

## DISTRIBUTION ELECTION FORM

Plan Name: \_\_\_\_\_

*This form remains valid for up to 180 days.*

### Section 1: PARTICIPANT INFORMATION

Last Name	First Name	MI	Social Security Number
Address - Number and Street			City State Zip
Date of Birth: ____/____/____		Date of Hire: ____/____/____	
Email: _____		Current Marital Status:    Single    Married	
Work Phone		Home/Mobile Phone	

### Section 2: REASON FOR DISTRIBUTION

Termination of Employment (Incl. Retirement and Plan Termination) Date:		
Age 59 ½	Required Minimum Distribution	
Disability Date:		
Qualified Domestic Relations Order (QDRO)	Death Benefit	(DOD)

*Only complete the following section if this is a QDRO or Beneficiary Distribution Request*

### Section 2a: BENEFICIARY/ALTERNATE PAYEE INFORMATION (add attachment for each if more than one)

Last Name	First Name	MI	Social Security Number
Address - Number and Street			City State Zip
Date of Birth: ____/____/____		Email: _____	
Work Phone		Home/Mobile Phone	

### Section 3: FORM OF PAYMENT

Note: This section should only be completed after referring to your Summary Plan Description and consulting with your personal tax advisor.

I hereby elect to have my vested account balance paid in the following manner and, to the extent that distribution can be made prior to the expiration of 30 days from the date I received the notice of my rights, I waive my right to consider the contents of that notice for 30 days and consent to the distribution of my benefit as soon as administratively feasible. Please distribute the benefit as follows:

A. **Rollover to** IRA Eligible Retirement Plan

(Complete Section 4) Please note that some payments are not eligible for rollover such as required minimum distributions.

B. **Cash payment to me in a single lump sum** (see WITHHOLDING below) (Refer to Section 5)

C. **In-Service Withdrawal (specify amount)** \_\_\_\_\_

(Note: the amount entered here is gross, before taxes)

Rollover (Complete Section 4)

Cash (refer to Section 5)

D. **A 'Split Distribution'** (part rollover, part cash) (Complete Sections 4 and refer to Section 5) answer ONE of the following:

Rollover Amount \_\_\_\_\_ the remaining balance in cash

Cash Amount \_\_\_\_\_ the remaining balance in Rollover

#### WITHHOLDING

- If an "eligible rollover distribution" is not rolled over to an IRA or another eligible retirement plan, it will be subject to 20% federal income tax withholding. If you would like ADDITIONAL withholding, please indicate the TOTAL withholding amount requested: \_\_\_\_\_

- State Withholding. When optional, is waived.
- No withholding is required if the distribution is less than \$200.
- If this for a Required Minimum Distribution, tax withholding is optional. Please indicate here whether you want tax withholding on your RMD amount.

No Tax Withholding

Tax Withholding (20% is default, indicate amount) \_\_\_\_\_

#### ELECTION TO DEFER

I do not wish to take my distribution at this time. I will notify you when I wish to receive my distribution. (Please note that your account may be distributed without your consent if your account is below \$5,000).

#### Section 4: FORM OF PAYMENT (ROLLOVER)

A rollover check will be mailed to the rollover institution specified below.

Name of IRA or Plan
Check payable to
Mail to
Address
City, State, Zip
Account Number:

#### Section 5: FORM OF PAYMENT (CASH)

A cash payment will be mailed to your address of record in Section 1 (or Section 2a for an alternate payee).

If you would like an Electronic Funds Transfer for your distribution (if allowed), please complete the information below (any transfer fee will be deducted from your account) and provide a voided check (required):

Bank name	
ABA Routing # (nine digit #)	
Account #	Type of account (checking or savings)

#### Section 6: PARTICIPANT/ALTERNATE PAYEE SIGNATURES

I have received a Special Tax Notice which explains the tax consequences of, and the direct rollover option available with respect to the distribution of my vested account balance under the "Plan" and I have the right to consider the information provided in that notice for a period of at least 30 days.

I hereby consent to the distribution requested on this form. I understand that if I do not roll over this distribution that a 10% penalty tax may apply unless I am at least 59-1/2 years old (or some other exception to the tax applies). If I am requesting that a portion of my distributions be rolled over, I hereby certify that the IRA or plan identified above is an "eligible retirement plan" authorized to accept the direct rollover I have specified and that it will accept a direct rollover of my Plan distribution. I understand that a rollover to a Roth IRA may be subject to taxation.

Dated
Participant/Alternate Payee Signature ( <i>eSignatures not acceptable</i> )
Print Name

**Section 7: SPOUSE'S CONSENT (IF REQUIRED) Please consult your Summary Plan Description for more details**

I, spouse of the Participant hereby consent to the waiver of the Qualified Annuity Benefit and to the timing and form of distribution elected on this form. I have received a written explanation of the Qualified Annuity Benefit, my right not to consent to this waiver election, the waiver election period, and the financial effect of the election not to receive benefits in the Qualified Annuity Benefit form. I understand my consent is irrevocable unless my spouse revokes the waiver election. I understand any change in this form of benefit election is subject to my consent, unless my spouse elects to receive the Qualified Annuity Benefit.

**SPOUSE'S CONSENT (Must be completed)**

Signature of Participant's Spouse <i>(eSignatures not acceptable)</i>	
Printed Name	Date

Witnessed by either a Plan Representative or a Notary Public:

**Plan Representative:** I witnessed the signature of this spouse

Signature of Plan Representative <i>(eSignatures not acceptable)</i>	
Print Name	Date

**Notary Public**, State of \_\_\_\_\_ County of \_\_\_\_\_

BEFORE ME, the undersigned, a Notary Public, personally appeared \_\_\_\_\_ who  
executed the above Consent of Spouse as a free and voluntary act. (Date)

IN WITNESS WHERE OF, I have signed my name and affixed my official notaries seal this date \_\_\_\_\_  
(SEAL)

Notary Public
My Commission Expires

**Section 8: PLAN ADMINISTRATOR**

After verifying that all information provided by the participant is accurate and complete, please sign and date this form to acknowledge that you, acting as an authorized representative of the plan, confirm that the information provided is complete and accurate and the distribution request is in accordance with this plan. If the participant is married, you acknowledge that you have reviewed the Spousal signature and notary statement and have found it to be in good order. Finally, you authorize this request to be processed as instructed.

Signature of Plan Administrator <i>(eSignatures not acceptable)</i>	
Print Name	Date

**Return the completed form to:**  
Peery & Associates, Inc.  
P.O. Box 850, Pescadero, CA 94060  
Fax 650-879-1847

## SPECIAL TAX NOTICE

The Plan is required to provide you with information that explains your distribution options and the federal income tax implications of a Plan distribution prior to the receipt of assets from your account. As a Plan participant you must receive these notices (the "Distribution Notice" and the "Special Tax Notice" enclosed) at least thirty (30) days prior to your distribution. If you received the notice more than one hundred eighty (180) days prior to taking a distribution, you must receive either a new notice or a notice summary. You have the ability to waive the remaining unexpired notice period if you elect a payment from the Plan prior to the expiration of the 30 day period. Please note that the value of your account will continue to increase or decrease based on market performance until it is distributed or forfeited, as appropriate, in its entirety.

### Your Right to Defer Distribution and Direct Account Investments.

If you have terminated employment and your balance in the Plan is over \$5,000, you may choose to defer the distribution of your account until a later date. If you elect to defer the distribution of your account, you may continue to direct the investment of your account among the investment options offered by the Plan. Your account will continue to be subject to market fluctuation based upon its investment. For more information on the investment options available under the Plan, please consult your Plan enrollment kit, log on to your internet account or contact your Plan Administrator.

### Your Ability to Rollover Your Account.

You may elect to have the balance of your account paid to you directly or to the custodian or trustee of another eligible retirement plan (including an IRA). Please note that the taxable portion of the distributed amount will be included in your taxable income at the

time of the distribution (unless you elect to directly rollover the balance) and will no longer be invested in the investment options available under the Plan. The attached Special Tax Notice explains the federal income tax consequences of eligible rollover distributions and the types of retirement plans which may receive such distributions.

### Your Consent Not Required for Distribution of De Minimis Amounts.

The Plan may pay out certain account balances below \$5,000 without your consent in accordance with the terms of the Plan, which are described in the Plan's Summary Plan Description ("SPD"). If your account balance is below \$5,000 and otherwise subject to the Plan's cash-out provisions, the Plan may pay a distribution of your account balance to you or to an eligible retirement plan on your behalf as determined by the Plan Administrator. However, in such event the Plan will notify you of the pending distribution and you may generally elect to rollover the distribution. All notices will be sent to your address of record

on file with the Plan; if you move please inform the Plan of your new address to ensure that you continue to receive these important materials.

You should consult with a tax advisor prior to requesting a distribution to determine the financial impact of each form of distribution.

### Your Plan's Distribution Option(s)

The distribution options offered in your Plan are described in the Plan's SPD and/or in a Summary of Material Modifications ("SMM"). If your plan requires that you (and your spouse, if you are married) consent to any distribution that is not in the form of a qualified annuity, you must also be provided with a notice describing this annuity form of benefit and the procedures for waiving it, if you would prefer an alternate form of benefit. The SPD and SMM also contain information describing the form and timing of distribution payments. Please contact your Plan Administrator to request a copy of the SPD and/or SMM.

## SPECIAL TAX NOTICE YOUR ROLLOVER OPTIONS

You are receiving this notice because all or a portion of a payment you are receiving from the Plan is eligible to be rolled over to an IRA or an employer plan; or if your payment is from a Designated Roth Account (a type of account with special tax rules in some employer plans), to a Roth IRA or Designated Roth Account in an employer plan. This notice is intended to help you decide whether to do such a rollover.

This notice describes the rollover rules that apply to payments from the Plan. To the extent that the rules differ based on whether the payment is from a Designated Roth Account or from an account that is not a Designated Roth Account, the differences will be identified in each applicable section of this notice. In addition, if you receive a payment from a Designated Roth Account and a payment from an account that is not a Designated Roth Account in the Plan, you may contact the Plan administrator or the Plan's recordkeeper for assistance in determining the amount that is being paid from each account.

Rules that apply to most payments from a plan are described in the "General Information About Rollovers" section. Special rules that only apply in certain circumstances are described in the "Special Rules and Options" section.

### General Information About Rollovers

How can a rollover affect my taxes?

*Not a Designated Roth Account:*

You will be taxed on a payment from the Plan if you do not roll it over. If you are under age 59½ and do not do a rollover, you will also have to pay a 10% additional income tax on early distributions (unless an exception applies). However, if you do a rollover, you will not have to pay tax until you receive payments later and the 10% additional income tax will not apply if those payments are made after you are age 59½ (or if an exception applies). If you do a rollover to a Roth IRA, a special rule applies under

which the amount of the payment rolled over (reduced by any after-tax amounts) will be taxed; please see the "If you rollover your payment from an account which is not a Designated Roth Account to a Roth IRA" section under "Special Rules and Options" below.

*Designated Roth Account:*

After-tax contributions included in a payment from a Designated Roth Account are not taxed, but earnings might be taxed. The tax treatment of earnings included in the payment depends on whether the payment is a qualified distribution. If a payment is only part of your Designated Roth Account, the payment will include an allocable portion of the earnings in your Designated Roth Account.

If the payment from the Plan is not a qualified distribution and you do not do a rollover to a Roth IRA or a Designated Roth Account in an employer plan, you will be taxed on the earnings in the payment. If you are under age 59½, a 10% additional income tax on early distributions will also apply to the earnings (unless an exception applies). However, if you do a rollover, you will not have to pay taxes currently on the earnings and you will not have to pay taxes later on payments that are qualified distributions.

If the payment from the Plan is a qualified distribution, you will not be taxed on any part of the payment even if you do not do a rollover. If you do a rollover, you will not be taxed on the amount you roll

over and any earnings on the amount you roll over will not be taxed if paid later in a qualified distribution.

A qualified distribution from a Designated Roth Account in the Plan is a payment made after you are age 59½ (or after your death or disability) and after you have had a Designated Roth Account in the Plan for at least 5 years. In applying the 5-year rule, you count from January 1 of the year your first contribution was made to the Designated Roth Account. However, if you did a direct rollover to a Designated Roth Account in the Plan from a Designated Roth Account in another employer plan, your participation will count from January 1 of the year your first contribution was made to the Designated Roth Account in the Plan or, if earlier, to the Designated Roth Account in the other employer plan.

Please note that if you have after-tax or Roth money in your plan and that money was formerly held by another service provider who did not supply your current service provider with comprehensive account information at the time the funds were transferred to your current service provider, tax reporting of the distribution may be affected.

#### Where may I roll over the payment?

*Not a Designated Roth Account:*

You may roll over the payment to either an IRA (an individual retirement account or individual retirement annuity) or an employer plan (a tax-qualified plan, section 403(b) plan, or governmental section 457(b) plan) that will accept the rollover. The rules of the IRA or employer plan that holds the rollover will determine your investment options, fees, and rights to payment from the IRA or employer plan (for example, no spousal consent rules apply to IRAs and IRAs may not provide loans). Further, the amount rolled over will become subject to the tax rules that apply to the IRA or employer plan.

*Designated Roth Account:*

You may roll over the payment to either a Roth IRA (a Roth individual retirement account or Roth individual retirement annuity) or a Designated Roth Account in an employer plan (a tax-qualified plan or section 403(b) plan) that will accept the rollover. The rules of the Roth IRA or employer plan that holds the rollover will determine your investment options, fees, and rights to payment from the Roth IRA or employer plan (for example, no spousal consent rules apply to Roth IRAs and Roth IRAs may not provide loans). Further, the amount rolled over will become subject to the tax rules that apply to the Roth IRA or the Designated Roth Account in the employer plan. In general, these tax rules are similar to those described elsewhere in this notice, but differences include:

- If you do a rollover to a Roth IRA, all of your Roth IRAs will be considered for purposes of determining whether you have satisfied the 5-year rule (counting from January 1 of the year for which your first contribution was made to any of your Roth IRAs).
- If you do a rollover to a Roth IRA, you will not

be required to take a distribution from the Roth IRA during your lifetime and you must keep track of the aggregate amount of the after-tax contributions in all of your Roth IRAs (in order to determine your taxable income for later Roth IRA payments that are not qualified distributions).

- Eligible rollover distributions from a Roth IRA can only be rolled over to another Roth IRA.

#### How do I do a rollover?

There are two ways to do a rollover. You can do either a direct rollover or a 60-day rollover.

If you do a direct rollover, the Plan will make the payment directly to your IRA or an employer plan, or if your payment is from a Designated Roth Account, to your Roth IRA or Designated Roth Account in an employer plan. You should contact the IRA or Roth IRA custodian or the administrator of the employer plan for information on how to do a direct rollover.

If you do not do a direct rollover, you may still do a rollover by making a deposit within 60 days in accordance with the following rules:

*Not a Designated Roth Account:*

You may make a deposit into an IRA or eligible employer plan that will accept it. You will have 60 days after you receive the payment to make the deposit. If you do not do a direct rollover, the Plan is required to withhold 20% of the payment for federal income taxes (up to the amount of cash and property received other than employer stock). This means that, in order to roll over the entire payment in a 60-day rollover, you must use other funds to make up for the 20% withheld. If you do not roll over the entire amount of the payment, the portion not rolled over will be taxed and will be subject to the 10% additional income tax on early distributions if you are under age 59½ (unless an exception applies).

*Designated Roth Account:*

You may make a deposit within 60 days into a Roth IRA, whether the payment is a qualified or nonqualified distribution. In addition, you can do a rollover by making a deposit within 60 days into a Designated Roth Account in an employer plan if the payment is a nonqualified distribution and the rollover does not exceed the amount of the earnings in the payment. You cannot do a 60-day rollover to an employer plan of any part of a qualified distribution. If you receive a distribution that is a nonqualified distribution and you do not roll over an amount at least equal to the earnings allocable to the distribution, you will be taxed on the amount of those earnings not rolled over, including the 10% additional income tax on early distributions if you are under age 59½ (unless an exception applies). If you do a direct rollover of only a portion of the amount paid from the Plan and a portion is paid to you at the same time, the portion directly rolled over consists first of earnings.

If you do not do a direct rollover and the payment is not a qualified distribution, the Plan is required to withhold 20% of the earnings for federal income taxes (up to the amount of cash and property received other than employer stock). This means that, in order to roll over the entire payment in a 60-day rollover to a Roth IRA, you must use other funds to make up for the 20% withheld.

#### How much may I roll over?

If you wish to do a rollover, you may roll over all or part of the amount eligible for rollover. Any payment from the Plan is eligible for rollover, except:

- Certain payments spread over a period of at least 10 years or over your life or life expectancy (or the lives or joint life expectancy of you and your beneficiary)
- Required minimum distributions after age 72 (or after death)
- Hardship distributions
- ESOP dividends
- Corrective distributions of contributions that exceed tax law limitations
- Loans treated as deemed distributions (for example, loans in default due to missed payments before your employment ends)
- Cost of life insurance paid by the Plan
- Payments of certain automatic enrollment contributions requested to be withdrawn within 90 days of the first contribution
- Amounts treated as distributed because of a prohibited allocation of S corporation stock under an ESOP (also, there will generally be adverse tax consequences if you roll over a distribution of S corporation stock to an IRA)

The Plan administrator or the Plan's recordkeeper can tell you what portion of a payment is eligible for rollover.

#### If I don't do a rollover, will I have to pay the 10% additional income tax on early distributions?

*Not a Designated Roth Account:*

If you are under age 59½, you will have to pay the 10% additional income tax on early distributions for any payment from the Plan (including amounts withheld for income tax) that you do not roll over, unless one of the exceptions listed below applies. This tax is in addition to the regular income tax on the payment not rolled over.

*Designated Roth Account:*

If a payment is not a qualified distribution and you are under age 59½, you will have to pay the 10% additional income tax on early distributions

with respect to the earnings allocated to the payment that you do not roll over (including amounts withheld for income tax), unless one of the exceptions listed below applies. This tax is in addition to the regular income tax on the earnings not rolled over.

#### Exceptions:

The 10% additional income tax does not apply to the following payments from the Plan:

- Payments made after you separate from service if you will be at least age 55 in the year of the separation
- Payments that start after you separate from service if paid at least annually in equal or close to equal amounts over your life or life expectancy (or the lives or joint life expectancy of you and your beneficiary)
- Payments from a governmental defined benefit pension plan made after you separate from service if you are a public safety employee and you are at least age 50 in the year of the separation
- Payments made due to disability
- Payments after your death
- Payments of ESOP dividends
- Corrective distributions of contributions that exceed tax law limitations
- Cost of life insurance paid by the Plan
- Payments made directly to the government to satisfy a federal tax levy
- Payments made under a qualified domestic relations order (QDRO)
- Payments up to the amount of your deductible medical expenses
- Certain payments made while you are on active duty if you were a member of a reserve component called to duty after September 11, 2001 for more than 179 days
- Payments of certain automatic enrollment contributions requested to be withdrawn within 90 days of the first contribution

#### **If I do a rollover to an IRA, will the 10% additional income tax apply to early distributions from the IRA?**

If you receive a payment from an IRA when you are under age 59½, you will have to pay the 10% additional income tax on early distributions from the IRA, unless an exception applies. In general, the exceptions to the 10% additional income tax for early distributions from an IRA are the same as the exceptions listed above for early distributions from a plan. However, there are a few differences for payments from an IRA,

including:

- There is no exception for payments after separation from service that are made after age 55.
- The exception for qualified domestic relations orders (QDROs) does not apply (although a special rule applies under which, as part of a divorce or separation agreement, a tax-free transfer may be made directly to an IRA of a spouse or former spouse).
- The exception for payments made at least annually in equal or close to equal amounts over a specified period applies without regard to whether you have had a separation from service.
- There are additional exceptions for: (1) payments for qualified higher education expenses, (2) payments up to \$10,000 used in a qualified first-time home purchase, and (3) payments for health insurance premiums after you have received unemployment compensation for 12 consecutive weeks (or would have been eligible to receive unemployment compensation but for self-employed status).

#### **If I do a rollover to a Roth IRA, will the 10% additional income tax apply to early distributions from the IRA?**

If you receive a payment from a Roth IRA when you are under age 59½, you will have to pay the 10% additional income tax on early distributions on the earnings paid from the Roth IRA, unless an exception applies or the payment is a qualified distribution. In general, the exceptions to the 10% additional income tax for early distributions from a Roth IRA listed above are the same as the exceptions for early distributions from a plan.

However, there are a few differences for payments from a Roth IRA, including:

- There is no special exception for payments after separation from service.
- The exception for qualified domestic relations orders (QDROs) does not apply (although a special rule applies under which, as part of a divorce or separation agreement, a tax-free transfer may be made directly to a Roth IRA of a spouse or former spouse).
- The exception for payments made at least annually in equal or close to equal amounts over a specified period applies without regard to whether you have had a separation from service.
- There are additional exceptions for (1) payments for qualified higher education expenses, (2) payments up to \$10,000 used in a qualified first-time home purchase, and (3) payments for health insurance premiums after you have received unemployment compensation for 12 consecutive weeks (or

would have been eligible to receive unemployment compensation but for self-employed status).

#### **Will I owe State income taxes?**

This notice does not describe any State or local income tax rules (including withholding rules).

## **SPECIAL RULES AND OPTIONS**

#### **If your payment includes after-tax contributions and is not from a Designated Roth Account**

After-tax contributions included in a payment are not taxed. If a payment is only part of your benefit, an allocable portion of your after-tax contributions is included in the payment, so you cannot take a payment of only after-tax contributions. However, if you have pre-1987 after-tax contributions maintained in a separate account, a special rule may apply to determine whether the after-tax contributions are included in a payment. In addition, special rules apply when you do a rollover, as described below.

You may roll over to an IRA a payment that includes after-tax contributions through either a direct rollover or a 60-day rollover. You must keep track of the aggregate amount of the after-tax contributions in all of your IRAs (in order to determine your taxable income for later payments from the IRAs). If you do a direct rollover of only a portion of the amount paid from the Plan and at the same time the rest is paid to you, the portion directly rolled over consists first of the amount that would be taxable if not rolled over. For example, assume you are receiving a distribution of \$12,000, of which \$2,000 is after-tax contributions. In this case, if you directly rolled over \$10,000 to an IRA that is not a Roth IRA; no amount is taxable because the \$2,000 amount not directly rolled over is treated as being after-tax contributions. If you do a direct rollover of the entire amount paid from the Plan to two or more destinations at the same time, you can choose which destination receives the after-tax contributions.

If you do a 60-day rollover to an IRA of only a portion of the payment made to you, the after-tax contributions are treated as rolled over last. For example, assume you are receiving a distribution of \$12,000, of which \$2,000 is after-tax contributions, and no part of the distribution is directly rolled over. In this case, if you roll over \$10,000 to an IRA that is not a Roth IRA in a 60-day rollover; no amount is taxable because the \$2,000 amount not rolled over is treated as being after-tax contributions.

You may roll over to an employer plan all of a payment that includes after-tax contributions, but only through a direct rollover (and only if the receiving plan separately accounts for after-tax contributions and is not a governmental section 457(b) plan. You can do a 60-day rollover to an employer plan as part of a payment that includes after-tax contributions, but only up to the amount of the payment that would be Taxable if not rolled over.

## If you miss the 60-day rollover deadline

Generally, the 60-day rollover deadline cannot be extended. However, the IRS has the limited authority to waive the deadline under certain extraordinary circumstances, such as when external events prevented you from completing the rollover by the 60-day rollover deadline. To apply for a waiver, you must file a private letter ruling request with the IRS. Private letter ruling requests require the payment of a nonrefundable user fee. For more information, see *IRS Publication 590-A, Contributions to Individual Retirement Arrangements (IRAs)*.

## If your payment includes employer stock that you do not roll over

### *Not a Designated Roth Account:*

If you do not do a rollover, you can apply a special rule to payments of employer stock (or other employer securities) that are either attributable to after-tax contributions or paid in a lump sum after separation from service (or after age 59½, disability, or the participant's death). Under the special rule, the net unrealized appreciation on the stock will not be taxed when distributed from the Plan and will be taxed at capital gain rates when you sell the stock. Net unrealized appreciation is generally the increase in the value of employer stock after it was acquired by the Plan. If you do a rollover for a payment that includes employer stock (for example, by selling the stock and rolling over the proceeds within 60 days of the payment), the special rule relating to the distributed employer stock will not apply to any subsequent payments from the IRA or employer plan. The Plan administrator can tell you the amount of any net unrealized appreciation.

### *Designated Roth Account:*

If you receive a payment that is not a qualified distribution and you do not roll it over, you can apply a special rule to payments of employer stock (or other employer securities) that are paid in a lump sum after separation from service (or after age 59½, disability, or the participant's death). Under the special rule, the net unrealized appreciation on the stock included in the earnings in the payment will not be taxed when distributed to you from the Plan and will be taxed at capital gain rates when you sell the stock.

If you do a rollover to a Roth IRA for a nonqualified distribution that includes employer stock (for example, by selling the stock and rolling over the proceeds within 60 days of the distribution), you will not have any taxable income and the special rule relating to the distributed employer stock will not apply to any subsequent payments from the Roth IRA or employer plan. Net unrealized appreciation is generally the increase in the value of the employer stock after it was acquired by the Plan.

The Plan administrator can tell you the amount of any net unrealized appreciation. If you receive a payment that is a qualified distribution that includes employer stock and you do not roll it over, your basis in the stock (used to determine gain or loss when you later sell the stock) will equal the fair market value

of the stock at the time of the payment from the Plan.

## If you have an outstanding loan that is being offset

If you have an outstanding loan from the Plan, your Plan benefit may be offset by the amount of the loan, typically when your employment ends. The loan offset amount is treated as a distribution to you at the time of the offset.

### *Not a Designated Roth Account:*

The outstanding loan amount will be taxed (including the 10% additional income tax on early distributions, unless an exception applies) unless you do a 60-day rollover in the amount of the loan offset to an IRA or employer plan.

### *Designated Roth Account:*

If the distribution is a nonqualified distribution, the earnings in the loan offset will be taxed (including the 10% additional income tax on early distributions, unless an exception applies) unless you do a 60-day rollover in the amount of the earnings in the loan offset to a Roth IRA or Designated Roth Account in an employer plan.

## If you were born on or before January 1, 1936

### *Not a Designated Roth Account:*

If you were born on or before January 1, 1936 and receive a lump sum distribution that you do not roll over, special rules for calculating the amount of the tax on the payment might apply to you. For more information, see *IRS Publication 575, Pension and Annuity Income*.

### *Designated Roth Account:*

If you were born on or before January 1, 1936 and receive a lump sum distribution that is not a qualified distribution and that you do not roll over, special rules for calculating the amount of the tax on the payment might apply to you. For more information, see *IRS Publication 575, Pension and Annuity Income*.

## If your payment is from a governmental section 457(b) plan

If the Plan is a governmental section 457(b) plan, the same rules described elsewhere in this notice generally apply, allowing you to roll over the payment to an IRA or an employer plan that accepts rollovers. One difference is that, if you do not do a rollover, you will not have to pay the 10% additional income tax on early distributions from the Plan even if you are under age 59½ (unless the payment is from a separate account holding rollover contributions that were made to the Plan from a tax-qualified plan, a section 403(b) plan, or an IRA). However, if you do a rollover to an IRA or to an employer plan that is not a governmental section 457(b) plan, a later distribution made before age 59½ will be subject to the 10% additional income tax on early distributions (unless an exception applies).

Other differences are that you cannot do a rollover if the payment is due to an "unforeseeable emergency"

and the special rules under "If your payment includes employer stock that you do not roll over" and "If you were born on or before January 1, 1936" do not apply.

## If you are an eligible retired public safety officer and your pension payment is used to pay for health coverage or qualified long-term care insurance

If the Plan is a governmental plan, you retired as a public safety officer, and your retirement was by reason of disability or was after normal retirement age, you can exclude from your taxable income plan payments or nonqualified distribution paid directly as premiums to an accident or health plan (or a qualified long-term care insurance contract) that your employer maintains for you, your spouse, or your dependents, up to a maximum of \$3,000 annually. For this purpose, a public safety officer is a law enforcement officer, firefighter, chaplain, or member of a rescue squad or ambulance crew.

## If you roll over your payment to a Roth IRA

If you roll over a payment from the Plan to a Roth IRA, a special rule applies under which the amount of the payment rolled over (reduced by any after-tax amounts) will be taxed. However, the 10% additional income tax on early distributions will not apply (unless you take the amount rolled over out of the Roth IRA within 5 years, counting from January 1 of the year of the rollover).

If you roll over the payment to a Roth IRA, later payments from the Roth IRA that are qualified distributions will not be taxed (including earnings after the rollover). A qualified distribution from a Roth IRA is a payment made after you are age 59½ (or after your death or disability, or as a qualified first-time homebuyer distribution of up to \$10,000) and after you have had a Roth IRA for at least 5 years. In applying this 5-year rule, you count from January 1 of the year for which your first contribution was made to a Roth IRA. Payments from the Roth IRA that are not qualified distributions will be taxed to the extent of earnings after the rollover, including the 10% additional income tax on early distributions (unless an exception applies). You do not have to take required minimum distributions from a Roth IRA during your lifetime. For more information, see *IRA Publication 590-A, Contributions to Individual Retirement Arrangements (IRAs)*, and *IRS Publication 590-B, Distributions from Individual Retirement Arrangements (IRAs)*.

## If you do a rollover to a designated Roth account in the Plan

You cannot roll over a distribution to a designated Roth account in another employer's plan. However, you can roll the distribution over into a designated Roth account in the distributing Plan. If you roll over a payment from the Plan to a designated Roth account in the Plan, the amount of the payment rolled over (reduced by any after-tax amounts directly rolled over) will be taxed. However, the 10% additional tax on early

distributions will not apply (unless you take the amount rolled over out of the designated Roth account within the 5-year period that begins on January 1 of the year of the rollover).

If you roll over the payment to a designated Roth account in the Plan, later payments from the Designated Roth Account that are qualified distributions will not be taxed (including earnings after the rollover). A qualified distribution from a Designated Roth Account is a payment made both after you are age 59½ (or after your death or disability) and after you have had a Designated Roth Account in the Plan for at least 5 years. In applying this 5-year rule, you count from January 1 of the year your first contribution was made to the Designated Roth Account. However, if you made a direct rollover to a Designated Roth Account in the Plan from a Designated Roth Account in a plan of another employer, the 5-year period begins on January 1 of the year you made the first contribution to the Designated Roth Account in the Plan or, if earlier, to the Designated Roth Account in the plan of the other employer. Payments from the Designated Roth Account that are not qualified distributions will be taxed to the extent of earnings after the rollover, including the 10% additional income tax on early distributions (unless an exception applies).

#### If you are not a plan participant

Payments after death of the participant. If you receive a distribution after the participant's death that you do not roll over, the distribution will generally be taxed in the same manner described elsewhere in this notice. However, the 10% additional income tax on early distributions and the special rules for public safety officers do not apply, and the special rule described under the section "If you were born on or before January 1, 1936" applies only if the participant was born on or before January 1, 1936.

However, whether a payment from a Designated Roth Account is a qualified distribution generally depends on when the participant first made a contribution to the Designated Roth Account in the Plan.

#### If you are a surviving spouse

##### *Not a Designated Roth Account:*

If you receive a payment from the Plan as the surviving spouse of a deceased participant, you have the same rollover options that the participant would have had, as described elsewhere in this notice. In addition, if you choose to do a rollover to an IRA, you may treat the IRA as your own or as an inherited IRA.

An IRA you treat as your own is treated like any other IRA of yours, so that payments made to you before you are age 59½ will be subject to the 10% additional income tax on early distributions (unless an exception applies) and the required minimum distributions from your IRA do not have to start until after you are age 72.

If you treat the IRA as an inherited IRA, payments from the IRA will not be subject to the 10% additional

income tax on early distributions. However, if the participant had started taking required minimum distributions, you will have to receive required minimum distributions from the inherited IRA. If the participant had not started taking required minimum distributions from the Plan, you will not have to start receiving required minimum distributions from the inherited IRA until the year the participant would have been age 72.

##### *Designated Roth Account:*

If you receive a payment from the Plan as the surviving spouse of a deceased participant, you have the same rollover options that the participant would have had, as described elsewhere in this notice. In addition, if you choose to do a rollover to a Roth IRA, you may treat the Roth IRA as your own or as an inherited Roth IRA.

A Roth IRA you treat as your own is treated like any other Roth IRA of yours, so that you will not have to receive any required minimum distributions during your lifetime and earnings paid to you in a nonqualified distribution before you are age 59½ will be subject to the 10% additional income tax on early distributions (unless an exception applies).

If you treat the Roth IRA as an inherited Roth IRA, payments from the Roth IRA will not be subject to the 10% additional income tax on early distributions. An inherited Roth IRA is subject to required minimum distributions. If the participant had started taking required minimum distributions from the Plan, you will have to receive required minimum distributions from the inherited Roth IRA. If the participant had not started taking required minimum distributions, you will not have to start receiving required minimum distributions from the inherited Roth IRA until the year the participant would have been age 72.

#### If you are a surviving beneficiary other than a spouse

##### *Not a Designated Roth Account:*

If you receive a payment from the Plan because of the participant's death and you are a designated beneficiary other than a surviving spouse, the only rollover option you have is to do a direct rollover to an inherited IRA. Payments from the inherited IRA will not be subject to the 10% additional income tax on early distributions. You will have to receive required minimum distributions from the inherited IRA.

##### *Designated Roth Account:*

If you receive a payment from the Plan because of the participant's death and you are a designated beneficiary other than a surviving spouse, the only rollover option you have is to do a direct rollover to an inherited Roth IRA. Payments from the inherited Roth IRA, even if made in a nonqualified distribution, will not be subject to the 10% additional income tax on early distributions. You will have to receive required minimum distributions from the inherited Roth IRA.

Payments under a qualified domestic relations order. If you are the spouse or former spouse of the participant who receives a payment from the Plan under a qualified domestic relations order (QDRO), you generally have the same options the participant would have (for example, you may roll over the payment to your own IRA or an eligible employer plan that will accept it). Payments under the QDRO that are not from a Designated Roth Account will not be subject to the 10% additional income tax on early distributions.

#### If you are a nonresident alien

If you are a nonresident alien and you do not do a direct rollover to a U.S. IRA or U.S. employer plan, instead of withholding 20%, the Plan is generally required to withhold 30% of the payment for federal income taxes. If the amount withheld exceeds the amount of tax you owe (as May happen if you do a 60-day rollover), you may request an income tax refund by filing Form 1040NR and attaching your Form 1042-S. See Form W-8BEN for claiming that you are entitled to a reduced rate of withholding under an income tax treaty. For more information, see also *IRS Publication 519, U.S. Tax Guide for Aliens*, and *IRS Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities*.

#### Other special rules

- If a payment is one in a series of payments for less than 10 years, your choice whether to make a direct rollover will apply to all later payments in the series (unless you make a different choice for later payments).
- If your payments for the year are less than \$200 (payments from a Designated Roth Account and from accounts that are not Designated Roth Accounts are not aggregated for purposes of the limit), the Plan is not required to allow you to do a direct rollover and is not required to withhold for federal income taxes. However, you may do a 60-day rollover.
- You may have special rollover rights if you recently served in the U.S. Armed Forces. For more information, see *IRS Publication 3, Armed Forces' Tax Guide*.

#### Mandatory Cashout Distributions

##### *Not a Designated Roth Account:*

Unless you elect otherwise, a mandatory cashout of more than \$1,000 (not including payments from a Designated Roth Account in the Plan) will be directly rolled over to an IRA chosen by the Plan Administrator or the payor. A mandatory cashout is a payment from a plan to a participant made before age 62 (or normal retirement age, if later) and without consent, where the participant's benefit does not exceed \$5,000 (including any amounts held under the plan as a result of a prior rollover made to the plan).

##### *Designated Roth Account:*

Unless you elect otherwise, a mandatory cashout

from the Designated Roth Account in the plan of more than \$1,000 will be directly rolled over to a Roth IRA chosen by the Plan administrator or the payor. A mandatory cashout is a payment from a plan to a participant made before age 62 (or normal retirement age, if later) and without consent, where the participant's benefit does not exceed \$5,000 (including any amounts held under the plan as a result of a prior rollover made to the plan).

## FOR MORE INFORMATION

You may wish to consult with the Plan administrator or a professional tax advisor before taking a payment from the Plan. Also, you can find more detailed information on the federal tax treatment of payments from employer plans in: *IRS Publication 575, Pension and Annuity Income*; *IRS Publication 590-A Contributions to Individual Retirement Arrangements (IRAs)*; *IRS publication 590-B, Distributions from Individual Retirement Arrangements (IRAs)*; and *IRS Publication 571, Tax-Sheltered Annuity Plans (403(b) Plans)*. These publications are available from a local IRS office, on the web at [www.irs.gov](http://www.irs.gov), or by calling 1-800-TAXFORM.