

**Tax Exempt and Government Entities** 

EMPLOYEE PLANS

### **Plan Feature Comparison Chart**





- What is the maximum annual contribution?
- Which plans offer catch-up contributions?
- What are the minimum employee coverage requirements?
- When should distributions begin?

# Choose a Retirement Plan

- Including plans for employees of taxexempt and government entities (schools, hospitals, churches, charities)
- Highlights of eight types of retirement plans



# Experts estimate that in the American

workforce as a whole, workers will need 70 to 90% of their pre-retirement income to maintain their current standard of living when they stop working. Lower income earners may need more than 90%. Among these workers 25-64 years of age, a little more than half are participants in an employer-sponsored retirement plan.



### Advantages of Having a Retirement Plan

By starting a retirement savings plan, you'll help your employees save for the future, and you'll help secure your own retirement. Offering a retirement plan may also help you attract and retain better qualified employees.

Tax advantages have made it more appealing than ever to establish and contribute to a retirement plan.

#### **Tax Advantages:**

- Contribution limits that allow employees and employers to contribute large amounts to retirement plans.
- Catch-up rules that allow employees age 50 and over to set aside additional amounts.
- In some plans, employees can invest a certain amount of their salary before it is taxed.
- A tax credit, known as the Retirement Savings Contributions Credit, is available for eligible contributions to a retirement plan. This credit could reduce federal income tax up to 50 cents on the dollar.
- Money in the retirement program grows tax-free.

### Choose a Retirement Plan

The most basic retirement plan is an Individual Retirement Arrangement (IRA). Private-sector employers (for-profit and not-for-profit) and government employers can offer savings plans that use IRAs to hold savings contributions.

IRA-based plans include Payroll Deduction IRAs, Simplified Employee Pension (SEP) plans and Savings Incentive Match Plan for Employees of Small Employers (SIMPLE) IRA plans. In these plans, and also with 401(k), 403(b) and 457(b) plans, the ultimate retirement benefits depend on the dollar amount accumulated in the employee's account.





A defined benefit plan promises a specific benefit at retirement - \$1,000 a month, for example. The amount of this benefit is often based on a set percentage of pay multiplied by the number of years the employee worked for the employer offering the plan.

### **Retirement Plan Correction Programs**

The IRS has programs structured to provide financial incentives for finding and correcting mistakes earlier rather than later. In fact, many mistakes can be corrected easily, without penalty and without notifying the IRS.

The IRS system of retirement plan correction programs, the Employee Plans Compliance Resolution System (EPCRS), helps business owners protect participant benefits and keep their plans within the law. EPCRS includes:

**Self-Correction Program** – Find and correct a mistake before an examination.

**Voluntary Correction Program** – Correct your plan's mistakes with help from the IRS.

Audit Closing Agreement Program — If the IRS examines your plan and finds an error, you can still correct the problem. However, the fee will be larger than if you found and fixed the error yourself, or brought it in voluntarily.

# Plan Feature Comparison Chart

Starting with the brief summary table below, find the plans that fit you and your employees best. Then click on the plan tabs to view and compare the details on each plan.

Sponsor/ Eligible Employer	Key Advantage	Plans to Consider	Learn More
Any employer	easy to set up and maintain	Payroll Deduction IRA	
Any employer	easy to set up and maintain	SEP	
Employers with 100 or fewer employees that do not currently maintain another plan	<ul> <li>salary reduction plan with little administrative paperwork</li> </ul>	SIMPLE IRA	
<ul> <li>Any non-government employer</li> <li>Governments, only if plan was established prior to May 1986</li> </ul>	<ul> <li>permits high level of salary deferrals by employees</li> <li>may include designated Roth program</li> </ul>	401(k)	
<ul> <li>Public education employers</li> <li>501(c)(3) organizations</li> </ul>	<ul> <li>permits high level of salary deferrals by employees</li> <li>may include designated Roth program</li> </ul>	403(b)	
State and local governments	<ul> <li>permits high level of salary deferrals by employees</li> <li>may include designated Roth program</li> </ul>	457(b) Governmental	
Any tax-exempt organization	permits high level of salary deferrals by employees	457(b) Tax-Exempt Organization (Non-Church)	
Any employer	provides a fixed, pre-established benefit for employees	Defined Benefit	

Sponsor/Eligible Employer	any employer
Key Advantage	easy to set up and maintain
Employer's Role	<ul> <li>arrange for employees to make payroll deduction contributions</li> <li>transmit contributions for employees to IRA</li> <li>no annual filing requirement</li> </ul>
Contributors to the Plan	employee can decide how much to contribute
Maximum Annual Contribution (per participant)	employee: \$6,000 for 2021
Catch-Up Contributions	age 50 or over — additional employee contribution — \$1,000
Minimum Employee Coverage Requirement	should be made available to all employees
Withdrawals, Loans and Distributions	<ul> <li>withdrawals permitted any time subject to federal income taxes</li> <li>subject to 10% additional tax if before age 59½</li> <li>must start receiving distributions by April 1 of the year following attainment of age 72 (70½ if you turned 70½ before January 1, 2020) (special rules apply to Roth IRAs)</li> <li>loans are not permitted from IRAs</li> </ul>
<b>Rollovers/Transfers</b>	<ul> <li>rollovers permitted from one IRA to another and to an eligible retirement plan (special rules apply to Roth IRAs)</li> </ul>
Vesting	contributions are immediately 100% vested
EPCRS	■ no

Sponsor/Eligible Employer	any employer	
Key Advantage	easy to set up and maintain	
Employer's Role	set up plan—employer may use Form 5305-SEP	
	transmit contributions for employees to SEP-IRA	
	generally, no annual filing requirement	
	bank or financial institution handles most of the paperwork	
Contributors to the Plan	employer can decide whether to make contributions year-to-year	
	only employer contributes	
Maximum Annual Contribution (per participant)	up to 25% of compensation but no more than \$58,000 for 2021	
Catch-Up Contributions	■ N/A	
Minimum Employee Coverage Requirement	must be offered to all employees who are at least 21 years of age, employed by the employer for 3 of the last 5 years, and had componentian of at least \$250 in 2021	
	compensation of at least \$650 in 2021	
Withdrawals, Loans	withdrawals permitted any time subject to federal income taxes	
and Distributions	subject to 10% additional tax if before age 59½	
	must start receiving distributions by April 1 of the year following	
	attainment of age 72 (70½ if you turned 70½ before January 1, 2020)	
	Ioans are not permitted from SEP-IRAs	
<b>Rollovers/Transfers</b>	rollovers permitted from one IRA to another and to an eligible retirement plan	
Vesting	contributions are immediately 100% vested	
EPCRS	yes	

Sponsor/Eligible Employer	employer with 100 or fewer employees that does not currently maintain another plan	
Key Advantage	salary reduction plan with little administrative paperwork	
Employer's Role	set up plan – employer may use Form 5304-SIMPLE or Form 5305-SIMPLE	
	transmit contributions for employees to SIMPLE IRA	
	no annual filing requirement	
	bank or financial institution handles most of the paperwork	
Contributors to the Plan	employee can decide how much to contribute	
	employer must make matching contributions or contribute 2% of each eligible	
	employee's compensation	
Maximum Annual	employee:	
Contribution	• \$13,500 in 2021	
(per participant)	employer:	
	<ul> <li>either match employee contributions 100% of first 3% of compensation</li> </ul>	
	(can be reduced to as low as 1% in any 2 of 5 years), or	
	<ul> <li>contribute 2% of each eligible employee's compensation</li> </ul>	
Catch-Up Contributions	age 50 or over — additional employee contribution — \$3,000 in 2021	
Minimum Employee	must be offered to all employees who have compensation of at least \$5,000 in any	
Coverage Requirement	prior 2 years and are reasonably expected to earn at least \$5,000 in the current year	
Withdrawals, Loans	withdrawals permitted any time subject to federal income taxes	
and Distributions	subject to 10% additional tax if before age 59½	
	(25% if less than 2 years of participation)	
	must start receiving distributions by April 1 of the year following	
	attainment of age 72 (701/2 if you turned 701/2 before January 1, 2020)	
	Ioans are not permitted from SIMPLE IRA plans	
<b>Rollovers/Transfers</b>	rollovers permitted from one SIMPLE IRA to another SIMPLE IRA any time	
	however, a rollover from a SIMPLE IRA to a non-SIMPLE IRA or to an eligible	
	retirement plan can be made tax-free only after a 2-year participation in the SIMPLE IRA plan	
Vesting	employer and employee contributions are immediately 100% vested	
EPCRS	■ yes	

## 401(k)

Sponsor/Eligible Employer	<ul> <li>any non-government employer</li> <li>governments, only if plan was established prior to May 1986</li> </ul>
Key Advantage	<ul> <li>permits high level of salary deferrals by employees</li> <li>may include designated Roth program</li> </ul>
	may include designated Roth program
Employer's Role	arrange for employees to make elective deferral contributions and transmit contributions
	<ul> <li>annual filing of Form 5500 is required (unless government entity)</li> </ul>
	may require annual nondiscrimination testing to ensure that plan does not
	discriminate in favor of highly compensated employees
	no model form to establish this plan
Contributors to the Plan	employee elective deferral contributions
	employer contributions are permissible but not required
Maximum Annual	employee elective deferrals:
Contribution	• \$19,500 in 2021
(per participant)	employer and employee:
	<ul> <li>lesser of \$58,000 (2021) or 100% of compensation, subject to nondiscrimination testing</li> </ul>
	nondischimination testing
Catch-Up Contributions	age 50 or over — additional elective deferrals — \$6,500 in 2021
Minimum Employee Coverage Requirement	must pass minimum coverage test
Withdrawals, Loans	<ul> <li>withdrawals permitted after a distributable event occurs (such as retirement,</li> </ul>
and Distributions	death, disability, severance from employment)
	must start receiving distributions by April 1 following the later of year of retirement
	or attainment of age 72 (70½ if you turned 70½ before January 1, 2020)
	plan may permit loans and hardship withdrawals
	subject to 10% additional tax if before age 59½
<b>Rollovers/Transfers</b>	rollovers permitted to an eligible retirement plan or IRA
Vesting	employee elective deferral contributions are immediately 100% vested
-	employer contributions may vest over time according to plan terms
EPCRS	■ yes

Sponsor/Eligible Employer	<ul> <li>public education employers</li> <li>501(c)(3) organizations</li> </ul>
Key Advantage	<ul> <li>permits high level of salary deferrals by employees</li> <li>may include designated Roth program</li> </ul>
Employer's Role	arrange for employees to make elective deferral contributions and transmit contributions
	may require Form 5500 filing if employer contributions are made (unless
	government entity)
	no model form to establish this plan
Contributors to the Plan	employee elective deferral contributions
	employer contributions are permissible but not required
Maximum Annual	employee elective deferrals - \$19,500 in 2021
Contribution	employer and employee — lesser of \$58,000 (2021) or 100% of includible
(per participant)	compensation
	■ age 50 or over — additional elective deferrals — \$6,500 (2021)
Catch-Up Contributions	Special 403(b) catch-up:
	selected employers
	employee must have 15 years of service
	Iimited to least of: 1) \$3,000, 2) \$15,000 less previously excluded special
	catch-ups and 3) \$5,000 multiplied by years of service minus previously
	excluded deferrals
Minimum Employee	employee elective deferral contributions:
Coverage Requirement	<ul> <li>all eligible employees may elect to have a contribution of more than \$200 by salary reduction</li> </ul>
	<ul> <li>other contributions;</li> </ul>
	must pass minimum coverage test (except government entities)
Withdrawals, Loans	withdrawals permitted after a distributable event occurs (such as retirement, death,
and Distributions	disability, severance from employment)
	must start receiving distributions by April 1 following the later of year of retirement
	or attainment of age 72 (70½ if you turned 70½ before January 1, 2020)
	plan may permit loans and hardship withdrawals
	subject to 10% additional tax if before age 59½
<b>Rollovers/Transfers</b>	rollovers permitted to an eligible retirement plan
	transfers permitted from one 403(b) to another 403(b)
	purchase permissive service (government plans)
Vesting	employee elective deferral contributions are immediately 100% vested
	employer contributions may vest over time according to plan terms
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Sponsor/Eligible Employer	state and local governments	
Key Advantage	<ul><li>permits high level of salary deferrals by employees</li><li>may include designated Roth program</li></ul>	
Employer's Role	<ul> <li>arrange for employees to make salary reduction contributions</li> <li>no model form to establish this plan</li> </ul>	
Contributors to the Plan	<ul> <li>employee salary reduction contributions</li> <li>employer contributions are permissible but not required</li> </ul>	
Maximum Annual Contribution (per participant)	<ul> <li>employer and employee:</li> <li>\$19,500 in 2021</li> <li>age 50 or over — additional salary reduction contribution — \$6,500 (2021)</li> </ul>	
Catch-Up Contributions	<ul> <li>Special 457 catch-up:</li> <li>3 years prior to the year of normal retirement age</li> <li>limited to lesser of: <ol> <li>\$39,000 (twice the basic annual limit) in 2021, or</li> <li>the basic annual limit plus unused basic annual limit in prior years (only allowed if not using the age 50 or over catch-up)</li> </ol> </li> </ul>	
Minimum Employee Coverage Requirement	<ul> <li>common-law employees</li> <li>independent contractors</li> <li>does not need to pass a minimum coverage test</li> </ul>	
Withdrawals, Loans and Distributions	<ul> <li>withdrawals permitted after severance from employment</li> <li>must start receiving distributions by April 1 following the later of year of retirement or attainment of age 72 (70½ if you turned 70½ before January 1, 2020)</li> <li>plan may permit loans and distributions for unforeseen emergency or small inactive accounts</li> </ul>	
Rollovers/Transfers	<ul> <li>rollovers permitted to an eligible retirement plan</li> <li>transfers permitted from one government 457(b) to another government 457(b)</li> <li>purchase permissive service</li> </ul>	
Vesting	<ul> <li>employee salary reduction contributions are immediately 100% vested</li> <li>employer contributions may vest over time according to plan terms</li> </ul>	
EPCRS	<ul> <li>submission accepted on a provisional basis outside EPCRS</li> <li>special 180-day rule to correct</li> </ul>	

# 457(b) Tax-Exempt Organization (Non-Church)

Sponsor/Eligible Employer	any tax-exempt organization
Key Advantage	permits high level of salary deferrals by employees
Employer's Role	arrange for employees to make salary reduction contributions
	no model form to establish this plan
Contributors to the Plan	employee salary reduction contributions
	employer contributions are permissible but not required
Maximum Annual	employer and employee:
Contribution	• \$19,500 in 2021
(per participant)	no age 50 or over additional salary reduction contribution
Catch-Up Contributions	Special 457 catch-up:
	3 years prior to the year of normal retirement age
	limited to lesser of:
	1. \$39,000 (twice the basic annual limit) in 2021, or
	2. the basic annual limit plus unused basic annual limit in prior years
Minimum Employee	selected group of management or highly compensated employees
Coverage Requirement	independent contractors
	does not need to pass a minimum coverage test
Withdrawals, Loans	withdrawals permitted after severance from employment
and Distributions	must start receiving distributions by April 1 following the later of year of retirement
	or attainment of age 72 (701/2 if you turned 701/2 before January 1, 2020)
	plan may not permit loans
<b>Rollovers/Transfers</b>	no rollovers permitted
	post-severance transfers permitted from one tax-exempt 457(b) to another
	tax-exempt 457(b)
Vesting	employee and employer contributions must be subject to claims of creditors
EPCRS	■ no

Sponsor/Eligible Employer	any employer	
Key Advantage	provides a fixed, pre-established benefit for employees	
Employer's Role	annual filing of Form 5500 required (unless government entity)	
	an actuary must determine annual contributions	
	no model form to establish this plan	
Contributors to the Plan	primarily funded by employer	
Maximum Annual	actuarially determined contribution	
Contribution	plan benefits are subject to nondiscrimination testing	
(per participant)	maximum annual benefit that may be funded is the lesser of \$230,000 (2021) or	
	100% of a participant's average compensation for their highest 3 consecutive calendar years	
Catch-Up Contributions	■ N/A	
Minimum Employee Coverage Requirement	must pass minimum coverage test	
Withdrawals, Loans	payment of benefits after a distributable event occurs (such as retirement, death,	
and Distributions	disability, severance from employment)	
	must start receiving distributions by April 1 following the later of year of retirement	
	or attainment of age 72 (701/2 if you turned 701/2 before January 1, 2020)	
	Ioans permitted	
	subject to 10% additional tax if before age 59½	
<b>Rollovers/Transfers</b>	generally, participant's benefit can be rolled over to another qualified plan that	
	accepts rollovers or an IRA	
Vesting	may vest over time according to plan terms	
EPCRS	■ yes	

# Retirement Plan Information Resources

### Download the following publications at www.irs.gov/formspubs, or order a free copy through the IRS by calling 800-829-3676.

- Publication 560, Retirement Plans for Small Business (SEP, SIMPLE, and Qualified Plans)
- Publication 571, Tax-Sheltered Annuity Plans (403(b) Plans) For Employees of Public Schools and Certain Tax-Exempt Organizations
- Publication 575, Pension and Annuity Income
- Publication 590-A, Contributions to Individual Retirement Arrangements (IRAs)
- Publication 590-B, Distributions from Individual Retirement Arrangements (IRAs)

### The following publications are only available online at www.irs.gov/formspubs:

- Publication 963, Federal-State Reference Guide
- Publication 4222, 401(k) Plans for Small Businesses
- Publication 4224, Retirement Plan Correction Programs
- Publication 4333, SEP Retirement Plans for Small Businesses
- Publication 4334, SIMPLE IRA Plans for Small Businesses
- Publication 4587, Payroll Deduction IRAs for Small Businesses
- Publication 4674, Automatic Enrollment 401(k) Plans for Small Businesses
- Publication 4806, Profit Sharing Plans for Small Businesses

#### For assistance or information on retirement plans, see:

Choosing a retirement plan at www.irs.gov/retirement

Tax Exempt and Government Entities Customer Account Services 877-829-5500

