

**Defined Benefit Volume Submitter Plan Checklist**

**DO NOT USE THIS CHECKLIST IN LIEU OF THE PLAN DOCUMENT.**

1. Adopting Employer: *(Enter primary adopting Employer here. Enter other members of a controlled group or affiliated service group in question 7 below)*

\_\_\_\_\_  
\_\_\_\_\_

2. Plan Name - The legal name of the Plan is:

\_\_\_\_\_

**3. Plan Effective Dates (Sections 1.1.1 and 1.1.2)**

- a. Effective Date (Effective date of this document): \_\_\_\_/\_\_\_\_/\_\_\_\_  
b. Adoption Date (date document is to be executed): \_\_\_\_/\_\_\_\_/\_\_\_\_  
*(If this field is left blank, it must be manually entered in the printed document)*

**THE EFFECTIVE DATE OF THIS PLAN OR AMENDMENT MAY BE NO EARLIER THAN THE FIRST DAY OF THE PLAN YEAR IN WHICH IT IS ADOPTED - REQUIRED CHANGES INCLUDE SEPARATE EFFECTIVE DATES**

This Plan is a:

- ☐ c. New plan  
☐ d. Restatement of a Plan originally effective: \_\_\_\_/\_\_\_\_/\_\_\_\_  
☐ e. Amendment and Restatement of a Plan originally effective: \_\_\_\_/\_\_\_\_/\_\_\_\_

Frozen plans: EFFECTIVE DATE MAY NOT PRECEDE DATE OF ADOPTION OF AMENDMENT

- ☐ f. Frozen plan: Effective as of: \_\_\_\_/\_\_\_\_/\_\_\_\_  
☐ g. The Plan was frozen for the Plan Year beginning: \_\_\_\_/\_\_\_\_/\_\_\_\_

Special effective dates:

- ☐ h. Plans with provisions having special effective dates must enter them as Custom text:

\_\_\_\_\_  
\_\_\_\_\_  
(Plan)  
(SPD)

MODIFICATION REQUIRING IRS SUBMISSION

**4. Plan Year (Definition of Plan Year)**

- ☐ a. The calendar year  
☐ b. The fiscal year of the Employer  
☐ c. The 12 consecutive month period commencing \_\_\_\_/\_\_\_\_  
☐ d. Other: \_\_\_\_\_  
*(Enter period such as "The twelve month period ending on the last day of February")*  
**MODIFICATION REQUIRING IRS SUBMISSION - MUST BE A 12-CONSECUTIVE MONTH**

PERIOD

This Plan has:

- ☐ e. Never had a short Plan Year
- ☐ f. Had an initial Plan Year commencing \_\_\_\_/\_\_\_\_/\_\_\_\_ and ending \_\_\_\_/\_\_\_\_/\_\_\_\_
- ☐ g. Had a change in Plan Year where the short Plan Year commenced \_\_\_\_/\_\_\_\_/\_\_\_\_ and ended \_\_\_\_/\_\_\_\_/\_\_\_\_
- ☐ h. Other \_\_\_\_\_
- MODIFICATION REQUIRING IRS SUBMISSION

**5. Employer Information**

- a. Employer Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_
- b. Employer Phone: \_\_\_\_\_
- c. Employer Tax ID: \_\_\_\_\_
- d. Fiscal Year ends: \_\_\_\_/\_\_\_\_
- e. Business Code: \_\_\_\_\_
- f. Form of Business:
- ☐ f1. Sole Proprietorship
- ☐ f2. Partnership
- ☐ f3. C Corporation
- ☐ f4. S Corporation
- ☐ f5. Limited Liability Company (LLC)
- ☐ f6. Limited Liability Partnership (LLP)
- ☐ f7. Not for Profit Corporation
- ☐ f8. Professional Service Corporation
- ☐ f9. Other - Explain: \_\_\_\_\_
- g. State of Legal Construction: \_\_\_\_\_
- h. Date Business Commenced: \_\_\_\_/\_\_\_\_/\_\_\_\_

**6. Plan Information**

- a. Plan Number: \_\_\_\_\_
- b. Trust ID Number: \_\_\_\_\_
- c. IRS Determination Letter Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ (Omit if unknown)
- d. IRS File Folder Number: \_\_\_\_\_ (Omit if unknown)
- e. Plan Agent: \_\_\_\_\_  
☐ (same as Employer) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

f. Plan Administrator: \_\_\_\_\_

☐ (same as Employer) \_\_\_\_\_

g. Plan Administrator ID Number: \_\_\_\_\_

h. Plan Trustees: \_\_\_\_\_

**7. Other Employers Adopting Plan** *(Omit if the Employer is not affiliated with any other business entities adopting this Plan)*

- ☐ a. Members in a controlled group with the Employer entered above who will adopt this Plan
- ☐ b. Member in an affiliated service group with the Employer entered above who will adopt this Plan
- ☐ c. Entity participating in this Plan that does not fit into category a or b above

**IMPORTANT NOTICE**

This checklist is merely a worksheet to help qualified professionals prepare retirement plan documents. DATAIR does not guarantee that any particular document will meet the needs of your client. It is your responsibility to ensure that the resulting document is appropriate. DATAIR, by providing this system of producing retirement plan documents, is not engaged in the practice of law. Please review plans prepared with this system with legal counsel and a tax professional qualified to practice before the Internal Revenue Service (IRS).

## A. Eligibility and Service Provisions

*Unless otherwise specified, select only one option to each question below.*

**1. Eligibility Computation Period (Definitions)** - Eligibility Computation Periods subsequent to the initial Eligibility Computation Period

- ☐ a. Continue to be based on the Employment Commencement Date
- ☐ b. Are based on the Plan Year (cannot use the Elapsed Time Method)

**2. Eligible Employees (Definition of Employee, Eligible Employee, and Section 2.1.9)** - All Employees of the Employer and any related business entities such as other members of a controlled group or an affiliated service group are eligible to participate in the Plan except: *(Select all applicable)*

- ☐ a. Exclude members of collective bargaining unit
- ☐ b. Exclude non-resident aliens
- ☐ c. Exclude Employees acquired in an IRC section 410(b)(6)(C) transaction
- ☐ d. Exclude Employees not covered by a collectively bargained agreement with the following unions:  
\_\_\_\_\_
- ☐ e. Exclude Leased Employees subject to section 414(n) or (o) of the Code
- ☐ f. Exclude Key Employees
- ☐ g. Exclude Highly Compensated Employees
- ☐ h. Exclude Self-Employed Individuals
- ☐ i. Exclude Employees paid solely by commissions
- ☐ j. Exclude hourly Employees
- ☐ k. Exclude salaried Employees
- ☐ l. Exclude Employees who are not eligible for Employer-provided benefits
- ☐ m. Exclude those electing not to participate in the Plan

NOTE: THE EXCLUSIONS ENTERED IN n., o. or p. CANNOT RESULT IN A GROUP OF NHCEs PARTICIPATING UNDER THE PLAN BEING ONLY THOSE NHCEs WITH THE LOWEST AMOUNT OF COMPENSATION AND/OR THE SHORTEST PERIODS OF SERVICE AND WHO MAY REPRESENT THE MINIMUM NUMBER OF THESE EMPLOYEES NECESSARY TO SATISFY COVERAGE UNDER SECTION 410(b) OF THE CODE. CANNOT DISCRIMINATE IN FAVOR OF HIGHLY COMPENSATED EMPLOYEES.

- ☐ n. Other excluded groups that meet the criteria of the nondiscriminatory classification test of Reg. 1.410(b)-4: \_\_\_\_\_  
THE GROUP(S) ENTERED MUST BE REASONABLE AND ESTABLISHED UNDER OBJECTIVE BUSINESS CRITERIA, PRECLUDE EMPLOYER DISCRETION, AND NOT BE USED TO BYPASS THE AGE/SERVICE REQUIREMENTS OF IRC SECTION 410(a). AN INDIVIDUAL'S NAME MAY NOT BE ENTERED.  
*This option is not considered a modification to the specimen document*
- ☐ o. Other groups excluded (include in IRC section 410(b)/401(a)(26) tests): \_\_\_\_\_  
*This option is not considered a modification to the specimen document*
- ☐ p. Other groups excluded from IRC section 410(b)/401(a)(26) tests for reasons such as being a SLOB under IRC section 414(r): \_\_\_\_\_  
*This option is not considered a modification to the specimen document*
- ☐ q. Exclude the following individuals: \_\_\_\_\_

Excluding individuals by name from the Plan means you may not use the Average Benefits Test (Reg 1.410(b)-2(b)(3) to pass coverage, because excluding individuals by name does not meet

the reasonable classification test (Reg 1.410(b)-4). You can, however, use the average benefits percentage test (Reg 1.410(b)-5) in discrimination testing if you pass coverage without the average benefits test.

**3. Highly Compensated Employee Determination (Definition of HCE)**

- ☐ a. Top-Paid Group Election - Limit Highly Compensated Employees to those in the top 20% of employees when ranked by compensation:
- ☐ b. Calendar Year Data Election - Use compensation in the calendar year beginning in the preceding Plan Year (*not available for plans with calendar plan years after 1998*)
- c. If the Employer maintains multiple plans, the employee census for all plans will be based on:
  - ☐ c.1. The preceding Plan Year
  - ☐ c.2. The calendar year beginning within the preceding Plan Year
  - ☐ c.3. The 12 month period ending \_\_\_\_/\_\_\_\_

**4. Eligibility Requirements (Definition of Year of Eligibility Service and Section 2.1.1)**

A Year of Eligibility Service is an Eligibility Computation Period with:

- ☐ a. \_\_\_\_ Hours of Service (not to exceed 1000)
- ☐ b. 12 months (Elapsed Time Method)

An Employee is eligible to participate in the Plan if he satisfies all of the following: (*Select all applicable. Only include one of e or f*)

- ☐ c. No age or service required
- ☐ d. Minimum age of \_\_\_\_ years (Not to exceed 21. Partial years may be used.)
- ☐ e. Minimum of \_\_\_\_ Years of Eligibility Service (*Cannot require more than 2 years. If more than 1 year is selected, must select full and immediate vesting*)
- ☐ f. Minimum of \_\_\_\_ months of service under the Elapsed Time Method (Cannot require more than 24)

The following overrides the requirements above: (*Omit if no special entry date*)

NOTE: Elections in g. below require testing under 1.401(a)(4)-4 Benefits, Rights and Features.

- ☐ g. Employees as of \_\_\_\_/\_\_\_\_/\_\_\_\_ will enter on:
  - ☐ g.1. The Effective Date of this document
  - ☐ g.2. The next Entry Date
  - ☐ g.3. \_\_\_\_/\_\_\_\_/\_\_\_\_

**5. Hour of Service (Definitions) - An employee will be credited with an Hour of Service based on: (*If you select a, you may wish to select another option from b through f as a safe guard*)**

- ☐ a. Actual hours worked
- ☐ b. Days Worked - credit 10 Hours of Service for each day the Employee works at least 1 hour
- ☐ c. Weeks Worked - credit 45 Hours of Service for each week the Employee works at least 1 hour
- ☐ d. Semi-Monthly - credit 95 Hours of Service for each semi-monthly pay period the Employee works at least 1 hour
- ☐ e. Bi-Weekly - credit 95 Hours of Service for each two week period the Employee works at least 1 hour
- ☐ f. Months Worked - credit 190 Hours of Service for each month the Employee works at least 1 hour

☐ g. If the Elapsed Time Method is used, fractional years are measured using:

- ☐ g.1. Exact dates in years
- ☐ g.2. Exact dates in months
- ☐ g.3. Calendar month granted if Employee credited with an Hour of Service
- ☐ g.4. Nearest calendar months
- ☐ g.5. Completed calendar months

and rounded to the nearest:

- ☐ g.6. 1/10th (.1) of a year
- ☐ g.7. 1/100th (.01) of a year
- ☐ g.8. 1/1000th (.001) of a year
- ☐ g.9. 1/12th of a year

**6. Service with Predecessor/Prior Employers (Definitions and Appendix)** - If the Plan grants service with a predecessor or prior employer, identify the employer, what type of service is being granted, and the type of transaction that generated the grant. *Complete this section for each transaction granting service*

a. Name of Employer or other Adopting Employer: \_\_\_\_\_

b. Name of predecessor or prior employer: \_\_\_\_\_

c. Date of transaction: \_\_\_\_/\_\_\_\_/\_\_\_\_

d. Type of transaction:

☐ d.1. Adopt predecessor's plan. Name of prior plan: \_\_\_\_\_

☐ d.2. Merger of predecessor's plan and this plan. Name of other plan: \_\_\_\_\_

☐ d.3. Termination of predecessor's plan. Name of other plan: \_\_\_\_\_

☐ d.3.A. Assets and liabilities transferred to this Plan

☐ d.3.B. Assets of prior plan distributed. Service granted for those employed as of \_\_\_\_/\_\_\_\_/\_\_\_\_

☐ d.4. No prior plan, past service granted to all employees of predecessor, but limited to 5 years

☐ d.5. No prior plan, past service granted to certain employees hired by the Employer as of \_\_\_\_/\_\_\_\_/\_\_\_\_, and limited to 5 years

☐ d.6. No prior plan, past service granted to all employees of predecessor. (no limit on past service)

☐ d.7. No prior plan, past service granted to certain employees hired by the Employer as of \_\_\_\_/\_\_\_\_/\_\_\_\_ (no limit on past service)

☐ d.8. Other: \_\_\_\_\_

*If you select this option, the information in items a, b, c and d will not be used. Enter this information as custom text. MODIFICATION REQUIRING IRS SUBMISSION*

If d.3.B through d.7 is selected, prior service is granted for: *(select all applicable)*

- ☐ d.9. Years of Eligibility Service
- ☐ d.10. Years of Credited Service
- ☐ d.11. Years of Vesting Service
- ☐ d.12. Attainment of Early or Normal Retirement Age

If more than one transaction is required, click here: ☐

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**7. Entry Date (Definitions) - Eligible Employees may enter the Plan:**

- ☐ a. Semiannually - First Entry Date: \_\_\_\_/\_\_\_\_ and the date 6 months later, coincident with or next following satisfaction of the eligibility requirements
- ☐ b. Quarterly - First Entry Date: \_\_\_\_/\_\_\_\_ and the same day of the month in each successive 3-month period coincident with or next following satisfaction of the eligibility requirements
- ☐ c. Monthly - The \_\_\_\_\_ day of each calendar month in the Plan Year, coincident with or next following satisfaction of the eligibility requirements (Use first, second, last, etc.)
- ☐ d. First day of the Plan Year coincident with or next following satisfaction of the eligibility requirements, but in no event later than \_\_\_\_ months (not to exceed 6) after the date the Employee satisfies the requirements
- ☐ e. First day of the next Plan Year or \_\_\_\_\_ months (not to exceed 6) after satisfaction of the eligibility requirements, if earlier
- ☐ f. First day of the \_\_\_\_\_ month (not to exceed 6) after satisfaction of the eligibility requirements, but not later than the first day of the next Plan Year.
- ☐ g. The \_\_\_\_\_ day of the Plan Year in which the eligibility requirements are satisfied. (If last, age must not exceed 20½ and service must not exceed 6 months or 18 months with 100% vesting.)
- ☐ h. First day of Plan Year nearest to the date the eligibility requirements are satisfied
- ☐ i. First day of the Plan Year coincident with or next following the date the eligibility requirements are satisfied, but in no event later than 6 months after satisfying the eligibility requirements
- ☐ j. First day of the Plan Year coincident with or immediately following the date eligibility requirements are satisfied (Age must not exceed 20½ and service must not exceed 6 months or 18 months with 100% vesting)
- ☐ k. Anniversary Date coincident with or next following the satisfaction of the eligibility requirements but in no event later than the first day of the next Plan Year or 6 months after satisfying the eligibility requirements
- ☐ l. Anniversary Date of the Plan Year in which eligibility requirements are satisfied, or 6 months after satisfying the eligibility requirements, if earlier
- ☐ m. Date of satisfaction of the eligibility requirements
- ☐ n. Other: \_\_\_\_\_  
MUST BE NO LATER THAN THE FIRST DAY OF THE NEXT PLAN YEAR OR 6 MONTHS AFTER SATISFYING THE ELIGIBILITY REQUIREMENTS, IF EARLIER. MAY BE A SINGLE DATE IF ELIGIBILITY IS NO GREATER THAN AGE 20½ AND 6-MONTHS OF SERVICE, OR 18 MONTHS OF SERVICE IF PLAN PROVIDES IMMEDIATE 100% VESTING

**8. Break in Service (Definitions)**

- a. A Break in Service for plan eligibility purposes:
  - ☐ a.1. Less than \_\_\_\_ Hours of Service (500 or less)
  - ☐ a.2. A "one year period of severance" under Elapsed Time Method
- b. A Break in Service for Vesting purposes:
  - ☐ b.1. Less than \_\_\_\_ Hours of Service (500 or less)
  - ☐ b.2. A "one year period of severance" under Elapsed Time Method
- c. A Break in Service for benefit accrual purposes:
  - ☐ c.1. Less than \_\_\_\_ Hours of Service (500 or less)

- ☐ c.2. A "one year period of severance" under Elapsed Time Method

**9. Fail Safe Accrual (Section 2.1.10)** - Accruals will be given to Employees who normally would not be given an accrual in order to satisfy nondiscrimination requirements. If a fail safe is not elected, the Plan must be amended if the test fails

a. Discrimination tests include employees with:

- ☐ a.1. 500 hours of service (Plans with Years of Credited Service based on hours instead of Elapsed Time must select this option)
- ☐ a.2. 3 months of service
- ☐ a.3. 91 days of service

choose one of the following:

- ☐ b. IRC section 401(a)(26) Fail Safe
- ☐ c. No IRC section 401(a)(26) Fail Safe
- ☐ d. Other IRC section 401(a)(26) language: \_\_\_\_\_  
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choose one of the following:

- ☐ e. IRC section 410(b) Fail Safe
- ☐ f. No IRC section 410(b) fail safe - detailed language included in document
- ☐ g. No IRC section 410(b) fail safe - minimal language included in document
- ☐ h. Other IRC section 410(b) language: \_\_\_\_\_  
MODIFICATION REQUIRING IRS SUBMISSION



## B. Date Provisions

Unless otherwise specified, select only one option to each question below.

### 1. Anniversary Date (Definitions)

- ☐ a. Last day of the Plan Year
- ☐ b. The first day of the Plan Year
- ☐ c. \_\_\_\_/\_\_\_\_ of each Plan Year (Enter month and day)
- ☐ d. Other: \_\_\_\_\_ (Plan)  
\_\_\_\_\_ (SPD)

(Enter date such as "The last Saturday in December")  
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### 2. Normal Retirement Age (Definitions) - The age the Participant attains: *(If you select one of e through j, you must also select one of a through d)* THE AGE SELECTED MUST NOT BE EARLIER THAN THE EARLIEST RETIREMENT AGE THAT IS REASONABLY REPRESENTATIVE OF THE TYPICAL RETIREMENT AGE FOR THE INDUSTRY IN WHICH THE PLAN PARTICIPANTS WORK. AGE 62 OR OLDER AUTOMATICALLY MEETS THIS REQUIREMENT. AGE SELECTED MAY NOT BE EARLIER THAN AGE 55. COMPLETE J. IF NORMAL RETIREMENT AGE WAS INCREASED ON ACCOUNT OF THE FINAL REGULATIONS.

- ☐ a. Statutory: The later of age 65 or the 5th anniversary of "participation commencement date"
- ☐ b. Age \_\_\_\_ (not to exceed 65)
- ☐ c. Age \_\_\_\_ and \_\_\_\_ Years of Service (age not to exceed 65)
- ☐ d. Age \_\_\_\_ and \_\_\_\_ Years of Participation (age not to exceed 65)
- ☐ e. The sum of age and Years of Service equals \_\_\_\_
- ☐ f. The sum of age and Years of Participation equals \_\_\_\_
- ☐ g. Age \_\_\_\_ and the sum of the age and Years of Service equals \_\_\_\_
- ☐ h. Age \_\_\_\_ and the sum of age and Years of Participation equals \_\_\_\_
- ☐ i. Age \_\_\_\_ and \_\_\_\_ anniversary of employment
- ☐ j. Age \_\_\_\_ and \_\_\_\_ anniversary of actual participation in the Plan
- ☐ k. Other: \_\_\_\_\_ (Plan)  
\_\_\_\_\_ (SPD)

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- ☐ l. Normal Retirement Age was changed effective \_\_\_\_/\_\_\_\_/\_\_\_\_. Prior NRA was:
  - ☐ l.1. Age \_\_\_\_
  - ☐ l.2. The later of age \_\_\_\_ [NOT TO EXCEED 65], or the \_\_\_\_ [NOT TO EXCEED 5th] anniversary of the participation

### 3. Normal Retirement Date (Definitions) - The date the Participant may retire under the Plan:

- ☐ a. The date Normal Retirement Age is attained
- ☐ b. The first day of the month in which Normal Retirement Age occurs
- ☐ c. The first day of the month nearest Normal Retirement Age
- ☐ d. The first day of the month coincident with or next following Normal Retirement Age
- ☐ e. The Anniversary Date of the Plan Year in which Normal Retirement Age occurs
- ☐ f. The Anniversary Date nearest Normal Retirement Age
- ☐ g. The Anniversary Date coincident with or next following Normal Retirement Age
- ☐ h. The Anniversary Date coincident with or next preceding Normal Retirement Age
- ☐ i. The last day of the month in which Normal Retirement Age occurs
- ☐ j. The last day of the month nearest Normal Retirement Age

- ☐ k. The last day of the month coincident with or next following Normal Retirement Age  
☐ l. Other: \_\_\_\_\_ (Plan)  
\_\_\_\_\_  
(SPD)

MODIFICATION REQUIRING IRS SUBMISSION

**4. Early Retirement Age (Definitions)** - The age the Participant attains: MUST SELECT AN AGE THAT IS LESS THAN THE NORMAL RETIREMENT AGE

- ☐ a. No Early Retirement Age  
☐ b. Age \_\_\_\_  
☐ c. Age \_\_\_\_ and \_\_\_\_ Years of Service  
☐ d. Age \_\_\_\_ and \_\_\_\_ Years of Participation  
☐ e. \_\_\_\_ years prior to the Normal Retirement Age  
☐ f. The sum of age and Years of Service equals \_\_\_\_  
☐ g. The sum of age and Years of Participation equals \_\_\_\_  
☐ h. Age \_\_\_\_ and the sum of the age and Years of Service equals \_\_\_\_  
☐ i. Age \_\_\_\_ and the sum of age and Years of Participation equals \_\_\_\_  
☐ j. \_\_\_\_ Years of Service  
☐ k. \_\_\_\_ Years of Participation  
☐ l. Age \_\_\_\_ and the \_\_\_\_ anniversary of employment  
☐ m. Age \_\_\_\_ and the \_\_\_\_ anniversary of actual participation in the Plan  
☐ n. Other: \_\_\_\_\_ (Plan)

MODIFICATION REQUIRING IRS SUBMISSION

**5. Early Retirement Date (Definition ERD)** - The earliest date the Participant may retire under the Plan:  
(Omit if no Early Retirement under the Plan)

- ☐ a. The date Early Retirement Age is attained  
☐ b. The first day of the month in which Early Retirement Age occurs  
☐ c. The first day of the month nearest Early Retirement Age  
☐ d. The first day of the month coincident with or next following Early Retirement Age  
☐ e. The Anniversary Date of the Plan Year in which Early Retirement Age occurs  
☐ f. The Anniversary Date nearest Early Retirement Age  
☐ g. The Anniversary Date coincident with or next following Early Retirement Age  
☐ h. The Anniversary Date coincident with or next preceding Early Retirement Age  
☐ i. The last day of the month in which Early Retirement Age occurs  
☐ j. The last day of the month nearest Early Retirement Age  
☐ k. The last day of the month coincident with or next following Early Retirement Age  
☐ l. Other: \_\_\_\_\_ (Plan)  
\_\_\_\_\_  
(SPD)

MODIFICATION REQUIRING IRS SUBMISSION

**6. Disability Retirement Date (Definitions)** - The date the Participant qualifies for Disability Benefits under the Plan:

- ☐ a. No disability benefits are provided  
☐ b. The Participant's actual date of disability, as determined by the Plan Administrator  
☐ c. \_\_\_\_ months after the Participant's actual date of disability, as determined by the Plan Administrator  
☐ d. The date the Participant begins receipt of LTD payments  
☐ e. The date the Participant ceases receipt of LTD payments  
☐ f. The date the Participant begins receipt of Social Security disability benefits

- ☐ g. The date the Participant is determined to be disabled by the Plan Administrator
- ☐ h. The date the Participant is determined to be disabled by the Social Security Administration
- ☐ i. The later of the date the Participant is determined by the Social Security Administration to be disabled and \_\_\_\_ months after the Participant's actual date of disability, as determined by the Plan Administrator
- ☐ j. The earlier of the date the Participant is determined by the Social Security Administration to be disabled and \_\_\_\_ months after the Participant's actual date of disability, as determined by the Plan Administrator
- ☐ k. The Participant's Normal Retirement Date
- ☐ l. The Participant's Early Retirement Date
- ☐ m. Other: \_\_\_\_\_ (Plan)  
\_\_\_\_\_ (SPD)

MODIFICATION REQUIRING IRS SUBMISSION

7. **Limitation Year (Definitions)** - IRC section 415 limits are imposed on the following computation period:

- ☐ a. The Plan Year
- ☐ b. The calendar year ending with or ending within the Plan Year
- ☐ c. The 12-consecutive month period ending \_\_\_\_/\_\_\_\_ coinciding with, or ending within, the Plan Year
- ☐ d. The Employer Fiscal Year ending with or within the Plan Year

## C. Compensation

*Unless otherwise specified, select only one option to each question below.*

1. **Plan Compensation (Definitions)** - For purposes of determining a Participant's Accrued Benefit, Compensation equals:

- ☐ a. Wages, Tips and other Compensation entered on Box 1 of Form W-2
- ☐ b. IRC section 3401(a) compensation (Compensation for Federal Income Tax withholding purposes)
- ☐ c. IRC section 415(c)(3) compensation

Check the box of the deferrals below to include in Plan Compensation. Leave blank to exclude (Must include or exclude all of the following for IRC section 414(s) safe harbor compensation)

- ☐ d. Section 125 deferrals (Cafeteria Plan)
- ☐ e. Section 132(f)(4) deferrals (transportation costs)
- ☐ f. Section 402(e)(3) deferrals (401(k) and 403(b) deferrals)
- ☐ g. Section 402(h) deferrals (Simplified Employee Plans)
- ☐ h. Section 457(b)
- ☐ i. Include Deemed Section 125 Compensation
- ☐ j. Exclude Deemed Section 125 Compensation

Increase in Compensation Limit, for determination periods beginning before January 1, 2002, shall be:

- ☐ k. \$200,000
- ☐ l. \$150,000 for any determination period beginning in 1996 or earlier; \$160,000 for any determination period beginning in 1997, 1998, or 1999; and \$170,000 for any determination period beginning in 2000 or 2001

2. **Modifications to Compensation (Definition of Compensation)** - Check the box to exclude the following from Plan Compensation. Leave blank to include (Exclusions except for e, not permitted for IRC section 414(s) safe harbor compensation) (Cannot discriminate in favor of Highly Compensated Employees.)

- ☐ a. Overtime
- ☐ b. Commissions
- ☐ c. Discretionary bonuses
- ☐ d. Bonuses
- ☐ e. Taxable employee benefits
- ☐ f. Compensation in excess of \$ \_\_\_\_\_
- ☐ g. Other: \_\_\_\_\_ (Plan)  
\_\_\_\_\_ (SPD)

This option is not considered a modification to the specimen document

3. **Compensation Computation Period (Definition of Average Annual Compensation)** - Compensation for benefit accrual purposes is measured over:

- ☐ a. The current Plan Year
- ☐ b. The prior Plan Year
- ☐ c. The calendar year ending with or within the Plan Year
- ☐ d. The Limitation Year
- ☐ e. The 12 consecutive month period ending \_\_\_\_/\_\_\_\_ coinciding with, or within, the Plan Year

- ☐ f. The 12 consecutive month period ending on the Employee's date of termination from employment
- ☐ g. The 12 consecutive month period ending on the last day of the month before the Employee's date of termination from employment

For a Participant's initial year, Plan Compensation accrues from:

- ☐ h. Entry Date (Participation)
- ☐ i. The first day of the Compensation Computation Period ending in the initial Plan Year
- ☐ j. The Employee's date of hire

**4. Average Monthly Compensation (Definition of Average Annual Compensation) - Benefits are based on average:**

- ☐ a. Annual Compensation
- ☐ b. Monthly Compensation

During the following period:

- ☐ c. Any \_\_\_ consecutive years (minimum of 3)
- ☐ d. \_\_\_ consecutive years (minimum of 3) of the last \_\_\_ years
- ☐ e. The final \_\_\_ years (minimum of 3)
- ☐ f. All years (career average)
- ☐ g. Current Compensation (Applies only to accumulation plans)

A Participant that has less than a full year of compensation will have his average compensation adjusted for benefit accrual purposes if the Employee: *(Select all that apply, but not more than 1 of j, k, and l. Omit if partial year of compensation used in average and go to question 5)*

- ☐ h. Is on a disability or other approved leave of absence
- ☐ i. Severs employment during the year
- ☐ j. Fails to earn a Year of Credited Service
- ☐ k. Fails to earn a partial Year of Credited Service
- ☐ l. Is credited with a Break in Service

Average Compensation will be adjusted by: *(Only answer if one of h through l is selected)*

- ☐ m. Excluding that year from the average
- ☐ n. Excluding that year from the average if it produces a lower average
- ☐ o. Annualizing the partial year and including it in the average

**5. Excluded Compensation (Definition of Average Annual Compensation) - Compensation for all years is considered except: *(Check all that are excluded)***

- ☐ a. Compensation in the year Normal Retirement Age is attained
- ☐ b. Compensation in the year Normal Retirement Age is attained and the \_\_\_ years prior to the year of Normal Retirement Age (Not to exceed 5)
- ☐ c. Compensation after \_\_\_/\_\_\_/\_\_\_ *(If Plan is frozen, enter a date on or before freeze date)*
- ☐ d. Compensation in the year of Plan termination

**6. Compensation for Sections 415 and 416 of the Code (Sections 2.6.1, 2.6.2 and 3.1.2) -**

Compensation for purposes of determining the maximum Annual Pension Benefit and Minimum Top Heavy Accrual equals:

- ☐ a. The same as for Plan purposes
- ☐ b. Wages, tips and other compensation entered on Box 1 of Form W-2
- ☐ c. IRC section 3401(a) compensation (compensation for FICA purposes)
- ☐ d. IRC section 415(c)(3) compensation

IRC section 132(f)(4) deferrals (transportation costs) are included in compensation for Limitation Years beginning on or after 01/01/\_\_\_\_ (Enter year from 1998 to 2001, inclusive)

For purposes of IRC section 416, Compensation shall be measured over:

- ☐ e. The Limitation Year
- ☐ f. The calendar year ending with or within the Plan Year

For purposes of IRC section 416, the Highest Average Compensation includes the highest \_\_\_\_ years (not to exceed 5) while:

- ☐ g. An Employee
- ☐ h. A Participant

Years while the Plan is not top heavy:

- ☐ i. Are included in the Highest Average Compensation
- ☐ j. Are not included in the Highest Average Compensation
- ☐ k. Include Deemed Section 125 Compensation

**7. ACP Testing Compensation (Section 2.7.5)** - If the Plan permits Voluntary Employee Contributions, the compensation used in determining a Participant's contribution percentage shall be: *(Omit if Plan never permitted Voluntary Employee Contributions)*

- ☐ a. Compensation for the Plan Year
- ☐ b. Compensation from Entry Date

**8. Post Severance Compensation**

- ☐ a. Exclude Post Severance Compensation payments for unused accrued sick, vacation or other leave
- ☐ b. Include Post Severance Compensation
  - ☐ b.1. Early application for Limitation Years on or after \_\_\_\_/\_\_\_\_/\_\_\_\_ (Before July 1, 2007)
- ☐ c. Include small amounts paid after end of Plan Year
- ☐ d. Post Severance adjust the Defined Benefit Dollar Limitation each year under section 415(d) of the Code
- ☐ e. Post Severance adjust the Defined Benefit Compensation Limitation each year under section 415(d) of the Code

## D. Retirement Benefit

*Unless otherwise specified, select only one option to each question below.*

1. **Normal Form of Benefit (Definitions)** - The calculated benefit amount is payable at NRD as an annuity in the form selected below: A NORMAL FORM OF BENEFIT OTHER THAN A STRAIGHT LIFE ANNUITY COULD RESULT IN A VIOLATION OF THE LIMITATIONS IMPOSED BY IRC SECTION 415.

- ☐ a. Life annuity
- ☐ b. If married, joint and \_\_\_\_\_% survivor annuity (50% to 100%) with spouse as beneficiary; if single:
  - ☐ b.1. Life annuity
  - ☐ b.2. Joint and survivor annuity assuming spouse is same age as Participant
  - ☐ b.3. Life annuity guaranteed for \_\_\_\_ years (not to exceed 20)
- ☐ c. Joint and \_\_\_\_\_% survivor annuity (50% to 100%) with any beneficiary
- ☐ d. Life annuity guaranteed for \_\_\_\_ years (not to exceed 20)
- ☐ e. Other: \_\_\_\_\_  
MODIFICATION REQUIRING IRS SUBMISSION

2. **Total Benefit (Definitions)** - The benefit payable at NRD equals:

- ☐ a. The benefit determined under the formula selected below
- ☐ b. The greater of the Adjusted Frozen Accrued Benefit and the benefit determined under the formula selected below based on total Years of Credited Service (Formula "with wear away")
- ☐ c. The sum of the Adjusted Frozen Accrued Benefit and the benefit determined under the formula selected below, based on Years of Credited Service earned after the Fresh Start Date (Formula "without wear away") NOTE: If used with the fractional accrual method (D.10.a or b) or the 3% accrual method (D.10.g or h), this is a MODIFICATION REQUIRING IRS SUBMISSION
- ☐ d. The greater of (b) and (c) (Formula "with extended wear away") NOTE: If used with the 3% accrual method (D.10.g or h), this is a MODIFICATION REQUIRING IRS SUBMISSION
- ☐ e. The benefit determined above, offset by the benefit provided by the following defined benefit plan:  
\_\_\_\_\_
- ☐ f. The benefit determined above, offset by the benefit provided by the following defined contribution plan:  
\_\_\_\_\_  
Account balances are converted using:
  - ☐ f.1. Actuarial equivalence of this Plan (requires general testing under IRC section 401(a)(4))
  - ☐ f.2. Actuarial equivalence of this Plan restricted by a Standard Interest Rate (required for IRC section 401(a)(4) safe harbor plans)
- ☐ g. Other: \_\_\_\_\_  
MODIFICATION REQUIRING IRS SUBMISSION

3. **Benefit Formula (Section 2.3.2)** - The amount of a Participant's benefits is based on the following formula:

(First select the type of benefit formula in the drop down box, then select the formula you wish to print in the document)

NOTES FOR SAFE HARBOR FORMULAS:

NOTE: FIXED BENEFIT EXCESS PLANS: THE EXCESS BENEFIT PERCENTAGE MAY NOT EXCEED THE LESSER OF (1) TWO TIMES THE BASE BENEFIT PERCENTAGE OR (2) THE BASE BENEFIT PERCENTAGE PLUS 35 OR OTHER LESSER RESTRICTION ON YEARS OF CREDITED SERVICE.

NOTE: FIXED BENEFIT OFFSET PLANS; THE OFFSET PERCENTAGE MAY NOT EXCEED THE LESSER OF (1) ONE-HALF OF THE GROSS BENEFIT PERCENTAGE (ADJUSTED BY THE RATIO OF A PARTICIPANT'S AVERAGE ANNUAL/MONTHLY COMPENSATION TO HIS FINAL AVERAGE COMPENSATION, IF SUCH RATIO IS LESS THAN ONE), OR (2) 35 (OR OTHER LESSER RESTRICTION ON YEARS OF CREDITED SERVICE) TIMES THE FACTOR IN THE PLAN'S PERMITTED DISPARITY TABLES.

NOTE: UNIT BENEFIT EXCESS: THE EXCESS BENEFIT PERCENTAGE MAY NOT EXCEED THE LESSER OF (1) TWO TIMES THE BASE BENEFIT PERCENTAGE OR (2) THE BASE BENEFIT PERCENTAGE PLUS THE FACTOR IN THE PLANS MAXIMUM PERMITTED DISPARITY TABLES. THE INITIAL PERIOD CANNOT EXCEED 35. FOR PLANS INTENDING TO SATISFY A CODE SECTION 401(A)(4) SAFE HARBOR, THE INITIAL PERIOD CANNOT BE LESS THAN 25 IF THE FRACTIONAL ACCRUAL RULE IS SELECTED.

NOTE: UNIT BENEFIT OFFSET: THE OFFSET PERCENTAGE MAY NOT EXCEED THE LESSER OF (1) ONE-HALF OF THE GROSS BENEFIT PERCENTAGE (ADJUSTED BY THE RATIO OF A PARTICIPANT'S AVERAGE ANNUAL/MONTHLY COMPENSATION TO HIS FINAL AVERAGE COMPENSATION, IF SUCH RATIO IS LESS THAN ONE), OR (2) THE FACTOR IN THE PLAN'S PERMITTED DISPARITY TABLES. THE INITIAL PERIOD CANNOT EXCEED 35. FOR PLANS INTENDING TO SATISFY A CODE SECTION 401(A)(4) SAFE HARBOR, THE INITIAL PERIOD CANNOT BE LESS THAN 25 IF THE FRACTIONAL ACCRUAL RULE IS SELECTED.

NOTE: ACCUMULATION BENEFIT EXCESS: THE EXCESS BENEFIT PERCENTAGE MAY NOT EXCEED THE LESSER OF: (1) TWO TIMES THE BASE BENEFIT PERCENTAGE OR (2) THE BASE BENEFIT PERCENTAGE PLUS THE FACTOR IN THE PLAN'S PERMITTED DISPARITY TABLES. THE EXCESS BENEFIT PERCENTAGE MAY ONLY BE APPLIED TO THE FIRST 35 YEARS OF A PARTICIPANT'S BENEFIT. THEREAFTER, HIS BENEFIT MUST ACCRUE A BENEFIT BASED ON HIS TOTAL AVERAGE ANNUAL/MONTHLY COMPENSATION.

NOTE: ALL FORMULA OPTIONS BELOW MUST PROVIDE FOR A MEANINGFUL BENEFIT PURSUANT TO CODE SECTION 401(A)(26).

Dollar Based (Fixed/Unit/Graded)

Benefits expressed as: ☐ Annual ☐ Monthly

- ☐ a. Fixed: \$ \_\_\_\_\_ (SAFE HARBOR)
- ☐ b. Fixed: \$ \_\_\_\_\_ reduced pro-rata for less than \_\_\_\_ Years of Credited Service (PLANS INTENDING TO MEET A CODE SECTION 401(A)(4) SAFE HARBOR MUST ENTER A NUMBER NOT LESS THAN 25 FOR SERVICE REDUCTION)
- ☐ c. Unit: \$ \_\_\_\_\_ multiplied by Years of Credited Service (SAFE HARBOR)
- ☐ d. Graded: \$ \_\_\_\_\_ for each Year of Credited Service before \_\_\_\_/\_\_\_\_/\_\_\_\_, plus \$ \_\_\_\_\_ for each Year of Credited Service after such date and before \_\_\_\_/\_\_\_\_/\_\_\_\_, plus \$ \_\_\_\_\_ for each Year of Credited Service thereafter *(Complete all blanks)*
- ☐ e. Graded: a dollar amount for each Year of Credited Service according to the schedule entered in the custom input box: Enter effective of change and new benefit level  
\_\_\_\_\_
- ☐ f. Accumulation plan: \$ \_\_\_\_\_

Non-Integrated (Fixed/Unit/Graded)

- ☐ g. Fixed: \_\_\_\_\_% of Average Annual/Monthly Compensation
- ☐ h. Fixed: \_\_\_\_\_% of Average Annual/Monthly Compensation reduced pro-rata for less than \_\_\_\_ Years of Credited Service
- ☐ i. Unit: \_\_\_\_\_% of Average Annual/Monthly Compensation multiplied by Years of Credited



Service

- ☐ j. Graded: (Complete first and third line for 2 tiers, all 3 lines for 3 tiers) \_\_\_\_\_% of Average Annual/Monthly Compensation for each Year of Credited Service before \_\_\_\_/\_\_\_\_/\_\_\_\_, plus \_\_\_\_\_% of Average Annual/Monthly Compensation for each Year of Credited Service after that date and before \_\_\_\_/\_\_\_\_/\_\_\_\_, plus \_\_\_\_\_% of Average Annual/Monthly Compensation for each Year of Credited Service thereafter
- ☐ k. Graded: (Complete first and third line for 2 tiers, all 3 lines for 3 tiers) \_\_\_\_\_% of Average Annual/Monthly Compensation for the first \_\_\_\_ Years of Credited Service, plus \_\_\_\_\_% of Average Annual/Monthly Compensation for the next \_\_\_\_ Years of Credited Service, plus \_\_\_\_\_% of Average Annual/Monthly Compensation for the next \_\_\_\_ Years of Credited Service (Enter 99 for no limit)
- ☐ l. Accumulation plan: \_\_\_\_\_% of Average Annual/Monthly Compensation

Formulas by Class (Fixed/Unit/Dollar)

- ☐ m. A percentage of Average Annual/Monthly Compensation multiplied by Years of Credited Service based on the table below: THIS ARRANGEMENT MUST SATISFY IRC SECTION 401(a)(26) INCLUDING THE MEANINGFUL BENEFIT REQUIREMENT OF REG. 1.401(a)(26)-(3)(c)(2)
- ☐ m.1. Check box if classifications are based solely on union status or if no HCEs are covered *If you do NOT select m.1, Section 2.3.14 is a MODIFICATION REQUIRING IRS SUBMISSION*

m.2.

<u>Employee Classification</u>	<u>Benefit Percentage</u>	<u>Description of Classification</u>
A	_____	_____
B	_____	_____
C	_____	_____
D	_____	_____
E	_____	_____
F	_____	_____
G	_____	_____
H	_____	_____
I	_____	_____
J	_____	_____

- ☐ n. A dollar amount multiplied by Years of Credited Service based on the table below: THIS ARRANGEMENT MUST SATISFY IRC SECTION 401(a)(26) INCLUDING THE MEANINGFUL BENEFIT REQUIREMENT OF REG. 1.401(a)(26)-(3)(c)(2)
- ☐ n.1. Check box if classifications are based solely on union status or if no HCEs are covered *If you do NOT select n.1., Section 2.3.14 is a MODIFICATION REQUIRING IRS SUBMISSION*

n.2. Benefits expressed as: ☐ Annual ☐ Monthly

n.3.	<u>Employee Classification</u>	<u>Dollar Amount</u>	<u>Description of Classification</u>
	A	\$ _____	_____
	B	\$ _____	_____
	C	\$ _____	_____
	D	\$ _____	_____
	E	\$ _____	_____
	F	\$ _____	_____
	G	\$ _____	_____
	H	\$ _____	_____
	I	\$ _____	_____
	J	\$ _____	_____

- ☐ o. A percentage of Average Annual/Monthly Compensation multiplied by Years of Credited Service per Participant *(If appendix is generated by DATAIR's DB system, omit o.1 and attach that appendix to the end of document where indicated)*

o.1. Enter Participants and percentages: \_\_\_\_\_

- ☐ p. Accumulation plan: The sum of a percentage of each Participant's Average Annual/Monthly Compensation for each Year of Credited Service, such percentage based on the Participant's classification *(If appendix is generated by DATAIR's DB system, omit p.1 and attach that appendix to end of document where indicated)*

p.1. Enter Participants and percentages: \_\_\_\_\_

Integrated (Excess/Offset/Unit Excess Unit/Offset/Accumulation)

- Formula is: ☐ Subject to IRC section 401(l) - integrated  
☐ Subject to "general test" of IRC section 401(a)(4)

- ☐ q. Fixed Benefit Excess

q.1. \_\_\_\_\_% (Base Benefit Percentage) of Average Annual/Monthly Compensation up to the Integration Level, reduced pro-rata for less than \_\_\_\_\_ Years of Credited Service (At least 25 for 401(a)(4) safe harbor plans)

PLUS

q.2. \_\_\_\_\_% (Excess Benefit Percentage) of Average Annual/Monthly Compensation in excess of the Integration Level, reduced pro-rata for less than \_\_\_\_\_ Years of Credited Service (Must match q.1 for 401(a)(4) safe harbor plans)

PLUS

☐ q.3. \_\_\_\_\_% of Average Annual/Monthly Compensation times Years of Credited Service in excess of \_\_\_\_

- ☐ r. Fixed Benefit Offset

r.1. \_\_\_\_\_% (Gross Benefit Percentage) of Average Annual/Monthly Compensation, reduced pro-rata for less than \_\_\_\_ Years of Credited Service (At least 25 for 401(a)(4) safe harbor plans)

LESS

☐ r.2. \_\_\_\_\_% (Offset Percentage) of Final Average Compensation

☐ r.3. \_\_\_\_\_% of the Primary Insurance Amount

☐ r.4. the lesser of \_\_\_\_\_% (Offset Percentage) of Final Average Compensation, or \_\_\_\_\_% of the Primary Insurance Amount

r.5. Reduced pro-rata for less than \_\_\_\_\_ Years of Credited Service *(Must match r.1 for 401(a)(4) safe harbor plans)*

PLUS

- ☐ r.6. \_\_\_\_\_% of Average Annual/Monthly Compensation times Years of Credited Service in excess of \_\_\_\_ (Must match r.1 for 401(a)(4) safe harbor plans)

☐ s. Unit Benefit Excess

- s.1. \_\_\_\_\_% (Base Benefit Percentage) of Average Annual/Monthly Compensation up to the Integration Level multiplied by:

☐ s.1.A. Years of Credited Service, not to exceed \_\_\_\_

☐ s.1.B. Years of Credited Service (no limit)

PLUS

- s.2. \_\_\_\_\_% (Excess Benefit Percentage) of Average Annual/Monthly Compensation in excess of the Integration Level multiplied by:

☐ s.2.A. Years of Credited Service, not to exceed \_\_\_\_ (Not to exceed 35 for 401(l) plans)

☐ s.2.B. A fraction equal to Years of Credited Service divided by \_\_\_\_ (Not less than 25 for 401(a)(4) safe harbor formulas) (Not available if s.1.B selected. Omit item s.3, but complete item s.4 below)

PLUS (optional)

- ☐ s.3. The Excess Benefit Percentage times the Average Annual/Monthly Compensation multiplied by Years of Credited Service in excess of the years entered in s.2.A: (Not available if s.1.B or s.2.B is selected)

☐ s.3.A. But not to exceed \_\_\_\_ (Not to exceed 35 for 401(l) plans) (Complete item s.4 below)

☐ s.3.B. No limit on Years of Credited Service

PLUS (optional)

- ☐ s.4. \_\_\_\_\_% of Average Annual/Monthly Compensation multiplied by Years of Credited Service in excess of the years entered in s.2.A, s.2.B, or if applicable, s.3: (Not available if s.1.B or s.3.B is selected)

☐ s.4.A. But not to exceed \_\_\_\_ (Only available if s.2.B is selected)

☐ s.4.B. No limit on Years of Credited Service

*Note: Percentage cannot exceed the lesser of the Base Percentage by more than 133 1/3% or the Excess Percentage*

☐ t. Unit Benefit Offset

- t.1. \_\_\_\_\_% (Gross Benefit Percentage) of Average Annual/Monthly Compensation multiplied by Years of Credited Service, not to exceed \_\_\_\_ (Enter 99 for no limit)

LESS

- t.2. The product of:

☐ t.2.A. \_\_\_\_\_% (Offset Percentage) of Final Average Compensation

☐ t.2.B. \_\_\_\_\_% of the Primary Insurance Amount

☐ t.2.C. the lesser of the \_\_\_\_\_% (Offset Percentage) of Final Average Compensation, or \_\_\_\_\_% of the Primary Insurance Amount

Multiplied by:

☐ t.2.D. Years of Credited Service not to exceed \_\_\_\_ (Not to exceed 35)

☐ t.2.E. A fraction equal to Years of Credited Service divided by \_\_\_\_ (Not less than 25 for 401(a)(4) safe harbor formulas)

PLUS (optional)

- ☐ t.3. \_\_\_\_\_% of Average Annual/Monthly Compensation times Years of Credited Service in excess of \_\_\_\_ (Enter 99 for no limit)

- ☐ u. Accumulation Plan Excess - For each Year (or fraction) of Credited Service, an amount equal to: \_\_\_\_\_% (Base Benefit Percentage) of Average Annual/Monthly Compensation up to the Integration Level,

PLUS  
\_\_\_\_\_% (Excess Benefit Percentage) of Average Annual/Monthly Compensation in excess of the Integration Level

- ☐ v. Accumulation Plan Offset - For each Year (or fraction) of Credited Service, an amount equal to: \_\_\_\_\_% (Gross Benefit Percentage ) of Average Annual/Monthly Compensation

LESS

- ☐ v.1. \_\_\_\_\_% (Offset Percentage) of Final Average Compensation  
☐ v.2. \_\_\_\_\_% of the Primary Insurance Amount  
☐ v.3. the lesser of the \_\_\_\_\_% (Offset Percentage) of Final Average Compensation, or \_\_\_\_\_% of the Primary Insurance Amount

Other

- ☐ w. Custom text formula: \_\_\_\_\_  
MODIFICATION REQUIRING IRS SUBMISSION  
The custom text formula is: *(Select one of w.1 through w.4 and if applicable, w.5)*

- ☐ w.1. Not subject to integration rules  
☐ w.2. Subject to integration rules for performing the "general test" of Reg. 1.401(a)(4)-8  
☐ w.3. Subject to the integration rules of IRC section 401(l) - Excess Plan  
☐ w.4. Subject to the integration rules of IRC section 401(l) - Offset Plan  
☐ w.5. A PIA offset formula

**4. Fresh Start Dates (Section 2.3.16)** - A Fresh Start Date is a date that benefits are frozen and begin accruing under new Plan provisions. The following Fresh Start Dates exist for the Plan:

a. Plan Amendments

- ☐ a.1. No Fresh Start Date exists  
☐ a.2. A Fresh Start Date exists for the following groups:

<input type="checkbox"/> a.2.A. <u>Fresh Start Group</u>	<u>Date Group Established</u>	<u>Fresh Start Date</u>
_____	____/____/____	____/____/____
_____	____/____/____	____/____/____
_____	____/____/____	____/____/____
_____	____/____/____	____/____/____
_____	____/____/____	____/____/____
<input type="checkbox"/> a.2.B. Other: _____		

b. Section 401(a)(17) Participants

- b.1. TRA '86 Fresh Start Date \_\_\_\_/\_\_\_\_/\_\_\_\_ *(Must be the last day of the Plan Year beginning in 1988 through 1993)*  
b.2. OBRA '93 Fresh Start Date \_\_\_\_/\_\_\_\_/\_\_\_\_ *(Must be the last day of the Plan Year beginning in 1993)*

**5. Adjusted Frozen Accrued Benefit (Section 2.3.13)** - The Adjusted Frozen Accrued Benefit equals the Frozen Accrued Benefit as of a Fresh Start Date, but as adjusted below:

Other than Section 401(a)(17) Participants

- ☐ a. No adjustment  
☐ b. Multiplied by fraction based on old compensation definition  
☐ c. Multiplied by fraction based on new compensation definition  
☐ d. Substitute new compensation in old formula

If b or c is selected, for Fresh Start Dates prior to the Plan Year beginning in 1994:

- ☐ e. Reconstructed compensation not used (recommended)
- ☐ f. Compensation is reconstructed from the Plan Year ending \_\_\_\_/\_\_\_\_/\_\_\_\_ (Date must be on or after Fresh Start Date and on or before the last day of Plan Year beginning in 1993)

The adjustments above are subject to the following limitations: (Omit if a is selected)

- ☐ g. No limitations
- ☐ h. Limited to \_\_\_\_% of the otherwise permitted adjustment
- ☐ i. May not exceed the greater of the Participant's Frozen Accrued Benefit, or \$ \_\_\_\_\_
- ☐ j. Limited to \_\_\_\_% of the Participant's Frozen Accrued Benefit (100% or greater)

Section 401(a)(17) Participants

- ☐ k. No adjustment
- ☐ l. OBRA '93 Frozen Accrued Benefit Plus TRA'86 Frozen Accrued Benefit
- ☐ m. OBRA '93 Frozen Benefit

**6. Mandatory Employee Contributions (Section 2.2.4)** - The Plan requires Employees to make contributions as a condition of participating in the Plan as follows: (Select all applicable)

- ☐ a. Employee Contributions are not required
- ☐ b. Employee Contributions will not be required after \_\_\_\_/\_\_\_\_/\_\_\_\_
- ☐ c. A Participant must contribute \_\_\_\_% of his Compensation each year (Not available if an integrated benefit formula is selected above or if the Plan imputes permitted disparity when performing the "general test" of IRC section 401(a)(4))
- ☐ d. A Participant must contribute \$ \_\_\_\_\_ of his Compensation each year (Only available for dollar based formulas)
- ☐ e. Employee Contributions shall be allocated to a Segregated account for Plan Years after \_\_\_\_/\_\_\_\_/\_\_\_\_
- ☐ f. Employee Contributions are used to provide benefits in addition to those determined by the benefit formula
- ☐ g. Other: \_\_\_\_\_  
MODIFICATION REQUIRING IRS SUBMISSION

**7. Voluntary Employee Contributions (Sections 2.2.3, 2.7.1, and 2.7.2)** - The Plan permits Employees to make voluntary (after tax) contributions:

- ☐ a. Not permitted
- ☐ b. Permitted without limitation
- ☐ c. Permitted, but not in excess of \_\_\_\_% of Compensation
- ☐ d. Permitted, but not in excess of \$ \_\_\_\_\_ per Plan Year
- ☐ e. Permitted, but not after \_\_\_\_/\_\_\_\_/\_\_\_\_
- ☐ f. Other: \_\_\_\_\_  
MODIFICATION REQUIRING IRS SUBMISSION

If Voluntary Employee Contributions are permitted, the ACP test is based on the:

- ☐ g. Prior year method, where the first year's ACP for NHCEs:
  - ☐ g.1. Is deemed to be 3.00%
  - ☐ g.2. Equals the actual ACP for the first year
- ☐ h. Current year method

**8. Years of Credited Service** - For purposes of determining a Participant's Normal Retirement Benefit or Accrued Benefit, the period used in measuring service is:

- ☐ a. The Plan Year
- ☐ b. The Employee's Eligibility Computation Period
- ☐ c. The 12 month period ending on the employment anniversary date
- ☐ d. The calendar year ending with or within the Plan Year

A Year of Credited Service is granted for each year in which the Employee earns:

- ☐ e. \_\_\_\_ Hours of Service (not to exceed 1000)
- ☐ f. \_\_\_\_ Hours of Service, pro-rata year given if less than specified hours (Not to exceed 2000)
- ☐ g. \_\_\_\_ Hours of Service, pro-rata year given if less than specified hours provided at least \_\_\_\_ hours are earned (First blank not to exceed 2000, second blank not to exceed 1000)
- ☐ h. Elapsed Time Method
- ☐ i. Other: \_\_\_\_\_  
*MODIFICATION REQUIRING IRS SUBMISSION*

Years of Credited Service are granted for:

- ☐ j. Years while a Participant
- ☐ k. All years with the Employer

**9. Limits on Credited Service (Section 2.3.2)** - For purposes of determining the Normal Retirement Benefit: *(May select a and b or leave blank)*

- ☐ a. Credited Service is limited to \_\_\_\_ years. If a graded formula based on dates (formulas D.3.d and D.3.j above) is selected, then apply the formula on the:
  - ☐ a.1. First Years of Credited Service
  - ☐ a.2. Last Years of Credited Service
- ☐ b. disregard Years of Credited Service prior to:
  - ☐ b.1. \_\_\_\_/\_\_\_\_/\_\_\_\_
  - ☐ b.2. the latest Fresh Start Date

*Note: Plans intending to satisfy an IRC section 401(a)(4) safe harbor must exclude years prior to 5 years before the effective date of the formula*

**10. Benefit Accrual Rules (Definitions and Section 2.3.1)** - A Participant's Accrued Benefit at any time prior to Normal Retirement Date equals: Select one of a through i, and if applicable, j or k. Omit if Plan is frozen

- ☐ a. Fractional Rule applied to Normal Retirement Benefit
- ☐ b. Fractional Rule applied to Normal Retirement Benefit restricted by IRC section 415(b)
- ☐ c. Unit Credit, provided the 133 1/3 rule is satisfied
- ☐ d. 412(i) Plan - cash surrender value
- ☐ e. 412(i) Plan - greater of cash surrender value or accrued benefit based on Fractional Rule
- ☐ f. Accumulation plan
- ☐ g. 3% Rule applied to Normal Retirement Benefit
- ☐ h. 3% Rule applied to Normal Retirement Benefit restricted by IRC section 415(b)
- ☐ i. Other: \_\_\_\_\_  
*MODIFICATION REQUIRING IRS SUBMISSION*

NOTE: the 3% rule is not available when a formula imputes permitted disparity.

If the Fractional Rule is selected and the Plan uses a benefit formula "without wear away" or "with extended wear away" (item D.2.c or D.2.d), then the fraction is based on:

- ☐ j. Years of Credited Service after the Fresh Start Date
- ☐ k. All Years of Credited Service

Note: The use of the Fractional Rule (D.10.a or b) or the 3% Rule (D.10.g or h) with a formula of "without wear away" (D.2.c) is a MODIFICATION REQUIRING IRS SUBMISSION, as is the use of either the 3% Rule (D.10.g. or h) with a formula of "with extended wear away" (D.2.d)

The Normal Retirement Benefit is rounded to the nearest \$\_\_\_\_\_ (If left blank, this sentence will not print)

**11. Minimum Top Heavy Benefits (Section 2.6.1)** - If the Plan is Top Heavy, the minimum annuity is 2% of Highest Average Compensation for each Year of Service, except that the following Years of Service will not be included:

- ☐ a. Years prior to 1984
- ☐ b. Years prior to the adoption of the Plan
- ☐ c. Years of Service earned prior to becoming a Participant (Average salary must be from date of participation (item C.6.h must be checked))
- ☐ d. Years of Service earned while the Plan was not Top Heavy

Payable:

- ☐ e. in the Normal Form of Benefit (the same as question D.1 above)
- ☐ f. as a straight life annuity only

**12. Minimum Retirement Benefits (Section 2.3.2)** - Aside from any Minimum Top Heavy Retirement Benefits, a Participant's Normal Retirement Benefit will not be less than: (Leave blank if no minimum)

- ☐ a. Fixed: \$\_\_\_\_\_
- ☐ b. Fixed: \$\_\_\_\_\_ reduced pro-rata for less than \_\_\_\_\_ Years of Credited Service
- ☐ c. Unit: \$\_\_\_\_\_ multiplied by Years of Credited Service
- ☐ d. Accumulation plan: \$\_\_\_\_\_

If you select item 12.a through d, the benefits are expressed as ☐ Monthly ☐ Annual

- ☐ e. Fixed: \_\_\_\_\_% of Average Annual/Monthly Compensation
- ☐ f. Fixed: \_\_\_\_\_% of Average Annual/Monthly Compensation reduced pro-rata for less than \_\_\_\_\_ Years of Credited Service
- ☐ g. Unit: \_\_\_\_\_% of Average Annual/Monthly Compensation multiplied by Years of Credited Service
- ☐ h. Accumulation plan: \_\_\_\_\_% of Average Annual/Monthly Compensation
- ☐ i. Custom text formula: \_\_\_\_\_  
MODIFICATION REQUIRING IRS SUBMISSION

**13. Maximum Retirement Benefits (Section 2.3.2)** - Aside from any Maximum Top Heavy Retirement Benefits, a Participant's Normal Retirement Benefit will not be more than: (Leave blank if no maximum)

- ☐ a. Fixed: \$\_\_\_\_\_

- ☐ b. Fixed: \$\_\_\_\_\_ reduced pro-rata for less than \_\_\_\_ Years of Credited Service
- ☐ c. Unit: \$\_\_\_\_\_ multiplied by Years of Credited Service
- ☐ d. Accumulation plan: \$\_\_\_\_\_

If you select item 13.a through d, the benefits are expressed as: ☐ Monthly ☐ Annual

- ☐ e. Fixed: \_\_\_\_\_% of Average Annual/Monthly Compensation
- ☐ f. Fixed: \_\_\_\_\_% of Average Annual/Monthly Compensation reduced pro-rata for less than \_\_\_\_ Years of Credited Service
- ☐ g. Unit: \_\_\_\_\_% of Average Annual/Monthly Compensation multiplied by Years of Credited Service
- ☐ h. Accumulation plan: \_\_\_\_\_% of Average Annual/Monthly Compensation
- ☐ i. Custom text formula: \_\_\_\_\_  
MODIFICATION REQUIRING IRS SUBMISSION

**14. Miscellaneous (Section 2.3.2)** - Enter any custom text language to be printed as part of the benefit formula that is not covered above. This language will be included as the last 2 paragraphs in Section 2.3.2 of the final document (*Omit if no additional language desired*)

- ☐ a. Other 1: \_\_\_\_\_  
MODIFICATION REQUIRING IRS SUBMISSION
- ☐ b. Other 2: \_\_\_\_\_  
MODIFICATION REQUIRING IRS SUBMISSION

**15. Cost of Living Adjustments (Section 2.3.11)** - Former Employees will have their benefits increased to reflect increases in the cost of living as follows:

- ☐ a. No adjustments except by Plan amendment
- ☐ b. The same as the Cost of Living Adjustments provided by the Social Security Administration
- ☐ c. \_\_\_\_\_% per year
- ☐ d. Other: \_\_\_\_\_  
MODIFICATION REQUIRING IRS SUBMISSION

Any increase shall be effective:

- ☐ e. Each January 1st
- ☐ f. On the first day of the Plan Year
- ☐ g. On the anniversary of the date benefits commenced

Limits on increases:

- ☐ h. No limitations
- ☐ i. The maximum increase in any one year shall be:
  - ☐ i.1. \$\_\_\_\_\_ per month
  - ☐ i.2. \_\_\_\_\_% of the Participant's monthly benefit amount
- ☐ j. The minimum increase in any one year shall be:
  - ☐ j.1. \$\_\_\_\_\_ per month
  - ☐ j.2. \_\_\_\_\_% of the Participant's monthly benefit amount
- ☐ k. The maximum cumulative increase shall be limited to:
  - ☐ k.1. \$\_\_\_\_\_ per month
  - ☐ k.2. \_\_\_\_\_% of the Participant's monthly benefit amount
- ☐ l. Other: \_\_\_\_\_



# MODIFICATION REQUIRING IRS SUBMISSION

**16. Plan Actuarial Equivalence** - The actuarial assumptions used in computing optional forms of payment under the Plan are: *(412(i) plans complete d)*

- a. Pre-retirement interest rate: \_\_\_\_\_ %  
(Integrated plans intending to satisfy a 401(a)(4) safe harbor must select a rate between 7.5% and 8.5%)
- b. Post-retirement interest rate: \_\_\_\_\_ % (7.5-8.5 for 401(l) Safe Harbor)  
(Integrated plans intending to satisfy a 401(a)(4) safe harbor must select a rate between 7.5% and 8.5%)
- ☐ c. Mortality Tables: *Select one table (or none) for pre-retirement and one table for post-retirement*  
(Integrated plans intending to satisfy a 401(a)(4) safe harbor must select a Standard Mortality Table) (Standard Mortality Tables are indicated with an asterisk (\*) but cannot be blended)

<u>Pre- Retirement</u>	<u>Post- Retirement</u>
----------------------------	-----------------------------

- |                                  |                                  |                                                                                            |
|----------------------------------|----------------------------------|--------------------------------------------------------------------------------------------|
| <input type="checkbox"/> c.1.A.  | <input type="checkbox"/> c.1.B.  | *UP84                                                                                      |
| <input type="checkbox"/> c.2.A.  | <input type="checkbox"/> c.2.B.  | The blended 83 GAM Table per Rev.Rul. 95-6 (GATT table)                                    |
| <input type="checkbox"/> c.3.A.  | <input type="checkbox"/> c.3.B.  | *The Blended 94 GAR Table projected to 2002 by scale AA per Rev. Rul. 2001-62 (GATT table) |
| <input type="checkbox"/> c.4.A.  | <input type="checkbox"/> c.4.B.  | UP-94                                                                                      |
| <input type="checkbox"/> c.5.A.  | <input type="checkbox"/> c.5.B.  | 94-GAR                                                                                     |
| <input type="checkbox"/> c.6.A.  | <input type="checkbox"/> c.6.B.  | *83 IAM                                                                                    |
| <input type="checkbox"/> c.7.A.  | <input type="checkbox"/> c.7.B.  | *83 GAM                                                                                    |
| <input type="checkbox"/> c.8.A.  | <input type="checkbox"/> c.8.B.  | *71 IAM                                                                                    |
| <input type="checkbox"/> c.9.A.  | <input type="checkbox"/> c.9.B.  | *71 GAM                                                                                    |
| <input type="checkbox"/> c.10.A. | <input type="checkbox"/> c.10.B. | RP-2000 Mortality Table                                                                    |
| <input type="checkbox"/> c.11.A. | <input type="checkbox"/> c.11.B. | Other: Pre - _____<br>Post - _____                                                         |
| <input type="checkbox"/> c.12.A. |                                  | None                                                                                       |

If you chose any of the mortality tables from c.4 to c.10, which are not unisex tables, you must make selections in c.13-15: (c.15.A and c.15.B are NOT Standard Mortality Tables)

- |                                  |                                  |                                                                     |
|----------------------------------|----------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> c.13.A. | <input type="checkbox"/> c.13.B. | *Male                                                               |
| <input type="checkbox"/> c.14.A. | <input type="checkbox"/> c.14.B. | *Female                                                             |
| <input type="checkbox"/> c.15.A. |                                  | Blended: _____ % male; _____ % female (percentages must total 100%) |
|                                  | <input type="checkbox"/> c.15.B. | Blended: _____ % male; _____ % female (percentages must total 100%) |

Other adjustments to the mortality table: (Select all applicable. None are Standard Mortality Tables)

- |                                  |                                  |                                                                 |
|----------------------------------|----------------------------------|-----------------------------------------------------------------|
| <input type="checkbox"/> c.16.A. |                                  | Setback (-)/Setforward (+): ____                                |
|                                  | <input type="checkbox"/> c.16.B. | Setback (-)/Setforward (+): ____                                |
| <input type="checkbox"/> c.17.A. |                                  | Projected to year ____ with scale selected in c.18 through c.23 |
|                                  | <input type="checkbox"/> c.17.B. | Projected to year ____ with scale selected in c.18 through c.23 |
| <input type="checkbox"/> c.18.A. | <input type="checkbox"/> c.18.B. | Scale C                                                         |

- ☐ c.19.A.    ☐ c.19.B.    Scale D  
☐ c.20.A.    ☐ c.20.B.    Scale G  
☐ c.21.A.    ☐ c.21.B.    Scale H  
☐ c.22.A.    ☐ c.22.B.    Scale AA  
☐ c.23.A.    Other: \_\_\_\_\_  
                  ☐ c.23.B.    Other: \_\_\_\_\_

☐

- d. The interest rate and mortality assumptions specified in the following Insurance or Annuity Contract that meets the conditions of section 412(i) of the Code

Contract name/number: \_\_\_\_\_

Company that issued the contract: \_\_\_\_\_

Date of issuance: \_\_\_\_/\_\_\_\_/\_\_\_\_

**17. IRC section 417(e) Actuarial Equivalence (Sections 2.3.12, 3.1.2, 3.1.3, and 3.1.4)** - The actuarial assumptions used in determining the minimum cashout under IRC section 417(e) and the maximum distribution other than a life annuity (or joint and survivor annuity) under IRC section 415 are based on the Applicable Mortality Table and the Applicable Interest Rate. The Stability Period (period for which the Applicable Interest Rate remains unchanged) is:

- ☐ a. One month  
☐ b. One Plan quarter  
☐ c. One calendar quarter  
☐ d. One Plan Year  
☐ e. One calendar year

The Look Back Month (month in which the applicable Interest Rate is determined) under the Plan is the:

- ☐ f. First calendar month preceding each Stability Period  
☐ g. Second calendar month preceding each Stability Period  
☐ h. Third calendar month preceding each Stability Period  
☐ i. Fourth calendar month preceding each Stability Period  
☐ j. Fifth calendar month preceding each Stability Period  
☐ k. An average of the following months preceding the Stability Period: *(Select 2 or more consecutive months)*  
     ☐ k.1. First calendar month  
     ☐ k.2. Second calendar month  
     ☐ k.3. Third calendar month  
     ☐ k.4. Fourth calendar month  
     ☐ k.5. Fifth calendar month

For IRC section 415(b)(2)(E) purposes (determination of the Maximum Permissible Benefit):  
*(Omit if original effective date of Plan is after 12/7/94)*

- l. GATT rates were effective: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 m. Date amendment executed: \_\_\_\_/\_\_\_\_/\_\_\_\_

If RPA '94 Old Benefits are protected:

- ☐ n. Not protected

☐ o. The RPA '94 Freeze Date (date RPA '94 Old Law Benefits are determined) is: \_\_\_\_/\_\_\_\_/\_\_\_\_ and the transitional rule used is:

- ☐ o.1. Method 1: Old assumptions on Old Law Benefit; new assumptions on remaining benefit
- ☐ o.2. Method 2: Old assumptions on Old Law Benefit to be used as a minimum
- ☐ o.3. Method 3: Greater of Method 1 and Method 2

For IRC section 417(e) purposes (minimum cashout provisions): *(Omit if original effective date of Plan is after 12/7/94)*

p. GATT rates were effective:

- ☐ p.1. \_\_\_\_/\_\_\_\_/\_\_\_\_
- ☐ p.2. The RPA Freeze Date entered in item o above
- ☐ p.3. The Final Implementation Date (latest date possible)

q. Date amendment executed: \_\_\_\_/\_\_\_\_/\_\_\_\_

r. For years prior to the later of the dates entered in p and q, the PBGC rates were determined as of:

- ☐ r.1. The first day of Plan Year
- ☐ r.2. The date of distribution
- ☐ r.3. The month prior to the date of distribution
- ☐ r.4. Other: \_\_\_\_\_

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s. For lump sum cashouts in excess of \$25,000, the rates used are:

- ☐ s.1. 120% of the PBGC rates
- ☐ s.2. 100% of the PBGC rates

**18. IRC 416 Actuarial Equivalence (Section 2.6.2)** - The actuarial assumptions used in calculating the present value of Accrued Benefits for determining the Plan's top heavy ratio are:

- ☐ a. The same as the Plan's actuarial equivalence factors (question 18 above)
- ☐ b. The same as the actuarial assumptions used in the most recent actuarial valuation
- ☐ c. The factors selected below:

- c.1. Pre-retirement interest rate: \_\_\_\_\_%
- c.2. Post-retirement interest rate: \_\_\_\_\_%
- c.3. Mortality Tables: *Select one table (or none) for pre-retirement and one table for post-retirement*

<u>Pre-</u> <u>Retirement</u>	<u>Post-</u> <u>Retirement</u>
----------------------------------	-----------------------------------

- |                                  |                                   |                                                                              |
|----------------------------------|-----------------------------------|------------------------------------------------------------------------------|
| <input type="checkbox"/> c.3.Ai. | <input type="checkbox"/> c.3.Aii. | UP84                                                                         |
| <input type="checkbox"/> c.3.Bi. | <input type="checkbox"/> c.3.Bii. | The blended 83 GAM Table per Rev.Rul. 95-6 (GATT table)                      |
| <input type="checkbox"/> c.3.Ci. | <input type="checkbox"/> c.3.Cii. | The Blended 94 GAR Table projected to 2002 by scale AA per Rev. Rul. 2001-62 |
| <input type="checkbox"/> c.3.Di. | <input type="checkbox"/> c.3.Dii. | UP-94                                                                        |
| <input type="checkbox"/> c.3.Ei. | <input type="checkbox"/> c.3.Eii. | 94-GAR                                                                       |
| <input type="checkbox"/> c.3.Fi. | <input type="checkbox"/> c.3.Fii. | 83 IAM                                                                       |
| <input type="checkbox"/> c.3.Gi. | <input type="checkbox"/> c.3.Gii. | 83 GAM                                                                       |
| <input type="checkbox"/> c.3.Hi. | <input type="checkbox"/> c.3.Hii. | 71 IAM                                                                       |

- ☐ c.3.Ii.      ☐ c.3.Iii.      71 GAM
- ☐ c.3.Ji.        ☐ c.3.Jii.      RP-2000 Mortality Table
- ☐ c.3.Ki.        ☐ c.3.Kii.      Other: Pre - \_\_\_\_\_  
Post - \_\_\_\_\_
- ☐ c.3.Li.                  None

If the mortality table is not a unisex table (c.3.D through c.3.J), specify the table below:

- ☐ c.3.Mi. ☐ c.3.Mii. Male
- ☐ c.3.Ni. ☐ c.3.Nii. Female
- ☐ c.3.Oi. Blended: \_\_\_\_\_% male; \_\_\_\_\_% female (percentages must total 100%)
- ☐ c.3.Oii. Blended: \_\_\_\_\_% male; \_\_\_\_\_% female (percentages must total 100%)

Other adjustments to the mortality table: (Select all applicable. None are Standard Mortality Tables)

- ☐ c.3.Pi. Setback (-)/Setforward (+): \_\_\_\_

☐ c.3.Pii. Setback (-)/Setforward (+): \_\_\_\_

☐ c.3.Qi. Projected to year \_\_\_\_ with scale selected in c.3.Ri through c.3.Wi  
Enter Year after 1970 and before 2015

☐ c.3.Qii. Projected to year \_\_\_\_ with scale selected in c.3.Rii through c.3.Wii  
Enter Year after 1970 and before 2015

☐ c.3.Ri. Scale C

☐ c.3.Rii. Scale C

☐ c.3.Si. Scale D

☐ c.3.Sii. Scale D

☐ c.3.Ti. Scale G

☐ c.3.Tii. Scale G

☐ c.3.Ui. Scale H

☐ c.3.Uii. Scale H

☐ c.3.Vi. Scale AA

☐ c.3.Vii. Scale AA

☐ c.3.Wi. Other: \_\_\_\_\_

☐ c.3.Wii. Other: \_\_\_\_\_

**19. Integration Level** - If the allocation formula selected is integrated, the integration level is:

Integration levels that automatically satisfy IRC section 401(l)

- ☐ a. The Participant's Covered Compensation
- ☐ b. The greater of \$10,000 or 50% of the Participant's Covered Compensation
- ☐ c. The lesser of \$\_\_\_\_\_ or 50% of the Participant's Covered Compensation (Dollar amount not to exceed \$10,000)
- ☐ d. The greater of \$\_\_\_\_\_ or 50% of the Participant's Covered Compensation (Dollar amount to exceed \$10,000, but not \$25,450)
- ☐ e. The lesser of the Taxable Wage Base under the Social Security Act or \_\_\_\_\_% of the Participant's Covered Compensation (Percentage to exceed 100% but not 150%)
- ☐ f. The lesser of the Final Average Compensation or \_\_\_\_\_% of the Participant's Covered Compensation (Percentage to exceed 100% but not 150%)

Integration levels that do not automatically satisfy IRC section 401(l)

- ☐ g. \$\_\_\_\_\_. NOT TO EXCEED THE TAXABLE WAGE BASE, AS DEFINED IN PART 1  
ARTICLE 2

- ☐ h. Other: \_\_\_\_\_  
*MODIFICATION REQUIRING IRS SUBMISSION*

**20. Covered Compensation** - For purposes of determining the Integration Level, the Covered Compensation table used is the one published:

- ☐ a. For the current Plan Year  
☐ b. For the prior Plan Year  
☐ c. For \_\_\_\_ (Enter year within 5 years of Effective Date of this document)

Tables are:

- ☐ d. Not rounded  
☐ e. Rounded to the nearest \$3,000 per year

**21. Maximum Permitted Disparity (Section 2.3.14)** - The Maximum Permitted Disparity for a Participant is based on:

- ☐ a. The Participant's Social Security Retirement Age (different table for 65, 66, and 67)  
☐ b. A Social Security Retirement Age of 67 for all Participants  
☐ c. The simplified table reproduced in Reg. 1.401(l)-3(e) (Modified table for all Participants)

If the Plan's Actuarial Equivalence factors are not based on a Standard Mortality Table, the following table will be used for determining the Maximum Permitted Disparity for benefit commencement dates not listed in the table selected in a, b, or c:

- ☐ d. UP-84  
☐ e. 83 IAM - female  
☐ f. 83 IAM - male  
☐ g. 83 GAM - female  
☐ h. 83 GAM - male  
☐ i. The Applicable Mortality Table used for IRC section 415/417(e) purposes

**22. Final Average Compensation for Offset Benefit Plans** - If the Participant terminates employment before the last day of the Plan Year, Compensation for such year will be:

- ☐ a. excluded  
☐ b. annualized  
☐ c. included  
☐ d. included, but only if it produces a larger average  
☐ e. included, but only if it is included in the Participant's Average Annual/Monthly Compensation

Is Final Average Compensation limited to a Participant's Average Annual/Monthly Compensation?

- ☐ f. Yes, Final Average Compensation cannot exceed Average Annual/Monthly Compensation  
☐ g. No, Final Average Compensation is not limited

**23. Primary Insurance Amount (PIA) for Offset Benefit Plans** - For purposes of estimating a Participant's PIA, the following assumptions will be used:

- ☐ a. Compensation after date of termination remains the same and compensation prior to date of hire is assumed to increase at 6% per year  
☐ b. Compensation after date of termination and compensation prior to date of hire is assumed to be

zero

SAMPLE

## E. Vesting Provisions

*Unless otherwise specified, select only one option to each question below.*

**1. Year of Vesting Service (Definitions)** - The period used to determine a Year of Vesting Service is:

- ☐ a. The Plan Year
- ☐ b. The Employee's Eligibility Computation Period
- ☐ c. The 12 month period ending on the employment anniversary date
- ☐ d. The calendar year ending with or within the Plan Year

A Year of Vesting Service is granted for each year in which the Employee earns:

- ☐ e. \_\_\_\_ Hours of Service (not to exceed 1000 hours)
- ☐ f. \_\_\_\_ Hours of Service (not to exceed 1000 hours), pro-rata year given if less than specified hours
- ☐ g. Elapsed Time Method

**2. Excluded Years (Section 2.4.2)** - All years of service are included except: *(Omit if all years included. Do not select both b and c)*

- ☐ a. Exclude Years of Vesting Service prior to age 18
- ☐ b. Exclude Years of Vesting Service prior to the original effective date of a predecessor plan
- ☐ c. Exclude Years of Vesting Service prior to the original effective date of this Plan
- ☐ d. Exclude Years of Vesting Service when Mandatory Contributions were not made

**3. Vesting Schedule (Section 2.4.1)** - Select one option under each category below:

Early Retirement - A Participant who reached Early Retirement Age shall:

- ☐ a. Vest according to the schedule for terminated Participants
- ☐ b. Be 100% vested

Disability - A Participant who terminates employment due to Disability under the terms of the Plan shall:

- ☐ c. Vest according to the schedule for terminated Participants
- ☐ d. Be 100% vested
- ☐ e. Continue to earn Vesting Service as though he was still employed

Death - A Participant who dies while actively employed shall:

- ☐ f. Vest according to the schedule for terminated Participants
- ☐ g. Be 100% vested

Termination Due to Resignation or Discharge - A Participant who terminates employment other than those listed above shall:

- ☐ h. Vest at the rate of 20% each year after 3 Years of Vesting Service (20% vested in third year)
- ☐ i. Vest at the rate of 20% each year after 2 Years of Vesting Service (20% vested in second year)
- ☐ j. 100% vested upon participation
- ☐ k. Be 100% vesting after 2 Years of Vesting Service
- ☐ l. Be 100% vesting after 3 Years of Vesting Service
- ☐ m. Be 100% vesting after 5 Years of Vesting Service

- ☐ n. Other: *Must be at least as favorable as one of the above*

<u>Year(s) of Vesting Service</u>	<u>Percent Vested</u>
Less than 1	_____
1 but less than 2	_____
2 but less than 3	_____
3 but less than 4	_____
4 but less than 5	_____
5 but less than 6	_____
6 but less than 7	_____
7 or More	100%

Alternative Vesting Schedule - Enter any special vesting schedules that apply, for example, to specific allocations or certain employee groups: *(Omit if only one vesting schedule)*

- ☐ o. Custom text: \_\_\_\_\_  
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Minimum Vested Amount - The Present Value of Vested Accrued Benefits for a Participant shall not be less than:

- ☐ p. No minimum  
☐ q. The greater of \_\_\_\_ or the Present Value of Accrued Benefits (Amount cannot exceed \$100)

**4. Prior Vesting Schedule (Section 2.4.1)** - If the Plan had a prior vesting schedule, enter it below:

Effective date of new schedule: \_\_\_\_/\_\_\_\_/\_\_\_\_

<u>Year(s) of Vesting Service</u>	<u>Percent Vested</u>
Less than 1	_____
1 but less than 2	_____
2 but less than 3	_____
3 but less than 4	_____
4 but less than 5	_____
5 but less than 6	_____
6 but less than 7	_____
7 or More	100%

**5. Top-Heavy Vesting Schedule (Section 2.6.1)** - If the Plan is Top-Heavy, the vesting schedule shall be

- ☐ a. Same as the non-Top-Heavy vesting schedule above (Must be at least as favorable as b or c below)  
☐ b. At a rate of 20% each year after 2 Years of Vesting Service (20% vested in second year)  
☐ c. 100% vested after 3 Years of Vesting Service  
☐ d. Other: (Must be at least as favorable as b or c)

<u>Year(s) of Vesting Service</u>	<u>Percent Vested</u>
Less than 1	_____
1 but less than 2	_____
2 but less than 3	_____
3 but less than 4	_____
4 but less than 5	_____
5 but less than 6	_____
6 or More	100%



6. **Reemployment** (Sections 2.4.3 and 2.3.1) - If a Participant receives a cashout of his Accrued Benefit due to his termination of employment and is later reemployed:

- ☐ a. His Accrued Benefit will be restored, but only if he repays the amount with interest
- ☐ b. Any future benefits will be determined based on total Credited Service and then reduced by any distributions

If the Plan is or has ever been a 412(i) Plan, is Vesting Service earned after 5 consecutive Breaks in Vesting Service used to vest Accrued Benefits earned before the 5 Breaks in Service? (*Omit if 100% vesting has been selected above (item 3.j)*)

- ☐ c. Yes
- ☐ d. No

SAMPLE

## F. Other Benefits

Unless otherwise specified, select only one option to each question below.

**1. Early Retirement Benefits (Section 2.3.3)** - Benefits commencing at Early Retirement Date equal the Accrued Benefit payable at Normal Retirement Date: *(Omit if no Early Retirement under the Plan)*

- ☐ a. Without any reduction (full subsidy)
- ☐ b. Reduced actuarially based on the Plan's actuarial equivalence factors
- ☐ c. Reduced by \_\_\_/\_\_\_th for each ☐ month ☐ year prior to Normal Retirement Date
- ☐ d. Reduced by \_\_\_/\_\_\_th for each ☐ month ☐ year up to \_\_\_ months/years and \_\_\_/\_\_\_th for each month/year thereafter prior to Normal Retirement Date
- ☐ e. Reduced by \_\_\_/\_\_\_th per ☐ month ☐ year prior to Normal Retirement Date until age \_\_\_ and \_\_\_/\_\_\_th for each month/year thereafter
- ☐ f. Reduced by \_\_\_% per ☐ month ☐ year prior to Normal Retirement Date
- ☐ g. Reduced by \_\_\_% per ☐ month ☐ year up to \_\_\_ months/years and \_\_\_% for each month/year thereafter prior to Normal Retirement Date
- ☐ h. Reduced by \_\_\_% per ☐ month ☐ year prior to Normal Retirement Date until age \_\_\_ and \_\_\_% for each month/year thereafter
- ☐ i. Other: \_\_\_\_\_  
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**2. Postponed Retirement Benefits (Section 2.3.4)** - The Accrued Benefit of a Participant working past Normal Retirement Date equals: *((If e is selected select an additional option))*

- ☐ a. The Normal Retirement Benefit determined at actual retirement
- ☐ b. The greater of the Normal Retirement Benefit determined at actual retirement or the Actuarial Equivalent of the Normal Retirement Benefit determined at Normal Retirement Age
- ☐ c. The greater of the Normal Retirement Benefit determined at actual retirement or the Actuarial Equivalent of the Normal Retirement Benefit determined at Normal Retirement Age and each:
  - ☐ c.1. Anniversary of his Normal Retirement Date
  - ☐ c.2. December 31
  - ☐ c.3. First day of each Plan Year
  - ☐ c.4. Last day of each Plan Year
- ☐ d. His Normal Retirement Benefit commencing as of his Normal Retirement Date, adjusted annually each:
  - ☐ d.1. Anniversary of his Normal Retirement Date
  - ☐ d.2. December 31
  - ☐ d.3. First day of each Plan Year
  - ☐ d.4. Last day of each Plan Year

The total benefit (benefit before offsetting prior benefit payments) at each recalculation date is:

- ☐ d.5. The Normal Retirement Benefit determined at such date
- ☐ d.6. The greater of the Normal Retirement Benefit determined at such date or the Actuarial Equivalent of the Normal Retirement Benefit determined at Normal Retirement Age
- ☐ d.7. The greater of the Normal Retirement Benefit determined at such date or the Actuarial Equivalent of the Normal Retirement Benefit determined at each prior recalculation date
- ☐ e. Other: \_\_\_\_\_  
MODIFICATION REQUIRING IRS SUBMISSION

**3. Disability Benefits (Section 2.3.5)** - If a Participant who is found to be disabled: *(Omit if no Disability*

*Benefits under the Plan)*

- ☐ a. By the Social Security Administration, he is entitled to his vested Accrued Benefit as selected in e through j below
  - ☐ b. By the Plan Administrator, he is entitled to his vested Accrued Benefit as selected in e through j below
  - ☐ c. By the Plan Administrator, he will continue to accrue service until the earlier of the date he recovers or attains:
    - ☐ c.1. Normal Retirement Age
    - ☐ c.2. Early Retirement Age
    - ☐ c.3. age \_\_\_\_
  - ☐ d. Other: \_\_\_\_\_
- MODIFICATION REQUIRING IRS SUBMISSION

If a or b is selected above, Disability Benefits are payable at:

- ☐ e. Normal Retirement Date
- ☐ f. Early Retirement Date without any actuarial reduction (full subsidy)
- ☐ g. Early Retirement Date, actuarially reduced to such date
- ☐ h. Disability Retirement Date without any actuarial reduction (full subsidy)
- ☐ i. Disability Retirement Date, actuarially reduced from Early Retirement Date
- ☐ j. Disability Retirement Date, actuarially reduced from Normal Retirement Date

**4. Death Benefits (Section 2.3.6)** - Any death benefits selected below are subject to the Qualified Pre-Retirement Survivor Annuity (QPSA) requirements

a. The pre-retirement death benefits are provided to:

- ☐ a.1. The spouse only
- ☐ a.2. The spouse or other Beneficiary

b. The pre-retirement death benefits are equal to:

Benefits for Plans Other than 412(i) Plans

- ☐ b.1. \_\_\_\_\_% of the Joint and \_\_\_\_\_% Survivor Annuity that is the Actuarial Equivalent of the Accrued Benefit payable in the Normal Form *(Not less than 50% or more than 100%)*
- ☐ b.2. \_\_\_\_\_% of the Present Value of the Participant's Vested Accrued Benefit *(Not less than 50% or more than 100%)*
- ☐ b.3. \_\_\_\_\_% of the Participant's vested Accrued Benefit, payable as a life annuity, without any reductions (full subsidy) *(Not less than 50% or more than 100%)*
- ☐ b.4. the Theoretical Individual Level Premium Reserve
- ☐ b.5. the Participant's Compensation for the \_\_\_\_ years prior to death
- ☐ b.6. \_\_\_\_\_ times the Participant's monthly Normal Retirement Benefit, modified as below: *(Not more than 100)*
  - ☐ b.6.A. No modifications, provided QPSA requirements are met
  - ☐ b.6.B. Plus the Present Value of the Participant's vested Accrued Benefit
  - ☐ b.6.C. But not more than the Present Value of the Participant's vested Accrued Benefit
  - ☐ b.6.D. But not less than the Present Value of the Participant's vested Accrued Benefit
  - ☐ b.6.E. Plus the Theoretical Individual Level Premium Reserve
  - ☐ b.6.F. But not less than the Theoretical Individual Level Premium Reserve
  - ☐ b.6.G. But not more than the Present Value of the Participant's vested Accrued Benefit plus any Life Insurance proceeds
  - ☐ b.6.H. But not more than the Present Value of the Participant's vested Accrued Benefit plus

any Life Insurance proceeds less any cash surrender values

- ☐ b.7. Any Life Insurance proceeds as modified below:
- ☐ b.7.A. No modifications, provided QPSA requirements are met
  - ☐ b.7.B. Plus the Theoretical Individual Level Premium Reserve
  - ☐ b.7.C. But not less than the Theoretical Individual Level Premium Reserve
  - ☐ b.7.D. Plus the Theoretical Individual Level Premium Reserve minus the cash surrender value
  - ☐ b.7.E. Plus the Present Value of the Participant's vested Accrued Benefit
  - ☐ b.7.F. But not less than the Present Value of the Participant's vested Accrued Benefit
  - ☐ b.7.G. Plus the Present Value of vested Accrued Benefits minus the cash surrender value
  - ☐ b.7.H. But not less than the Present Value of the Participant's vested Accrued Benefit plus any cash surrender value
  - ☐ b.7.I. Plus the Present Value of vested Accrued Benefits minus the cash surrender value, but not more than the greater of the Present Value of vested Accrued Benefits or \_\_\_\_\_ times the Participant's monthly Normal Retirement Benefit (Not more than 100)
  - ☐ b.7.J. Plus the Qualified Pre-retirement Survivor Annuity
  - ☐ b.7.K. Other: \_\_\_\_\_

MODIFICATION REQUIRING IRS SUBMISSION

Benefits for 412(i) Plans

- ☐ b.8. Any Life Insurance proceeds plus the cash value of any annuity contracts
- ☐ b.9. Any Life Insurance proceeds plus the cash value of any annuity contracts, but not more than 100 times the Participant's monthly Normal Retirement Benefit

Other

- ☐ b.10. Other: \_\_\_\_\_
- MODIFICATION REQUIRING IRS SUBMISSION

**5. Vested Retirement Benefit (Section 2.3.7) - A Participant who terminates employment prior to death, disability, or retirement may commence benefits as of:**

- ☐ a. Normal Retirement Date
  - ☐ b. Normal Retirement Date, or at the Participant's election, the Actuarial Equivalence at Early Retirement Date
  - ☐ c. Normal Retirement Date, or at the Participant's election, the Actuarial Equivalence at Early Retirement Date, unless the service requirement is met, in which case the subsidized benefit will be paid
  - ☐ d. Normal Retirement Date, or at the Participant's election, the Actuarial Equivalence at any time after termination of employment
  - ☐ e. Normal Retirement Date, or at the Participant's election, the subsidized benefit at Early Retirement Date (provided the service requirement is met) or the Actuarial Equivalence at any time after termination of employment
  - ☐ f. Other: \_\_\_\_\_
- MODIFICATION REQUIRING IRS SUBMISSION

## G. Distribution Provisions

*Unless otherwise specified, select only one option to each question below.*

1. **Normal Form of Distribution (Definitions)** - Unless the Participant elects otherwise, the vested interest of a Participant will be paid as a Qualified Joint and Survivor Annuity, the survivor percentage to equal:

- ☐ a. 50%
- ☐ b. 66.67%
- ☐ c. 75%
- ☐ d. 100%
- ☐ e. \_\_\_\_\_% *(May not be less than 50% or greater than 100%)*
- ☐ f. Other: \_\_\_\_\_

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2. **Optional Forms of Distribution (Section 2.3.12)** - (Select all applicable. Leave blank if no optional forms)

- ☐ a. Lump sum distribution
- ☐ b. Installment payments paid over a period equal to:
  - ☐ b.1. 1 year
  - ☐ b.2. 2 year
  - ☐ b.3. 5 year
  - ☐ b.4. 10 year
  - ☐ b.5. that selected by the Participant or Beneficiary
  - ☐ b.6. Other: \_\_\_\_\_

*This option is not considered a modification to the specimen document*
- ☐ c. Life Annuity
- ☐ d. Joint and Survivor Annuity with survivor percentages equal to:
  - ☐ d.1. 50%
  - ☐ d.2. 66.67%
  - ☐ d.3. 75%
  - ☐ d.4. 100%
  - ☐ d.5. \_\_\_\_\_% *(May not be less than 50% or greater than 100%)*
  - ☐ d.6. Any percentage selected by the Participant between 50% and 100%
- ☐ e. Life Annuity with Term Certain with the guarantee period equal to:
  - ☐ e.1. 5 years
  - ☐ e.2. 10 years
  - ☐ e.3. 15 years
  - ☐ e.4. 20 years
  - ☐ e.5. Other: \_\_\_\_ *(May not exceed 20 years)*

*This option is not considered a modification to the specimen document*
- ☐ e.6. Any period selected by the Participant or Beneficiary
- ☐ f. Life Annuity with Level Income to:
  - ☐ f.1. age 62
  - ☐ f.2. age 65
  - ☐ f.3. Normal Retirement Age
  - ☐ f.4. Social Security Retirement Age
  - ☐ f.5. Any age selected by the Participant
  - ☐ f.6. Other: \_\_\_\_\_

*This option is not considered a modification to the specimen document*

- ☐ g. For distributions made after December 31, 2006 and prior to December 31, 2007, the Plan will permit a non-spouse beneficiary to request a direct rollover of his distribution into an inherited IRA or annuity. Effective date \_\_\_\_/\_\_\_\_/\_\_\_\_ (Must be 1/1/07 or later. Becomes requirement 1/1/10)
- ☐ h. Participant may elect a Retroactive Annuity Starting Date
- ☐ i. Other: \_\_\_\_\_  
MODIFICATION REQUIRING IRS SUBMISSION

**3. Restrictions on Lump Sums and Installments (Sections 2.3.12 and 3.11.5)** - These payments are subject to the minimum distribution rules of IRC section 417(e) and any other restrictions selected below:

Early Retirement Subsidies: *(Omit if no Early Retirement benefits or if benefits not subsidized)*

- ☐ a. Are included
- ☐ b. Are not included
- ☐ c. Are included, but only if the distribution occurs on or after attainment of Early Retirement Age

Lump sums are payable: *(Omit if all Participants eligible for lump sum distributions. If you select d or i, you may select another option)*

- ☐ d. If the amount is less than \$ \_\_\_\_\_
- ☐ e. Only at Normal Retirement Age
- ☐ f. On or after attaining Early Retirement Age
- ☐ g. Only if eligible for Normal Retirement Age at date of termination of employment
- ☐ h. Only if eligible for Early Retirement Age at date of termination of employment
- ☐ i. Other: \_\_\_\_\_  
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- ☐ j. If the distribution to the Participant is an Eligible Rollover Distribution, he can treat a portion of it as a Direct Rollover:
  - ☐ j.1. Without any restriction regarding the amount of the Direct Rollover
  - ☐ j.2. If the amount of the Direct Rollover is at least \$ \_\_\_\_\_ *(amount cannot exceed \$500)*

If the entire Eligible Rollover Distribution is less than the amount you listed in Item 3.j.2, then:

- ☐ j.2.A. The Participant can elect a Direct Rollover regardless of the amount
- ☐ j.2.B. The Participant can elect a Direct Rollover if the amount exceeds \$ \_\_\_\_\_ *(amount cannot exceed \$200)*

**4. Election to Waive Annuity Form of Payment (Sections 2.5.5)** - The Participant and spouse are given 30 days notice to elect a form other than a joint and survivor annuity

- ☐ a. The Plan's original Effective Date is after 9/22/95, and the Plan has always permitted the Participant to waive the notice requirement
- ☐ b. The Plan permits the Participant to waive the 30 day notice effective \_\_\_\_/\_\_\_\_/\_\_\_\_ *(On or after 9/22/95)*
- ☐ c. The Plan does not permit the Participant to waive the notice requirement

**5. Mandatory Cash Out Provisions (Sections 2.3.13 and 2.5.4)** - Select one of a through d and complete e

- ☐ a. The Plan pays annuities as calculated, regardless of amount
- ☐ b. The Plan permits annuities to be paid quarterly or annually
- ☐ c. The Plan will distribute a Participant's Present Value of vested Benefits without consent if it does

not exceed \$\_\_\_\_ (\$5,000 or less). Always complete c.2. If the original effective date of the Plan is before 8/6/97 and an amount over \$3,500 is entered, also answer c.1

- c.1. If the Plan increased the threshold amount, complete the following:  
c.1.A. Enter the effective date of the increase: \_\_\_\_/\_\_\_\_/\_\_\_\_ (On or after 8/6/97)  
c.1.B. Enter the previous threshold amount: \_\_\_\_ (\$3,500 or less)  
c.2. Enter the effective date that the Plan based mandatory cashouts on the existing Present Value of vested Accrued Benefits instead of highest vested Present Value since termination: \_\_\_\_/\_\_\_\_/\_\_\_\_ (On or after 10/17/00)

☐ d. Other: \_\_\_\_\_

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- e. If the Participant does not select a form of distribution, payment will be made in the form of a:
- ☐ e.1. Direct Rollover
  - ☐ e.2. Direct Rollover, if the amount exceeds \$\_\_\_\_ (e.g., \$200, but in any case must be less than \$5,000)
  - ☐ e.3. Lump sum, unless the Participant's address is unknown, then a Direct Rollover
  - ☐ e.4. Lump sum, unless the Participant's address is unknown, then a Direct Rollover if the amount exceeds \$\_\_\_\_ (e.g., \$200, but in any case must be less than \$5,000)
  - ☐ e.5. Lump sum, unless the Participant's address is unknown, then amount will remain as part of the Trust
- f. Automatic Rollover Threshold \$\_\_\_\_ (Cannot exceed \$1,000)
- ☐ g. Exclude Rollovers from automatic cash out determination.  
Applies to distributions made on or after \_\_\_\_/\_\_\_\_/\_\_\_\_ for Participants who terminate after \_\_\_\_/\_\_\_\_/\_\_\_\_

6. **Restriction on Immediate Distributions (Section 2.5.1)** - Immediate distributions are only permitted if the Participant's Present Value of vested Accrued Benefits is less than:

- ☐ a. No restriction
- ☐ b. \_\_\_\_\_

7. **Suspension of Benefits (Section 2.5.10)** - If a Participant returns to work after retiring, annuity payments:

- ☐ a. Continue in the same amount (no suspension)
- ☐ b. Are suspended for Participants whose Accrued Benefit if actuarially increased would exceed the IRC section 415 limit
- ☐ c. Are suspended for all Participants

The following available to add or expand suspension of benefits provisions

- ☐ d. Applies to Employees who commence participation in the Plan on or after the later of the adoption date or the effective date of the Suspension of Benefit rules.
- ☐ e. Applies to the portion of Participants' Code section 411(d)(6) protected benefits that accrue after the later of the adoption date or effective date of the suspension of benefit rules.

Any benefits that are suspended will be actuarially increased to the new commencement date from:

- ☐ f. Date of suspension
- ☐ g. The Required Beginning Date

8. **Restricted Benefits (Section 3.1.9)**

Enter effective date that benefits are restricted if a distribution causes assets to fall below 110% of current liabilities: \_\_\_\_/\_\_\_\_/\_\_\_\_ (No later than the first day of the Plan Year beginning in 1994 or, if later, the original Effective Date of the Plan)

**9. Distribution of Assets on Plan Termination (Section 2.5.8)** - Any residual assets after satisfying all benefit commitments shall:

- ☐ a. Revert to the Employer
- ☐ b. Be allocated to Participants

**10. Qualified Domestic Relations Orders (Section 3.12.9)** - Distributions are permitted to Alternate Payees:

- ☐ a. Immediately
- ☐ b. When the Participant attains "earliest retirement age" or terminates employment

The Present Value of Accrued Benefits is based on an interest rate equal to:

- ☐ c. 5%
- ☐ d. The interest rate used in determining optional forms of payment

**11. Required Minimum Distributions (Section 2.5.4)**

Required distributions are based on:

- ☐ a. The 1987 proposed regulations
- ☐ b. The 1987 proposed regulations prior to \_\_\_\_/\_\_\_\_/\_\_\_\_ and the proposed 2001 regulations thereafter (Enter date on or after 1/1/01. Date must be 1/1 for effective dates not during 2001)

Required beginning date for Participants other than 5% Owners:

- ☐ c. The April 1st following the calendar year in which age 70 1/2 is attained
- ☐ d. The April 1st following the calendar year in which age 70½ is attained; unless Participant elects to delay distributions. Enter calendar year provision effective: \_\_\_\_ (Must be 1997 or later)
- ☐ e. Distributions shall be in the form of: (For purposes of Required Minimum Distributions only)
  - ☐ e.1. Lump sum
  - ☐ e.2. Single Life Annuity
  - ☐ e.3. Annuity for \_\_\_\_ year period certain and life
  - ☐ e.4. Annuity for a period certain selected by the Participant and no life contingency
    - ☐ e.4.A. Annual increase of \_\_\_\_% (up to 4.99)
    - ☐ e.4.B. Annual increase of lesser of \_\_\_\_% (up to 4.99) or the consumer price index
  - ☐ e.5. Joint and \_\_\_\_% (50-100) Survivor Annuity

If a Participant dies before benefits commence, distributions shall be made over 5 years except:

- ☐ f. Over the life expectancy of the Participant's spouse
- ☐ g. Over the life expectancy of the Participant's Beneficiary
- ☐ h. If the Participant elects otherwise
- ☐ i. If the Participant or the Beneficiary elects otherwise



## H. Other Administrative Provisions

*Unless otherwise specified, select only one option to each question below.*

**1. Loans (Sections 3.7.1 and 3.7.6)** - The Plan may permit loans to Participants in accordance with the loan program:

- ☐ a. Loans not permitted *(This option must be selected for IRC section 412(i) plans)*
- ☐ b. Loans permitted and loan repayments during Qualified Military Service:
  - ☐ b.1. Are suspended in accordance with IRC section 414(u)
  - ☐ b.2. Continue as specified in the repayment schedule

**2. Portability (Section 3.11.3)** The Trustee will accept the following assets as rollover contributions to the Plan:

- ☐ a. Rollover contributions not permitted
- ☐ b. Only Direct Rollover contributions permitted
- ☐ c. Rollover contributions permitted only if from another plan of the Employer
- ☐ d. Rollovers are permitted from: *(Select all applicable) (Direct Rollovers and through Participant)*

If b. or d. selected above select at least one of e.-j., one of l.-p. and one of q. or r.

- ☐ e. An IRA
- ☐ f. Terminated plan of the Employer
- ☐ g. Any other qualified plan under 401(a)
- ☐ h. A qualified plan under 403(a)
- ☐ i. An eligible plan under 457(b)

Treatment of assets:

- ☐ j. In-kind assets not permitted
- ☐ k. In-kind assets not permitted except for Participant loans
- ☐ l. In-kind assets permitted
- ☐ m. In-kind assets permitted except for Participant loans
- ☐ n. Participant loans not permitted
- ☐ o. Participant loans permitted
- ☐ p. Participant loans permitted only if originated from the Employer

Rollovers are permitted with respect to:

- ☐ q. Participants only
- ☐ r. All Employees

**3. Life Insurance Authorization (Sections 2.8.5, 3.6.1 and 3.6.3)** - The Trustee may purchase life insurance if so directed

- ☐ a. No Life Insurance Policies permitted
- ☐ b. No Life Insurance Policies permitted after \_\_\_\_/\_\_\_\_/\_\_\_\_. Policies in effect shall be:
  - ☐ b.1. Surrendered
  - ☐ b.2. Converted to paid up policies
- ☐ c. Life insurance permitted and may be purchased at the option of:
  - ☐ c.1. The Plan Administrator

- ☐ c.2. The Participant
- ☐ c.3. Either the Plan Administrator or the Participant

To provide death benefits equal to:

- ☐ c.4. \_\_\_\_\_ times the monthly Normal Retirement Benefit (Not more than 100)
- ☐ c.5. The greater of \_\_\_\_\_ times the monthly Normal Retirement Benefit or the Death Benefit specified by the Plan (Not more than 100)
- ☐ c.6. The face amount purchased by an annual premium equal to \_\_\_\_\_% of the theoretical contribution under the ILP cost method (Not more than 66.667%)
- ☐ c.7. The greater of \_\_\_\_\_ times the monthly Normal Retirement Benefit or the face amount purchased by an annual premium equal to \_\_\_\_\_% of the theoretical contribution under the ILP cost method (First blank not more than 100; second blank not more than 66.667%)
- ☐ c.8. The amount in effect as of \_\_\_\_/\_\_\_\_/\_\_\_\_
- ☐ c.9. Substandard rates may be purchased for up to \_\_\_\_\_% of the standard rates (100% or more)
- ☐ d. 412(i) Plans Purchase of Additional Contracts or Reduction of Benefits on Existing Contracts Due to Change in Compensation
  - ☐ d.1. Adjusted no later than last day of Plan Year following Plan Year in which increase due.
  - ☐ d.2. Adjusted no later than last day of Plan Year following Plan Year in which increase due. Decreases not recognized until 2nd Plan Year.
  - ☐ d.3. Increases or decreases of benefits of less than \$20 per month not recognized until termination or retirement.

**4. Life Insurance Limits (Sections 3.6.1) -** The amount of life insurance that can be purchased must be incidental according to law and further limited by the following Plan imposed constraints: *(Select all applicable)* *(Skip this question if no life insurance is permitted)*

- ☐ a. Face amount cannot exceed \$ \_\_\_\_\_
- ☐ b. Initial face amount is at least \$ \_\_\_\_\_ (not to exceed \$1,000)
- ☐ c. Additional face amount is at least \$ \_\_\_\_\_ (not to exceed \$1,000)
- ☐ d. Additional face amount only purchased in multiples of \$ \_\_\_\_\_ (not to exceed \$1,000)
- ☐ e. Changes in face amount of less than \$1,000 are not recognized for \_\_\_\_ years (Not to exceed 3)
- ☐ f. Changes in the monthly Normal Retirement Benefit of less than \$10 are not recognized for \_\_\_\_ years (Not to exceed 3)
- ☐ g. Purchased only after the Participant has attained age \_\_\_\_
- ☐ h. Purchased only after the Participant has \_\_\_\_ Years of Service
- ☐ i. Purchased only after the Participant has \_\_\_\_ Years of Participation
- ☐ j. Purchased until the Participant has attained age \_\_\_\_
- ☐ k. Purchased until the Participant has attained Normal Retirement Age
- ☐ l. Purchased until \_\_\_\_ years prior to Normal Retirement Age
- ☐ m. Shall be surrendered at Normal Retirement Date
- ☐ n. Shall not be purchased after \_\_\_\_/\_\_\_\_/\_\_\_\_
- ☐ o. Purchased for benefits based on the Plan formula, disregarding any Top Heavy benefits

**5. Multiple Plans Top-Heavy Provisions (Section 2.6.1) -** If the Employer maintains more than one plan, the minimum top-heavy requirement of IRC section 416 is met:

- ☐ a. In this Plan (Select this option even if there are no other plans)
- ☐ b. In another defined benefit plan (Specify plan): \_\_\_\_\_
- ☐ c. In a defined contribution plan (Specify plan): \_\_\_\_\_

- ☐ d. Partially in this Plan and partially in a contribution benefit plan: (Specify plan): \_\_\_\_\_
- ☐ e. In this Plan, but only if the Participant does not participate in another plan sponsored by the Employer

For Plan Years prior to 1/1/2000:

- ☐ f. The minimum top heavy requirements were met
- ☐ g. Additional top heavy accruals were credited for IRC section 415 purposes
- ☐ h. Additional allocations were made for IRC section 415 purposes

If top heavy minimum is custom text, enter it here and leave a through h blank

- ☐ i. \_\_\_\_\_  
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**6. Eligibility for Top Heavy Benefits (Section 2.6.1)** - All Participants are eligible except: (May select both a and b or leave blank)

- ☐ a. Key Employees
- ☐ b. Employees covered by a collectively bargained agreement

**7. Valuation Date (Sections 2.6.2)** - For purposes of computing the Top-Heavy Ratio, the Valuation Date is \_\_\_\_/\_\_\_\_ of each Plan Year (Enter last day of Plan Year unless Plan is aggregated with another plan for top heavy testing purposes)

**8. Multiple Plans Maximum Benefit Provisions (Section 3.1.1 and 3.1.8)** - If the Employer maintains more than one defined benefit plan and the maximum limitations of IRC section 415(b) are exceeded, then:

- ☐ a. The accruals from this Plan are adjusted first
- ☐ b. The accruals in this Plan are adjusted last
- ☐ c. Other: \_\_\_\_\_  
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Benefit increases due to the repeal of IRC section 415(e) are granted to:

- ☐ d. All former and current Participants
- ☐ e. Only those Participants who are credited with an Hour of Service in a Limitation Year beginning in 2000

If the Employer maintained this Plan and a defined contribution plan prior to 1/1/2000 and the maximum limitations of IRC section 415(e) were exceeded, then:

- ☐ f. The accrual from this Plan was reduced first
- ☐ g. The allocation from a defined contribution plan was reduced prior to the accruals from this Plan
- ☐ h. Other: \_\_\_\_\_  
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**9. Maximum Permitted Disparity (Section 2.3.12)** - In the case of multiple plans, if the maximum permitted disparity is exceeded the: (Omit if Plan formula is dollar based or non-integrated (Formulas D.3.a through D.3.j, D.3.l, and D.3.w.1 and formula D.3.k if percentages decrease))

- ☐ a. Accrual will be adjusted in this Plan:

- ☐ a.1. Benefits based on Base Benefit Percentage *(used with formulas D.3.q, D.3.s, D.3.u, and D.3.w.3)*
- ☐ a.2. Benefits based on Excess Benefit Percentage *(used with formulas D.3.q, D.3.s, D.3.u, and D.3.w.3)*
- ☐ a.3. Benefits based on Gross Benefit Percentage *(used with formulas D.3.r, D.3.t, D.3.v, and D.3.w.4)*
- ☐ a.4. General test will be performed without recognizing imputed disparity *(used with formulas D.3.k, D.3.m through D.3.p, and D.3.w.2)*
- ☐ b. Allocation or accrued benefit will be adjusted in another plan of the Employer. SELECTING A CLASS FORMULA (Formulas D.3.m through D.3.p and D.3.w.2) AND THIS OPTION IS A MODIFICATION REQUIRING IRS SUBMISSION

If the Plan has an excess formula (D.3.q, D.3.s, D.3.u, or D.3.w.3), benefits accrued after 35 years are based on:

- ☐ b.1. The Base Benefit Percentage
- ☐ b.2. The Excess Benefit Percentage

For Plan Years on or after 1/1/89, the Annual Overall Permitted Disparity Fraction equals:

- ☐ c. 1.0
- ☐ d. 
$$\frac{(\text{Excess-Base}) \text{ Contribution Percentage}}{(\text{Maximum-Base}) \text{ Contribution Percentage}} + \frac{(\text{Excess-Base}) \text{ Benefit Percentage or } (\text{Gross-Offset}) \text{ Benefit Percentage}}{(\text{Maximum-Base}) \text{ Benefit Percentage or Maximum Offset Percentage}}$$

**10. Trustee/Plan Administrator Authority (Section 3.2.2)** - If the Employer has appointed a group of 2 or more individuals to act as the Trustee or Plan Administrator, the group will be bound by any decisions made by:

- ☐ a. The majority
- ☐ b. Any \_\_\_\_ individuals acting in the capacity of the Trustee or Plan Administrator

**11. Distribution of Excess Aggregate Contributions (Section 2.7.4)** - If the Plan permits Voluntary Employee Contributions and fails the ACP test, gap period earnings on Excess Aggregate Contributions are equal to: *(Omit if Voluntary Employee Contributions not permitted)*

- ☐ a. No gap period earnings credited
- ☐ b. 10% prorated for the number of months in the gap period
- ☐ c. The actual gain or loss of the Trust Fund during the gap period
- ☐ d. Other: \_\_\_\_\_  
MODIFICATION REQUIRING IRS SUBMISSION

**Execution:** - Section 3.13.3

To record the adoption of this Plan and Trust the Employer and each affiliated employer, if any, has caused this Agreement to be executed by its duly qualified officers and the Trustee has executed this Agreement, as of the day and year first above written

Signatories:

SAMPLE