

DOL	CODE SECTION 501(c)(3)	CHURCH PLANS	PLANS OF STATE & LOCAL GOVERNMENTS	Custodial Accounts	PLAN DOCUMENT	IRS	
SAFE HARBOR	ERISA	The Benefits Game® 403(b) Plan Special Edition				Tax Code	Universal Availability
SPOUSAL RIGHTS							DETERMINATION LETTER
SUMMARY PLAN DESCRIPTION							TAX DEFERRED ANNUITIES
FIDELITY BOND							EPCRS
VFCP							REV. PROC 2007-71
AICPA	PLAN ASSETS	FAB RELIEF	EBPAQC	FORM 5500	DFVCP	ISAs	VENDORS
		Audits				Compliance	
		Qualified Opinion or Disclaimer Do Not Go To Jail					

DOL	CODE SECTION 501(c)(3)	CHURCH PLANS	PLANS OF STATE & LOCAL GOVERNMENTS	Custodial Accounts	PLAN DOCUMENT	IRS	
SAFE HARBOR	RECENT HISTORY <ul style="list-style-type: none"> • DOL Guidance on Safe Harbor Plans (07/24/07) • IRS Final Regs on 403(b) Plans (07/26/07) • DOL Regs Require 403(b) Audits (11/16/07) IRS Relief (Rev. Proc. 2007-71) • DOL Relief (FAB 2009-02 & FAB 2010-01) 					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
SUMMARY PLAN DESCRIPTION						TAX DEFERRED ANNUITIES	
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DOL	CODE SECTION 501(c)(3)	CHURCH PLANS	PLANS OF STATE & LOCAL GOVERNMENTS	Custodial Accounts	PLAN DOCUMENT	IRS	
SAFE HARBOR	WHAT IS A 403(b) PLAN? <ul style="list-style-type: none"> • Tax Deferred Annuity Program <ul style="list-style-type: none"> • Insurance Company Contracts • Custodial Accounts (mutual funds) • Retirement Income Accounts (church plans) • Historically treated as an individual contract between employee and annuity provider <ul style="list-style-type: none"> • TIAA-CREF • Employer involvement was minimal 					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
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AICPA	PLAN ASSETS	FAB RELIEF	EBPAQC	FORM 5500	DFVCP	ISAs	VENDORS

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SAFE HARBOR	<p align="center">WHAT IS A 403(b) PLAN?</p> <ul style="list-style-type: none"> Eligible Sponsors <ul style="list-style-type: none"> Governments (public schools) Churches 501(c)(3) Organizations (universities) Dual governmental and 501(c)(3) organizations may adopt a 403(b) plan but not a 401(k) plan <ul style="list-style-type: none"> Hospitals 					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
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DOL	CODE SECTION 501(c)(3)	CHURCH PLANS	PLANS OF STATE & LOCAL GOVERNMENTS	Custodial Accounts	PLAN DOCUMENT	IRS	
SAFE HARBOR	<p align="center">403(b) FUNDING ARRANGEMENTS</p> <ul style="list-style-type: none"> Tax Deferred Annuities Mutual Fund Custody Accounts 					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
SUMMARY PLAN DESCRIPTION						TAX DEFERRED ANNUITIES	
FIDELITY BOND						EPCRS	
VFCP						REV. PROC 2007-71	
AICPA	PLAN ASSETS	FAB RELIEF	EBPAQC	FORM 5500	DFVCP	ISAs	VENDORS

DOL	CODE SECTION 501(c)(3)	CHURCH PLANS	PLANS OF STATE & LOCAL GOVERNMENTS	Custodial Accounts	PLAN DOCUMENT	IRS	
SAFE HARBOR	<p align="center">THE THRESHOLD AUDIT ISSUE: IS THE PLAN SUBJECT TO ERISA?</p>					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
SUMMARY PLAN DESCRIPTION						TAX DEFERRED ANNUITIES	
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SAFE HARBOR	IS THE PLAN SUBJECT TO ERISA? <ul style="list-style-type: none"> Governmental plans not subject to ERISA <ul style="list-style-type: none"> Public schools Church plans not subject to ERISA <ul style="list-style-type: none"> Churches may elect into ERISA Tax-exempts may be subject to ERISA <ul style="list-style-type: none"> 501(c)(3) Organizations 					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
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DOL	CODE SECTION 501(c)(3)	CHURCH PLANS	PLANS OF STATE & LOCAL GOVERNMENTS	Custodial Accounts	PLAN DOCUMENT	IRS	
SAFE HARBOR	SAFE HARBOR PLAN (Not Subject to ERISA) <ul style="list-style-type: none"> Salary reductions only Employee voluntary participation Contract enforceable solely by employee Limited employer involvement Reasonable choice of providers/contracts Employer receives no consideration 					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
SUMMARY PLAN DESCRIPTION						TAX DEFERRED ANNUITIES	
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SAFE HARBOR	SAFE HARBOR PLAN (Not Subject to ERISA) <ul style="list-style-type: none"> Employer may adopt written document Employer may test for non-discrimination Employer may test for contribution limits <p>These actions will not take plan out of safe harbor.</p>					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
SUMMARY PLAN DESCRIPTION						TAX DEFERRED ANNUITIES	
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SAFE HARBOR	NON-SAFE HARBOR ACTIVITIES (Subject to ERISA) <ul style="list-style-type: none"> Employer contributions <ul style="list-style-type: none"> (other than salary reduction) Discretion to administer loans/QDROs Discretion to administer hardships Discretion to select TPA Employer promotion or endorsement <p>Any one of these subjects plan to ERISA</p>					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
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SAFE HARBOR	IRS FINAL REGULATIONS <ul style="list-style-type: none"> Written plan document required Required Plan Terms <ul style="list-style-type: none"> Plan document 403(b) Contract Contract must be issued "under a plan" <ul style="list-style-type: none"> Plan must comply with 403(b) 					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
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SAFE HARBOR	REQUIRED PLAN TERMS PLAN DOCUMENT <ul style="list-style-type: none"> Eligibility (universal availability) Benefits (contributions) Contribution limits Contracts available under the plan Time and form of distribution 					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
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SAFE HARBOR	<p align="center">REQUIRED PLAN TERMS</p> <p align="center">403(b) CONTRACT</p> <ul style="list-style-type: none"> • Vesting • Nontransferability • Limits on elective deferrals • Minimum required distributions • Rollovers • Limits on incidental benefits 					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
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SAFE HARBOR	<p align="center">REQUIRED PLAN TERMS</p> <ul style="list-style-type: none"> • Single document not required • Plan may reference contracts • Plan should at least include terms not required in contracts 					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
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SAFE HARBOR	<p align="center">OPTIONAL PLAN TERMS</p> <ul style="list-style-type: none"> • Plan document may allocate admin. functions • Loans • Hardship withdrawals • Contract exchanges • Roth contributions • Rollover contributions 					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
SUMMARY PLAN DESCRIPTION						TAX DEFERRED ANNUITIES	
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SAFE HARBOR	OPTIONAL PLAN TERMS					Universal Availability	
SPOUSAL RIGHTS						<ul style="list-style-type: none"> Catch-up Contributions <ul style="list-style-type: none"> 15 year plus service Age 50 or older Termination 5-year provision 	DETERMINATION LETTER
SUMMARY PLAN DESCRIPTION							TAX DEFERRED ANNUITIES
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SAFE HARBOR	CONTRACT ISSUED UNDER PLAN					Universal Availability	
SPOUSAL RIGHTS						<ul style="list-style-type: none"> Plan document must identify contracts <ul style="list-style-type: none"> Cross reference contracts "Investment options" Problematic 403(b) Contracts 	DETERMINATION LETTER
SUMMARY PLAN DESCRIPTION							TAX DEFERRED ANNUITIES
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SAFE HARBOR	PROBLEM CONTRACTS					Universal Availability	
SPOUSAL RIGHTS						<ul style="list-style-type: none"> Contract exchanges <ul style="list-style-type: none"> Grandfathered Not grandfathered Switch vendors Liquidated employer Non-compliant contract 	DETERMINATION LETTER
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VFCP							REV. PROC 2007-71
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SAFE HARBOR	CONTRACT EXCHANGE					Universal Availability	
SPOUSAL RIGHTS						<ul style="list-style-type: none"> Revenue Ruling 90-24 <ul style="list-style-type: none"> Exchange was not a taxable distribution 90-24 exchange prior to 09/25/07 grandfathered <ul style="list-style-type: none"> Not required to be made part of plan Exchange after 09/24/07 subject to final regs. 	DETERMINATION LETTER
SUMMARY PLAN DESCRIPTION							TAX DEFERRED ANNUITIES
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SAFE HARBOR	CONTRACT EXCHANGES					Universal Availability	
SPOUSAL RIGHTS						<ul style="list-style-type: none"> Final Regulations supersede Rev. Rul. 90-24 Final Regulations permit contract exchanges <ul style="list-style-type: none"> Plan must enter into information sharing agreement with vendor New contract distributions must be no less stringent Participant must not lose benefits in exchange IRS has clarified that switch between investment options is not a contract exchange 	DETERMINATION LETTER
SUMMARY PLAN DESCRIPTION							TAX DEFERRED ANNUITIES
FIDELITY BOND							EPCRS
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SAFE HARBOR	REVENUE PROCEDURE 2007-71					Universal Availability	
SPOUSAL RIGHTS						<ul style="list-style-type: none"> Provides relief for some problem contracts Pre-2005 contracts to which no contributions have been made since 2004 are fully grandfathered <ul style="list-style-type: none"> Not required to be part of employer's plan (but note ERISA's requirements) Employee and vendor comply with 403(b) 	DETERMINATION LETTER
SUMMARY PLAN DESCRIPTION							TAX DEFERRED ANNUITIES
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VFCP							REV. PROC 2007-71
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SAFE HARBOR	REVENUE PROCEDURE 2007-71 Active Employees <ul style="list-style-type: none"> Contract issued after 2004 but before 2009 Vendor must not have received contributions in a year after the contract was issued Employer must make good faith reasonable effort to include contract in plan As an alternative, vendor may make good faith reasonable effort to contact the employer 					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
SUMMARY PLAN DESCRIPTION						TAX DEFERRED ANNUITIES	
FIDELITY BOND						EPCRS	
VFCP						REV. PROC 2007-71	
AICPA	PLAN ASSETS	FAB RELIEF	EBPAQC	FORM 5500	DFVCP	ISAs	VENDORS

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SAFE HARBOR	REVENUE PROCEDURE 2007-71 Former Employees/Beneficiaries <ul style="list-style-type: none"> Contract issued after 2004 but before 2009 Contributions ceased prior to 2009 Vendor must take reasonable efforts to coordinate loan limits with employer 					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
SUMMARY PLAN DESCRIPTION						TAX DEFERRED ANNUITIES	
FIDELITY BOND						EPCRS	
VFCP						REV. PROC 2007-71	
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SAFE HARBOR	PLAN DOCUMENT COMPLIANCE <ul style="list-style-type: none"> Final regulations originally required written document by 1/1/09 IRS Notice 2009-3 extended deadline to 12/31/09 <ul style="list-style-type: none"> As of 1/1/09, no determination letter program existed Remedial Amendment Period began 01/01/10 <ul style="list-style-type: none"> Ann. 2009-89 					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
SUMMARY PLAN DESCRIPTION						TAX DEFERRED ANNUITIES	
FIDELITY BOND						EPCRS	
VFCP						REV. PROC 2007-71	
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SAFE HARBOR	<p align="center">PLAN DOCUMENT COMPLIANCE</p> <ul style="list-style-type: none"> Notice 2009-3 provided transition relief for 2009 if: <ul style="list-style-type: none"> Written plan adopted before 01/01/10 In 2009, plan was operated under reasonable interpretation of 403(b) and the regulations Before 01/01/10, "best efforts" were made to retroactively correct 2009 operational failures 					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
SUMMARY PLAN DESCRIPTION						TAX DEFERRED ANNUITIES	
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VFCP						REV. PROC 2007-71	
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SAFE HARBOR	<p align="center">PLAN DOCUMENT COMPLIANCE</p> <ul style="list-style-type: none"> To satisfy the "best efforts" requirements of Notice 2009-3, the sponsor should correct based on the correction principles of EPCRS If Notice 2009-3 is satisfied, then sponsor has reliance on remedial amendment period. 					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
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SAFE HARBOR	<p align="center">REMEDIAL AMENDMENT PERIOD</p> <ul style="list-style-type: none"> If sponsor satisfied Notice 2009-3, then sponsor may later adopt a pre-approved prototype or file for a determination letter. If so, any required amendments retroactive to January 1, 2010. <ul style="list-style-type: none"> Employer reliance The prototype and individual determination letter programs are not yet available. <ul style="list-style-type: none"> Coming very soon 					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
SUMMARY PLAN DESCRIPTION						TAX DEFERRED ANNUITIES	
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SAFE HARBOR	<p style="text-align: center;">REMEDIAL AMENDMENT PERIOD</p> <ul style="list-style-type: none"> New plans can adopt prototype or apply for individual determination letter <ul style="list-style-type: none"> Employer reliance retroactive to adoption date 					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
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SAFE HARBOR	<p style="text-align: center;">NONDISCRIMINATION</p> <ul style="list-style-type: none"> Universal Availability 401(a)(4) Rate group testing Governmental Plans Church Plans 					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
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SAFE HARBOR	<p style="text-align: center;">AUDIT REQUIREMENTS</p> <ul style="list-style-type: none"> Large plans must obtain audit <ul style="list-style-type: none"> 100 participants at beginning of plan year 80 – 120 rule (not for new ERISA plans) Qualifying small plans exempt from audit <ul style="list-style-type: none"> Same as 401(k) plans 					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
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SAFE HARBOR	AUDIT REQUIREMENTS					Universal Availability	
SPOUSAL RIGHTS						<ul style="list-style-type: none"> Fully allocated contracts <ul style="list-style-type: none"> No Audits Only if the insurance company unconditionally guarantees a specified amount 	DETERMINATION LETTER
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SAFE HARBOR	FAB 2009-02					Universal Availability	
SPOUSAL RIGHTS						<ul style="list-style-type: none"> Pre-2009 contracts not part of plan if: <ul style="list-style-type: none"> Employer makes good faith efforts Issued prior to 01/01/09 All contributions, and the duty to make contributions, ceased before 01/01/09 Contracts are legally enforceable by participant without involvement of employer <ul style="list-style-type: none"> Participant is fully vested If the sole reason for disclaimer is exclusion of these contracts, the DOL will not reject the 5500 	DETERMINATION LETTER
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SAFE HARBOR	FAB 2010-01					Universal Availability	
SPOUSAL RIGHTS						<ul style="list-style-type: none"> Excluded contracts not included in participant count Excluded contracts can be excluded from 2008 comparative financial statements Known Pre-2009 contract can be excluded Known Pre-2009 contract can be included DOL "expects" auditor to notify sponsor if contract improperly excluded 	DETERMINATION LETTER
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SAFE HARBOR	<p align="center">403(b) FAILURES</p> <ul style="list-style-type: none"> Failure to follow plan terms Affects contracts of employee(s) for whom failure occurred 					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
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SAFE HARBOR	<p align="center">403(b) FAILURES</p> <ul style="list-style-type: none"> Nondiscrimination failures Disqualifies entire plan 					Universal Availability	
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SAFE HARBOR	<p align="center">OTHER ISSUES</p> <ul style="list-style-type: none"> ERISA Fidelity Bond and 403(b) Sponsors <ul style="list-style-type: none"> Audit? Spousal Protections 403(b) Nondiscrimination in ERISA Plans 					Universal Availability	
SPOUSAL RIGHTS						DETERMINATION LETTER	
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