

## GUST to EGTRRA Comparison for Non-Standardized Non-Integrated Prototype DB Documents

Description of Adoption Agreement Option	GUST	EGTRRA	Applicable Amendment	Action	Reason for Change
<b>General</b>					
Fully Insured option references Insurance Addendum	Intro	Intro			
Removed substitute trust option (GUST option e).	Intro	Intro		Use one of the Trust documents pre-approved for use with DATAIR's EGTRRA document or lose reliance	IRS mandated change. Not permitted in pre-approved plan.
Removed "Medical Corporation" (GUST option 15.i).	Intro	Intro		On Sponsor Info tab, select a different "Form of Business" (e.g. "C-Corporation" or "Other") If using "Other," specify in item 15.i.	IRS requested change, as not all states recognize "Medical Corporation."
Removed checkboxes from controlled group/affiliated service group option 19	Intro	Intro			Extraneous checkboxes removed.
<b>A. Eligibility and Service Provisions</b>					
Moved GUST A1 "Eligibility Computation Period" to A3.	A1	A3			For AA system-wide consistency.
Moved GUST A2 "Eligible Employees" to A1.	A2	A1			For AA system-wide consistency.
Removed A2 options "g" (not employed by employer) and "k" (one-time election not to participate)	A2	N/A		Amend plan, removing the provision, or move to Volume Submitter document.	IRS mandated change, as not permitted in prototype document.
Moved GUST A3 "Highly Compensated Employee Determination" to A2. Added "Plan Provision" option.	A3	A2		Question is now "must answer," as we have added item A2.a "plan provision."	For AA system-wide consistency.
Moved GUST A4 "Eligibility Requirements" to A6. Modified to structure of service requirements.	A4	A6		If A4.f (number of hours) and/or A4.g ("employed on") are selected in the GUST AA, you must answer new items under A6.	For AA system-wide consistency.
Moved GUST A5 "Hour of Service" to A4. Removed A5.a "plan provision."	A5	A4		If A5.a is the only A5 option selected in the GUST AA, you must select a method for determining hours in situations when actual hours are not recorded.	For AA system-wide consistency.
Moved GUST A6 "Service with Predecessor Employers" to A5. Added options for specifying prior employer service crediting.	A6	A5			To provide additional flexibility in defining prior service.

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Moved GUST A7 "Entry Date" to A8 and enhanced certain options.	A7	A8		If A7.f (first day of plan year in which..) is the GUST AA option, you must select "First" from the A8.g drop-down box.	For AA system-wide consistency.
Moved GUST A8 "Break in Service" to A7 and modified question structure.	A8	A7			For AA system-wide consistency.
<b>B. Date Provisions</b>					
Modified GUST B2 "Normal Retirement Age" to comply with the Normal Retirement Age regulations. Added options B2h and B2i.	B2	B2	2007 Interim Amendment	If NRA was amended via the 2007 Interim Amendment, ensure that current and prior NRA provisions are reflected.	To accommodate prior plan NRA provision.
Added "Early Retirement Age" options B4h and B4i.	B4	B4			For AA system-wide consistency.
<b>C. Compensation</b>					
Modified GUST C1 "Compensation" to resemble Defined Contribution AA "Compensation" option.	C1	C1			For AA system-wide consistency.
Incorporated 403(b) deferrals under 402(e)(3) option.	C1	C1		If 403(b) deferrals are included / excluded in the GUST AA, but the 402(e)(3) option is NOT selected as well, review C1 carefully and select the option that best fits the employer's objectives.	To reflect regulatory change in treatment of 403(b) salary deferrals.
Added "Compensation" options C1a2a5, C1b4, and C1c4 for EGTRRA, "Deemed Section 125 Compensation".	C1	C1	Deemed Section 125 Comp. Amendment		
Added "Compensation" option C1c8 for nonqualified unfunded deferred compensation plan payments as compensation.	C1	C1	2007 Interim Amendment		
Added option C3 for EGTRRA "Compensation Limits" under Section 401(a)(17).	-	C3	EGTRRA Amendment		
Moved GUST C3 "Compensation shall be measured over" to C4	C3	C4			To accommodate new question on Compensation Limits.

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Moved GUST C4 "Compensation for initial Plan Year of Participation" to C5.	C4	C5			
Moved GUST C5 "Average Compensation" to C6.	C5	C6			
Moved GUST C6 "Counting for Average Annual (or Monthly) Compensation" to C7.	C6	C7			
Moved GUST C7 "Compensation for Sections 415 and 416 of the Code" to C8.	C7	C8			
Removed option C7.f "Compensation as a Participant"	C7.f	N/A			"Compensation as a Participant" is the default plan provision. An election is not needed.
Added options C8d and C8e for Deemed Section 125 Compensation.		C8	Deemed Section 125 Comp. Amendment		
Added Post Severance Compensation	-	C9	2007 Interim Amendment		
<b>D. Retirement Benefits</b>					
Moved GUST D4aa2 "The Plan does not have a Fresh Start Date" to D4a.	D4aa2	D4a			To improve question structure.
Moved D4a "Plan Amendments" to D4b.	D4a	D4b			To improve question structure.
Removed GUST D6 "Mandatory Employee Contributions".	D6	-		Amend plan to remove the provision or move to Volume Submitter IDP-format.	IRS mandated change, as not permitted in prototype document effective with EGTRRA restatement.
Moved GUST D7 "Years of Credited Service" to D6.	D7	D6			
Moved GUST D8 "Limits on Credited Service" to D7.	D8	D7			
Moved GUST D9 "Benefit Accrual Rules" to D8.	D9	D8			
Added options D8dd1 and D8dd2 to Section 412(i) Plan question on benefit increases.	-	D8dd1 D8dd2		412(i)/ 412(e) plans must select one of the new options for reflecting increases in benefits.	

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Moved GUST D10 "Limitations on Benefits" to D9.	D10	D9			
Added option D9f.f1 "Severance from Employment" for EGTRRA to automatically adjust the Compensation Limitation.	-	D9ff1	EGTRRA Amendment		
Added option D9ff2 "Severance from Employment" for EGTRRA to automatically adjust the Dollar Limitation.	-	D9ff2	EGTRRA Amendment		
Moved D11 "Cost of Living Adjustments" to D10.	D11	D10			
Added option D10c on annual increase held to less than 5%.	-	D10c			
Moved GUST D12 "Plan Actuarial Equivalence" to D11.	D12	D11			
Added mortality tables under "Plan Actuarial Equivalence" for EGTRRA and removed "other" mortality options.	-	D11a2 D11a5	GAR 94 amendment & 417(e) amendment	Select from among the permitted options.	
Added D11a7 for contract name, number, company name, and date of issuance.	-	D11a7			
Modified explanation for D11b "Code Section 417(e) Assumptions".	D12b	D11b			
Moved D13 "Minimum Top-Heavy Benefits" to D12.	D13	D12			
Moved D14 "Determination of Top-Heavy Status" to D13.	D14	D13			

### E. Vesting Provisions

Modified text of GUST E1 "Years of Vesting Service."	E1	E1			For AA system-wide consistency.
Modified text of GUST E2 "Excluded Years."	E2	E2			For AA system-wide consistency.
Modified text of GUST E3 "Vesting Schedule."	E3	E3			For AA system-wide consistency.

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Added instruction and "effective date of new schedule" to GUST E4 "Prior Vesting Schedule".	E4	E4			For AA system-wide consistency.
Modified text of GUST E5 "Top-Heavy Vesting Schedule."	E5	E5			For AA system-wide consistency.
Added option E6 "Re-employment".	-	E6		Do not make a selection under E6 to retain the "plan provision" (the 5-year break rule).	For AA system-wide consistency.
<b>F. Other Benefits</b>					
Added instruction to GUST F1e (Early Retirement reduction)	F1e	F1e			
Modified wording in GUST F2 "Postponed Retirement Benefits" to clarify when benefits commence for each option.	F2	F2			
Removed 414(k) option F2d4 under "Postponed Retirement Benefits"	F2d4	N/A		Amend plan to remove the provision or move to Volume Submitter IDP-format and use "other" provision.	IRS mandated change, as not permitted in prototype document effective with EGTRRA restatement.
Added F3e for "Accrued benefit payable at Disability Retirement Date without reduction for early commencement."	-	F3e			
Added option to "Apply One-Year Marriage Rule" in option F4.	-	F4		Must select this option to retain the GUST 1-year marriage requirement..	
Moved GUST F4g8 for "No adjustment" to F4g1.	F4g8	F4g1			
Moved GUST F4g1 through F4g7 to F4g2 through F4g8.	F4g1 thru 7	F4g2 thru 8			
<b>G. Distribution Provisions</b>					
Removed GUST G1bb2 "Installments" over a period of years. Moved G1bb1 to G1b.	G1bb2	G1b		Amend plan to remove the provision or move to Volume Submitter IDP-format.	

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Added G1c4d, G1c4e, and G1c4f for annuity increases.		G1c4d, G1c4e, G1c4f			
Added G1d "Retroactive Annuity Starting Date" for EGTRRA.	-	G1d	RASD amendment		
Moved GUST G1d "Minimum Distribution to Non-Vested Participant" to G1e and added \$100 maximum.	G1d	G1e		EGTRRA Adoption Agreement edit check will indicate if amount under GUST exceeds \$100.	To ensure only a de minimus amount would be payable to non-vested participants.
Moved G1e and G9 to G2. Expanded "Mandatory Cash-out Provisions" for EGTRRA.	G1e, G9	G2	EGTRRA & Automatic Rollover amendments		
Moved GUST G8 to G9. Removed GUST G8b "Recalculation of Life Expectancy". Added options including ability to select form of distribution for RMDs.	G8	G9	2009 Interim Amendment		To reflect changes to Reg. § 1.401(a)(9)-6 for EGTRRA.
Moved GUST G5 "Suspension of Benefits" to EGTRRA G6. Added options G6c, G6d, and G6e.	G5	G6c, G6d, G6e			
<b>H. Other Administrative Provisions</b>					
Expanded GUST H2 "Rollovers" for EGTRRA.	H2	H2	EGTRRA Amendment		
Removed GUST option H8 "PBGC Coverage". Added question to SPD screen.	H8	-		Indicate "yes" or "no" under the PBGC coverage question on the SPD screen.	PBGC coverage is an SPD issue, not a plan provision.
Removed GUST option H9 "Electromechanical Communications" for EGTRRA.	H9	-			Core document section 3.3.6 permits electromechanical communications and instructions among all parties.
<b>Signature</b>					
Modified signature page and reliance language to reflect registration requirement.	-	-			