



## PLEASE NOTE THE FOLLOWING WHEN SUBMITTING PROGRAM FORMS

- Use **only one** of the following methods of delivery:

**By Mail:**

ABA Retirement Funds Program  
P.O. Box 55072  
Boston, MA 02205-5072

**By Overnight Delivery:**

ABA Retirement Funds Program  
30 Braintree Hill Office Park  
Braintree, MA 02184

**By Email:** [ProgramForms@voyaplans.com](mailto:ProgramForms@voyaplans.com)

- If you are emailing a form, **DO NOT** mail the original, or the transaction will be processed twice.
- Email only **one** form at a time unless the forms are related and for the same participant, in the same plan.
- Forms received in good order via e-mail by **1 p.m. Eastern time** on a business day are considered to be received on that day. Forms received electronically after 1 p.m. Eastern time will be considered to be received on the next business day.
- Please do not “cc” any other email addresses when sending a form to the Program by email, as this causes the email to abort.
- The email should include a single document as an attachment, which does not require access to an external portal or link.
- There should be no instructions in the body of the email; the form should contain any additional instructions.
- If you are going to password-protect the form, please use only “abafunds” or Abafunds\*1.”

### FORMS THAT CANNOT BE ACCEPTED VIA EMAIL

- If the form is being submitted to claim the assets in a deceased participant’s account, the form and a certified copy of the death certificate **must be mailed** or sent by overnight delivery.
- If spousal consent is required, and the witness is a notary, the form **must be mailed** or sent by overnight delivery so that the notary seal can be confirmed.

Forms submitted in any other manner will be considered to be received “not in good order,” which may cause a delay in processing the item.

Thank you for your cooperation so that we can best service your plan.

**Note:** after your email is received by the transaction processing group, you’ll receive an auto reply with a “Task” confirmation number. If you do not receive an auto reply, please contact us. Plan Administrators should call **800.752.6313**. Participants should call **800.348.2272**.



# CORRECTIVE MEASURES FOR CONTRIBUTIONS

ABA Retirement Funds Program ("the Program")  
P.O. Box 55072 • Boston, MA 02205-5072

Plan Administrator Line: 800.752.6313  
Website: www.abaretirement.com

Complete this form to make corrections if contributions in excess of the legal or plan limits have been made to the plan. For help completing this form, see the Instructions for Completing the Corrective Measures for Contributions (Form 14) beginning on page 5. The Authorized Plan Representative completes all sections and mails the original, signed form to the address shown above.

## 1. EMPLOYER INFORMATION

Program Plan Number: \_\_\_\_\_ Employer Tax ID Number: \_\_\_\_\_ - \_\_\_\_\_ IRS Plan Number: \_\_\_\_\_

Employer's Name: \_\_\_\_\_ Employer's Business Phone Number: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

## 2. PARTICIPANT INFORMATION

Participant's Name: \_\_\_\_\_ Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Daytime Phone Number: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

E-mail: \_\_\_\_\_

Participant's Primary Residence: \_\_\_\_\_

(MAXIMUM OF 30  
CHARACTERS EACH LINE)

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

If correcting contributions for more than one participant, and the Corrective Measures are the same for each participant, you may attach a list to this form.

## 3. CORRECTIVE MEASURES (ONLY ONE SECTION, A THROUGH E, MAY BE COMPLETED, PER FORM)

Note: Market loss may affect the amount of returned contributions. Payment of returned contributions will occur according to the following guidelines:

- Contributions will be withdrawn pro-rata from all available investment options (excluding assets held in the Self-Directed Brokerage Account).
- If the returned amount is for a participant's 401(k) plan contribution in excess of the designated contribution limit, refunds will first be made from any Roth 401(k) Contributions and the check will be payable to the participant and a Form 1099-R will be issued for the year of distribution. Do not adjust the participant's W-2 form.
- If the returned amount is for an employer contribution, the check will be payable to the employer, unless the returned amount represents a refund of Matching Contributions due to failing the ACP Test (see Section C on page 2).
- Earnings on refunds will be issued directly to the participant in a separate check.
- Ten percent (10%) federal income tax may be withheld from certain corrective distributions to the participant unless a completed, signed Form W-4P is included.

### A. Exceeded "Individual Annual Additions" Limits of Internal Revenue Code (IRC) Section 415(c)

In accordance with Section 5.5(b) of the American Bar Association Members Retirement Plan Basic Plan Document No. 01 (the "Plan"), the employer directs the Program to correct the excess contribution amount listed below.

Amount of excess contribution is: \$ \_\_\_\_\_ for plan year \_\_\_\_\_.

Such excess allocation shall be corrected in accordance with the Employee Plans Compliance Resolution System of the Internal Revenue Service. (See page 4 of the instructions.)

**B. Exceeded Elective Contribution Limit of IRC 402(g)**

Pursuant to the plan document, the employer directs the Program to issue a refund of Elective Contributions in the amount of: \$\_\_\_\_\_ for plan year \_\_\_\_\_ directly to the participant, withdrawn pro-rata from all available investment options. Earnings on this amount, through the end of the Plan Year for which the contribution was made, will be returned to the participant by separate check. Refunds shall first be made from the participant's Roth 401(k) Contributions, if any, then from the participant's Pre-Tax Elective Contributions.

**C. 401(k)/401(m) Discrimination Testing** (Check all that apply)

- ADP Test Failed  ACP Test Failed  Both ADP and ACP Tests Failed
- Issue a refund of Roth 401(k) Contributions in the amount of \$ \_\_\_\_\_ for plan year \_\_\_\_\_ directly to the participant and forfeit applicable Matching Contribution of \$ \_\_\_\_\_.
- Issue a refund of Pre-Tax Elective Contributions in the amount of \$ \_\_\_\_\_ for plan year \_\_\_\_\_ directly to the participant and forfeit applicable Matching Contribution of \$ \_\_\_\_\_.
- Issue a refund from Post-Tax Employee Contributions in the amount of \$ \_\_\_\_\_ directly to the participant.
- Issue a refund of Matching Contributions made for this participant due to failure of the ACP Test in the amount of \$ \_\_\_\_\_ for plan year \_\_\_\_\_. The participant is \_\_\_\_\_% vested.

**D. Minimum Hours/Last Day Rule Not Met**

- Participant did not complete the minimum number of hours of service as specified in the adoption agreement. Reallocate \$ \_\_\_\_\_ to all other eligible participants, as indicated on the enclosed Contribution/Loan Repayment Remittance Form (Form 2). This does not apply to minimum contributions.
- Participant was not employed on the last day of the plan year as specified in the adoption agreement. Reallocate \$ \_\_\_\_\_ to all other eligible participants, as indicated on the enclosed Contribution/Loan Repayment Remittance Form (Form 2). This does not apply to minimum contributions.

**E. Good Faith Mistake of Fact**

- The employer has determined that a good faith mistake of fact has occurred, resulting in a return of contribution(s) to the employer. The following indicates the returned contribution(s). (Check and complete all that apply.)

CONTRIBUTION TYPE	SOURCE CODE	AMOUNT AMOUNT	TRADE DATE (DATE ON WHICH CONTRIBUTION WAS ORIGINALLY PROCESSED)*- MAY NOT BE MORE THAN 12 MONTHS PRIOR
<input type="checkbox"/> Pre-Tax Elective Contributions	<b>A</b>	\$ _____	___ / ___ / _____
<input type="checkbox"/> SIMPLE 401(k) Plan Pre-Tax Elective Contributions	<b>B</b>	\$ _____	___ / ___ / _____
<input type="checkbox"/> Roth 401(k) Contributions	<b>N</b>	\$ _____	___ / ___ / _____
<input type="checkbox"/> Employer Contributions	<b>F</b>	\$ _____	___ / ___ / _____
<input type="checkbox"/> Matching Contributions	<b>D</b>	\$ _____	___ / ___ / _____
<input type="checkbox"/> Post-Tax Employee Contributions	<b>G</b>	\$ _____	___ / ___ / _____
<input type="checkbox"/> Rollover Contributions	<b>R</b>	\$ _____	___ / ___ / _____
<input type="checkbox"/> QNEC/QMAC	<b>C</b>	\$ _____	___ / ___ / _____
<input type="checkbox"/> SIMPLE 401(k) Plan Employer Matching Contribution	<b>P</b>	\$ _____	___ / ___ / _____
<input type="checkbox"/> Safe Harbor Matching Contribution	<b>P</b>	\$ _____	___ / ___ / _____
<input type="checkbox"/> Safe Harbor Nonelective Employer Contribution	<b>T</b>	\$ _____	___ / ___ / _____

- Instead of refunding this contribution, please use it to offset the attached contribution remittance form.

Note: The Authorized Plan Representative must complete section 5 on page 3. A good faith mistake of fact correction may not be requested for a trade date that occurred more than 12 months ago.

\*Please indicate only one trade date per correction request. If you need assistance on determining the trade date, please call our Plan Administrator Line at 800.752.6313.

**4. SIGNATURE**

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The Authorized Plan Representative verifies that all information contained on this form is complete and accurate. Failure to properly complete this form may result in a processing delay

\_\_\_\_\_  
SIGNATURE OF AUTHORIZED PLAN REPRESENTATIVE ON BEHALF OF THE EMPLOYER (REQUIRED)

\_\_\_\_\_  
DATE

**5. CERTIFICATION FOR THE GOOD FAITH MISTAKE OF FACT EXCEPTION**

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I, \_\_\_\_\_, being duly authorized by \_\_\_\_\_  
(NAME OF PLAN ADMINISTRATOR) (NAME OF FIRM)

the employer and sponsor of the \_\_\_\_\_ plan (the plan), a qualified plan participating  
(NAME OF PLAN)

in the Program, hereby certify that the employer understands that the regulations regarding qualified plans severely restrict the ability of a trustee to revert or return assets contributed to a qualified plan to an employer, and that such reversion or repayment of contributions can result in a violation of the exclusive benefit rule governing all qualified plans and thus may affect the qualified status of the plan. I further certify that as a result of a mistake of fact, made in good faith, the employer made a contribution to the plan, in the amount of \$ \_\_\_\_\_, (i) that otherwise would not have been contributed or (ii) which was of a greater amount than the amount that would have been contributed, but for the mistake of fact and that (iii) such contribution has been made within the last 12 months.

Accordingly, I hereby authorize the Program to repay the sum of \_\_\_\_\_  
(AMOUNT IN WORDS)

to the employer in accordance with §4.5 of the Plan.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ .  
(DAY) (MONTH) (YEAR)

\_\_\_\_\_  
SIGNATURE OF PLAN ADMINISTRATOR

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINT NAME OF PLAN ADMINISTRATOR

# INSTRUCTIONS FOR COMPLETING THE CORRECTIVE MEASURES FOR CONTRIBUTIONS (FORM 14)



ABA Retirement Funds Program (“the Program”)  
P.O. Box 55072 • Boston, MA 02205-5072

Plan Administrator Line: 800.752.6313  
Website: [www.abaretirement.com](http://www.abaretirement.com)

These instructions address the issue of contributions that require corrective action in a qualified plan and the corrective measures (if any) allowed by the Internal Revenue Service (IRS) and the ABA Retirement Funds Basic Plan Document (plan document). Corrective measures may be needed for the following types of contribution violations:

- Excess contributions in violation of the individual annual additions limitation [Internal Revenue Code (IRC) Section 415(c)];
- Salary deferrals made by an employee to a 401(k) plan which exceed the maximum annual deferral limit pursuant to IRC Section 402(g);
- Excess salary deferrals made by a highly compensated employee as a result of a failed 401(k) average deferral percentage (ADP) test;
- Excess employer matching contributions or employee post-tax contributions as a result of a failed 401(m) average contribution percentage (ACP) test;
- Contributions made for an employee who did not satisfy the 1,000 hour/last day rule elected in a non-standardized adoption agreement; and
- Contributions due to a recognized good faith mistake of fact as certified by the firm.

Please note: Failure to take corrective action may constitute an event which could result in disqualification of the plan. Following is an explanation of each type of excess contribution, as well as specific details on the corrective measures allowed. Also note that market loss may affect the amount of returned contributions.

Please see the attached table, which outlines all of the information described herein.

## **1. CONTRIBUTIONS IN VIOLATION OF THE INDIVIDUAL ANNUAL ADDITIONS LIMITATION**

Internal Revenue Code (IRC) Section 415(c) imposes an individual annual additions limitation upon plan participants in defined contribution plans. The current annual limitation with regard to qualified plan contributions on behalf of an individual participant is the lesser of \$49,000 (as indexed) or 100% of the participant’s compensation. This annual additions limitation covers all contributions, including salary deferrals, post-tax contributions or employer contributions, and is inclusive of all plans sponsored by the employer in which an employee participates. For example, if John Smith is a participant in both a defined contribution pension plan and a 401(k) plan maintained by the ABC Law Firm, the contributions to both plans made by him or by the firm on his behalf cannot exceed the lesser of \$52,000 (as indexed) or 100% of his compensation.

Excess amounts which violate the Section 415(c) annual additions limitation will be corrected in accordance with the plan document, Section 5.5(b). The correction shall take place in the following order:

- (a) Unmatched Post-Tax Employee Contributions (plus associated earnings) shall be returned to the participant for the applicable plan year;
- (b) If an excess still exists after the application of item (a), unmatched Roth 401(k) Contributions (plus associated earnings) for the applicable plan year shall be returned to the participant;
- (c) If an excess still exists after the application of items (a) and (b), unmatched Pre-Tax Elective Contributions (plus associated earnings) shall be returned to the participant for the applicable plan year;
- (d) If an excess still exists after the application of items (a), (b) and (c), matched Roth 401(k) Contributions (plus associated earnings) shall be returned to the participant for the applicable plan year, with the excess apportioned between Roth 401(k) Contributions and the associated match;
- (e) If an excess still exists after the application of items (a), (b), (c) and (d), matched Pre-Tax Elective Contributions (plus associated earnings) shall be returned to the participant for the applicable plan year, with the excess apportioned between Pre-Tax Elective Contributions and the associated match;

- (f) If an excess still exists after the application of items (a), (b), (c), (d) and (e), elective salary deferrals shall be returned to the participant with respect to any other amounts in the participant's Roth 401(k) Contribution Account;
- (g) If an excess still exists after the application of items (a), (b), (c), (d), (e) and (f), Pre-Tax Elective Contributions shall be returned to the participant with respect to any other amounts in the participant's Pre-Tax Elective Contributions Account;
- (h) If an excess still exists after the application of items (a), (b), (c), (d), (e), (f) and (g), contributions shall be returned to the employer with respect to any other amounts in the participant's other Accounts.

In accordance with Revenue Procedure 2008-50, the matching contributions (and any earnings allocable thereto) associated with any matched elective deferrals (either Roth 401(k) or Pre-Tax Elective Contributions) being returned to the participant shall be forfeited and used to reduce future employer contributions. While such amounts remain in the unallocated forfeiture reserve account, the employer is not permitted to make contributions (other than elective deferrals) to the plan.

## **2. EXCESS ELECTIVE DEFERRALS**

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The limit on the amount of elective deferrals an individual can make in one calendar year is \$17,500 for 2013 and 2014 (indexed annually thereafter), pursuant to IRC Section 402(g). If an individual exceeds the limit, the excess elective deferrals must be withdrawn by April 15 of the following year.

In the event that a participant makes elective deferrals to more than one plan (either Roth 401(k) contributions and/or pre-tax elective contributions), the aggregate amount in a given calendar year cannot exceed the annual limitation. If a participant in a Program plan violates the elective deferral limit and wishes to withdraw the excess from the Program plan, it will be necessary to inform the Program of the excess no later than March 1 following the year in which the excess occurred, so that the excess may be distributed by April 15.

## **3. EXCESS CONTRIBUTIONS TO A 401(K) PLAN BY HIGHLY COMPENSATED EMPLOYEES**

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This excess occurs when a highly compensated employee (HCE) makes salary deferrals that are greater than the allowable nondiscriminatory ADP for the plan year in relation to the percentage of deferrals made by non-highly compensated employees (NHCEs).

Pursuant to Article 4 of the plan document, the allowable corrective measures are:

1. The excess elective deferrals for HCEs, including earnings, are returned to the HCEs, first with respect to Roth 401(k) contributions and then with respect to pre-tax elective contributions, and any matching contribution attributable thereto, including earnings, are forfeited within two and one-half months (six months if the employer has adopted and complied with the requirements of the EACA 401(k) Plan Supplement) following the plan year for which the excess was received; or
2. The employer may make a qualified non-elective contribution (QNEC) or a qualified matching contribution (QMAC) to the plan, which is treated as an elective contribution. The QNEC or QMAC can be a uniform dollar amount or a uniform percentage amount. The QNEC or QMAC must be made no later than 12 months following the close of the plan year for which the contribution is being made.

**QNECs are always 100% vested and are subject to the same distribution restrictions as salary deferral contributions.**

**Note:** The Plan Administrator may limit (prospectively) post-tax contributions made by HCEs to prevent excess aggregate contributions

## **4. EXCESS EMPLOYER MATCHING CONTRIBUTIONS OR EMPLOYEE POST-TAX CONTRIBUTIONS TO A 401(K) PLAN (EXCESS AGGREGATE CONTRIBUTIONS)**

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This type of excess occurs when HCEs receiving matching contributions and/or making post-tax employee contributions exceed the nondiscriminatory ACP for the plan year in relation to the average contribution percentages for NHCEs.

Pursuant to Article IV, Section 4.2 of the plan document, there are two allowable corrective measures:

1. The excess aggregate contributions of the HCEs, including earnings, must be returned within two and one-half months (six months if the employer has adopted and complied with the requirements of the EACA 401(k) Plan Supplement) following the plan year for which the contribution was made; or
2. The employer can make a QNEC and/or a QMAC for the NHCEs up to 12 months following the close of the plan year to which the contributions relate.

**QNECs are always 100% vested and are subject to the same distribution restrictions as salary deferral contributions.**

**Note:** The Plan Administrator may limit (prospectively) post-tax contributions made by HCEs to prevent excess aggregate contributions..

## **5. CONTRIBUTIONS MADE FOR AN EMPLOYEE WHO DID NOT SATISFY THE 1,000 HOUR/LAST DAY PROVISION**

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Plan sponsors that have adopted a non-standardized plan may require a participant to complete a minimum number of hours of service and/or be employed on the last day of the plan year in order to qualify for an employer contribution. If the contribution is made for a participant before the end of the plan year, and the participant subsequently does not satisfy the provision as selected in the adoption agreement for reasons other than death, disability or retirement, the participant is not entitled to those employer contributions.

The corrective measure allowed is to remove the contribution from the ineligible participant's account and to reallocate it to all other participants who were eligible for employer contributions as part of their intended contributions. This does not apply, however, to those contributions made to satisfy top heavy minimum requirements pursuant to Section 12.1(b) of the plan document. Please note that if you intend to pre-fund your employer contributions and it is determined that a participant is ineligible to receive such contribution, the contributions cannot be returned to the employer.

## **6. GOOD FAITH MISTAKE OF FACT (LIMITED USE)**

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The laws forbid the use of assets in a qualified plan from being used for anything but the exclusive benefit of participants. This restriction generally applies to the ability of a qualified plan to return assets, including contributions, to an employer. In limited situations, resulting from a good faith mistake of fact, the IRC and Section 4.5 of the plan document allow contributions to be repaid to an employer.

Accordingly, where as a result of a good faith mistake of fact, contributions are made to a plan which, but for the mistake of fact, would not have been contributed to the plan, a return of the amount contributed under the good faith mistake of fact exception can be made to the employer within 12 months of the date of the contribution.

The applications of this provision are very limited. A good faith mistake of fact does not arise simply because an employer makes pre-funded contributions during a plan year. Unfortunately, the Program is precluded from determining if a particular situation constitutes a good faith mistake of fact. Therefore, we recommend that you consult a legal and/or tax advisor before selecting this option, should you have any questions on its application to your specific reason for requesting the return of contributions.

Once you have made the determination that a good faith mistake of fact has occurred, the Program will need specific authorization stating that there are assets to be returned to the employer. Please complete section 5 of the Corrective Measures for Contributions (Form 14). Only then will the Program return the requested amount to the employer.\*

## **7. EARNINGS**

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Earnings, if any, will be distributed to the participant if a refund of 401(k) elective contributions is being distributed to the participant. For most purposes, the amount of any income or loss allocable to such elective contributions shall equal the amount of income or loss allocable to the participant's accounts attributable to elective contributions for the period beginning on the first day of the calendar year and ending on the date of distribution, multiplied by a fraction, the numerator of which is the amount of such excess elective contributions and the denominator of which is the sum of (i) the balance of the participant's accounts attributable to elective contributions as of the beginning of the calendar year and (ii) the amount of elective contributions made by the participant for the period beginning on the first day of the calendar year and ending on the date of distribution. For purposes of excess elective deferrals, excess contributions (ADP failure), and excess aggregate contributions (ACP failure), earnings will be calculated as described above but only through the end of the plan year from which the amounts are to be returned.

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Please see the table on the following page, which outlines all of the information described herein.

If you have any questions regarding this information, please contact our Plan Administrator Line at 800.752.6313, Monday through Friday from 8 a.m. to 8 p.m., Eastern time.

\* By signing the certification, you are indicating that you are aware of the potential qualification issues that may arise with your plan, should the IRS determine that the contribution was not made as a result of a good faith mistake of fact, and, therefore, should not have been returned.

**SUMMARY OF THE TYPES OF EXCESS FUNDS OCCURRING IN PARTICIPANTS' ACCOUNTS AND THE ALLOWABLE CORRECTIVE MEASURES**

IRC §	Name	Definition	Program Plan Allowable Corrective Measures
415(c)	Excess Individual Annual Additions	Salary deferrals, matching contributions and profit sharing contributions, forfeitures and post-tax contributions to a participant's account in excess of the lesser of 100% of the participant's compensation or \$52,000 for 2014 (as indexed).	<ol style="list-style-type: none"> <li>(1) Any unmatched Post-Tax Contributions allocable to the plan year in which the excess occurred are returned to the participant along with associated earnings [Basic Plan Doc. § 5.5(b)].</li> <li>(2) If an excess still exists, then any unmatched Roth 401(k) Contributions allocable to the plan year in which the excess occurred are returned to the participant along with associated earnings [Basic Plan Doc. § 5.5(b)]. Elective deferrals returned as a result of exceeding the limit described in § 415 are not eligible to be included in the ADP/ACP testing and, therefore, may impact the pass/failure percentages of the test.</li> <li>(3) If an excess still exists, then any unmatched Pre-Tax 401(k) Contributions allocable to the plan year in which the excess occurred are returned to the participant along with associated earnings [Basic Plan Doc. § 5.5(b)]. Elective deferrals returned as a result of exceeding the limit described in § 415 are not eligible to be included in the ADP/ACP testing and, therefore, may impact the pass/failure percentages of the test.</li> <li>(4) If an excess still exists, then any matched Roth 401(k) Contributions allocable to the plan year in which the excess occurred are returned to the participant along with associated earnings [Basic Plan Doc. § 5.5(b)]. Elective deferrals returned as a result of exceeding the limit described in § 415 are not eligible to be included in the ADP/ACP testing and, therefore, may impact the pass/failure percentages of the test.</li> <li>(5) If an excess still exists, then any matched Pre-Tax 401(k) Contributions allocable to the plan year in which the excess occurred are returned to the participant along with associated earnings [Basic Plan Doc. § 5.5(b)]. Elective deferrals returned as a result of exceeding the limit described in § 415 are not eligible to be included in the ADP/ACP testing and, therefore, may impact the pass/failure percentages of the test.</li> <li>(6) If an excess still exists, then any other amounts in the participant's Roth 401(k) Contribution Account shall be returned to the participant [Basic Plan Doc. § 5.5(b)].</li> <li>(7) If an excess still exists, then any other amounts in the participant's Pre-Tax 401(k) Contribution Account shall be returned to the participant [Basic Plan Doc. § 5.5(b)].</li> <li>(8) If an excess still exists, then any other amounts in the participant's other Accounts shall be returned to the participant [Basic Plan Doc. § 5.5(b)].</li> <li>(9) Matching contributions associated with returned matched elective deferral contributions allocable to the plan year for which such excess occurred shall be forfeited and used to reduce future employer contributions.</li> </ol>
402(g)	Excess Elective Deferrals	A participant's elective deferrals greater than the IRS annual deferral limit (\$17,500 for 2013 and 2014, indexed annually thereafter).	Return excess deferral amount and allocable earnings first with respect to Roth 401(k) contributions and then with respect to pre-tax elective contributions, no later than April 15 following the calendar year for which the excess was made [Basic Plan Doc. § 4.2(e)].
401(k)	Excess Contributions	Elective deferrals of a highly compensated employee that are greater than the allowable nondiscriminatory average deferral percentage (ADP) for the year (HCE % vs. NHCE %).	<ol style="list-style-type: none"> <li>(1) The excess elective contributions, with earnings, for HCEs are returned to the HCE within 2 1/2 months following the plan year for which the excess was attributed (March 15 for December 31 year end plans) [Basic Plan Doc. § 4.2(d)(5)] or 6 months following the plan year for which the excess was attributed if the employer has adopted and complied with the requirements of the EACA 401(k) Plan Supplement.</li> <li>(2) The employer makes a qualified non-elective contribution (QNEC) or a qualified matching contribution (QMAC) to the plan, which is treated as an elective contribution. The QNEC or QMAC can be a uniform dollar amount or a uniform percentage amount. The QNEC or QMAC must be made no later than 12 months following the close of the plan year for which the contribution is being made [Basic Plan Doc. § 4.2(d)(6)].</li> <li>(3) The Plan Administrator can limit (prospectively) the allowable deferral percentage of HCEs [Basic Plan Doc. § 4.2(d)(5)].</li> </ol>
401(m)	Excess Aggregate Contributions	Matching and post-tax employee contributions that are greater than the allowable non-discriminatory matching contribution percentage (ACP) for the plan year (HCE% vs. NHCE%).	<ol style="list-style-type: none"> <li>(1) The excess aggregate contributions of the HCEs, with earnings, must be returned within 2 1/2 months following the plan year for which the excess was received (if correcting by that date is administratively impracticable, no later than the last day of the subsequent plan year). The Employer is subject to a 10% excise tax for corrective distributions made after 2 1/2 months following the close of the plan year for which the excess was received. [Basic Plan Doc. § 4.2(d)(5)] or 6 months following the plan year for which the excess was received if the employer has adopted and complied with the requirements of the EACA 401(k) Plan Supplement.</li> <li>(2) The employer can make a qualified non-elective contribution (QNEC) or a QMAC which is treated as a matching contribution to the plan [Basic Plan Doc. § 4.2(d)(6)].</li> <li>(3) The Plan Administrator may limit (prospectively) post-tax contributions to HCEs to prevent excess aggregate contributions [Basic Plan Doc. § 4.2(d)(5)].</li> </ol>
N/A	1,000 Hour/ Last Day	Contributions for a participant who is not entitled to the contributions.	Employer contributions for a participant who fails to satisfy the last day rule or the minimum hours rule (if elected in the adoption agreement) cannot be returned to the employer. These contributions must be removed from the ineligible participant's account and reallocated to all other participants who qualify for the contributions.