elective deferrals, see Worksheet 6A (Limits)				
b. For the age 50 and the special section 403(b) catch-ups, see Worksheet 6A (Limits)				
c. For treatment of excess deferrals, see Worksheet 6A (Limits)				
d. For definition of compensation, see Worksheet 6A (Limits)				

IV. Universal Availability	Plan Reference	Yes	No	N/A
a. For universal availability requirements under 1.403(b)-5(b) for elective deferrals and designated Roth contributions, see Worksheet 1A (Eligibility and Participation for 403(b) Plans)				
V. Vesting	Plan Reference	Yes	No	N/A
a. For vesting, see Worksheet 2B				
VI. Eligible Automatic Contribution Arrangements (EACAs) (Complete if the plan contains EACA provisions)	Plan Reference	Yes	No	N/A
a. Does the plan provide an EACA? If not, skip this section				
b. Does the plan identify covered employees under the EACA				
c. Does the default percentage satisfy the uniformity requirement				
d. Does the plan provide that proper notice will be given to covered employees within a reasonable period before each plan year				
e. If applicable, does the plan require that elections for permissible withdrawals be made within 90 days				
f. If applicable, does the plan specify the correct amount of a permissible withdrawal				
g. Are the fees charged for a permissible withdrawal no more than any other cash distribution				
h. (i) Does the plan provide that default elective deferrals distributed pursuant to the EACA provision are not counted towards the dollar limitation on elective deferrals contained in Code § 402(g)? (ii) Does the plan provide matching contributions on permissible withdrawals will not be allocated or if already allocated will be forfeited				
i. If the plan provides that all participants are covered employees, then does the plan state that it has until 6 months (rather than 2½ months) after the end of the plan year to distribute excess aggregate contributions and avoid the Code § 4979 10% excise tax				

See WS 15 for requirements of distributions concerning elective deferrals

Explain any "No" answers in this section