

SIMPLE IRA PLANS FOR SMALL BUSINESSES



SIMPLE IRA Plans for Small Businesses is a joint project of the U.S. Department of Labor's Employee Benefits Security Administration (EBSA) and the Internal Revenue Service.

To view this and other publications, visit the agency's **website**.

To order publications, or to speak with a benefits advisor, **contact EBSA**.
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Thinking about a retirement plan? If it seems like the right thing for your business, here's a SIMPLE one.

A SIMPLE (Savings Incentive Match Plan for Employees of Small Employers) IRA plan offers great advantages for businesses that meet two basic criteria.

1. Your business must have no more than 100 employees who earned \$5,000 or more during the preceding calendar year.
2. Your business cannot currently have another retirement plan.

If you are among the thousands of business owners eligible for a SIMPLE IRA plan, read on.

A SIMPLE IRA plan provides you and your employees with an easy way to contribute toward retirement. It reduces taxes and also helps you attract and retain quality employees. Plus, compared to other types of retirement plans, SIMPLE IRA plans offer lower start-up and annual costs. In short, they are just *simpler* to operate.

Other Advantages of a SIMPLE IRA plan

- SIMPLE IRA plans are easier than other plans to set up and run – your financial institution handles most of the details.
- Employees can make tax-deferred contributions through convenient payroll deductions.
- You can choose either to match the contributions of participating employees or to contribute a fixed percentage of each eligible employee’s pay.
- You may be eligible for a tax credit of up to \$500 per year for the first 3 years for the cost of starting a SIMPLE IRA plan. (IRS Form 8881, *Credit for Small Employer Pension Plan Startup Costs*).
- Administrative costs are low.
- You are not required to file annual financial reports.

Establishing the Plan

Starting a SIMPLE IRA plan is easy!

Step 1: Contact a retirement plan professional or a representative of a financial institution that offers retirement plans. Many financial institutions will have a pre-approved SIMPLE IRA plan form that you can review.

Step 2: Choose a financial institution to maintain employees’ SIMPLE IRAs. This is one of the most important decisions you will make because that entity becomes a trustee to the plan. (Alternatively, you can let employees choose the financial institution that will receive their contributions.)

Regardless of who makes the choice, only the following institutions can be designated as trustees or custodians for SIMPLE IRA plans:

- Banks,
- Insurance companies that issue annuity contracts, and
- Other IRS-approved financial institutions.

Trustees work with employers and agree to receive and invest contributions and give the employer a summary description of the plan features each year.

Step 3: Choose a plan document from your financial institution. If your financial institution offers a model SIMPLE IRA plan document, you will have a choice of two forms to use:

- **IRS Form 5304-SIMPLE**, *Savings Incentive Match Plan for Employees of Small Employers (SIMPLE) - Not for Use with a Designated Financial Institution*, if employees are allowed to select the financial institutions that will receive their SIMPLE IRA plan contributions; or
- **IRS Form 5305-SIMPLE**, *Savings Incentive Match Plan for Employees of Small Employers (SIMPLE) - for Use with a Designated Financial Institution*, if you require that all contributions under the SIMPLE IRA plan be initially deposited with a designated financial institution.

Your selected plan document will set out which of your employees are covered. You can choose to cover all employees without restriction. Alternatively, you can limit the employees covered to those who received at least \$5,000 in compensation during any 2 years prior to the current calendar year and who are reasonably expected to receive at least \$5,000 during the current calendar year.

Step 4: Complete and sign the selected IRS form (or other plan document, if not using the IRS model form). This document becomes the plan's basic legal document, describing your employees' rights and benefits. Do not send it to the IRS. Instead, use it as a reference, as it sets out the plan terms (for example, eligible employees, compensation, and employer contributions). You will need to ensure that your plan is current with the law.

Operating the Plan

It's easy to operate a SIMPLE IRA plan.

Participants in a SIMPLE IRA Plan

Participants are employees who choose to contribute or to whose accounts you deposit contributions. You must provide information about those employees to your financial institution. Inform your financial institution of any changes in the status of eligible employees (for example, new employees).

Enrolling Employees in a SIMPLE IRA Plan

SIMPLE IRA plans operate on a calendar-year basis. An employer may initially set up a SIMPLE IRA plan as late as October 1.

You must set up a SIMPLE IRA for each employee with contributions under the plan.

Employees must receive notice of their right to participate, to make salary reduction contributions, and to receive employer contributions. In addition, you (or the trustee) must give employees information about the plan, including a copy of the summary description. The required notice also informs eligible employees of the plan's election period, which is when they can decide to contribute to the plan. For employers that use one of the model forms, page 3 of both Form 5304-SIMPLE and Form 5305-SIMPLE have a model notice.

If the plan offers automatic enrollment, you can choose to automatically enroll employees in the SIMPLE IRA plan as long as the employees are allowed to opt out or change the amount of salary reduction contributions.

Employee Contributions

Employees can make salary reduction contributions to a SIMPLE IRA plan in any amount up to the legal limits. The maximum amount that an employee can contribute is adjusted annually for cost-of-living increases. The limit is \$14,000 in 2022 and \$15,500 in 2023. Employees 50 or older can make additional employee contributions (known as catch-up contributions) up to \$3,000 in 2022 and \$3,500 in 2023. These amounts also are adjusted annually for cost-of-living increases.

Each year, employees can change their contribution levels during the plan's election period. This election period must be at least 60 days long, and employees must receive prior notice about the upcoming opportunity. SIMPLE IRA plans that have already been established must have an annual election period that extends from November 2 to December 31. A plan can have more election periods each year in addition to this 60-day election period.

Employer Contributions

You have two choices in determining your contributions to the SIMPLE IRA plan. You can choose to make:

- A 2 percent nonelective employer contribution, where eligible employees receive an employer contribution equal to 2 percent of their compensation (limited to \$305,000 for 2022 and \$330,000 for 2023 and subject to cost-of-living adjustments for later years), regardless of whether they make their own contributions.
- A dollar-for-dollar match, generally up to 3 percent of compensation, where only the participating employees who make contributions will receive an employer matching contribution.

Each year, you can choose which one you will use for the next year's contributions. This choice is part of the information you are required to communicate to employees before the 60-day election period.

Rollovers to a SIMPLE IRA Plan

You and your employees also can roll over amounts from a qualified employer-sponsored retirement plan or an IRA into a SIMPLE retirement account. During the first 2 years of participation in a SIMPLE IRA plan, you may roll over amounts from another SIMPLE retirement account. After 2 years of participation, you also may roll over amounts from a qualified retirement plan or an IRA.

Depositing and Investing Plan Contributions

You (or the trustee) must deposit employee contributions in the financial institution serving as trustee for the plan as soon as reasonably possible, but no later than 30 days after the end of the month in which the amounts would otherwise have been payable to the employee.



For plans with fewer than 100 participants, employers can deposit salary reduction contributions with the plan no later than the 7th business day after withholding it to be considered in compliance with the law. You must make your employer contributions by the due date for filing your business's Federal income tax return for the year (including extensions, if applicable).

After forwarding the SIMPLE IRA plan contributions to the trustee, the trustee will invest the funds. In many cases, the funds are invested at the direction of the participants. SIMPLE IRAs can be invested in stocks, bonds, mutual funds, and similar types of investments.

Employee and employer contributions are always 100 percent vested, meaning an employee has a right to the money they put aside plus employer contributions and earnings from investments.

Employees can move their SIMPLE IRA assets from one SIMPLE IRA plan to another in accordance with the procedures of the financial institution.

How does a SIMPLE IRA plan work?

Example 1:

Elizabeth works for the Rockland Quarry Company, a small business with 50 employees. Rockland has decided to establish a SIMPLE IRA plan for its employees and will match each employee's contributions dollar-for-dollar up to 3 percent of the employee's salary. Under this option, if a Rockland employee does not contribute to their SIMPLE IRA, then that employee does not receive any employer contributions from Rockland.

Elizabeth has a yearly salary of \$50,000. If she contributes 5 percent of her salary to her SIMPLE IRA, Elizabeth's yearly contribution will be \$2,500. The Rockland matching contribution will be \$1,500 (3 percent of her salary). So, the total contribution to Elizabeth's SIMPLE IRA that year will be \$4,000 (her \$2,500 contribution plus the \$1,500 contribution from Rockland). The financial institution holding Elizabeth's SIMPLE IRA has several investment choices, and Elizabeth is free to choose which ones suit her best.

Example 2:

Austin works for the Skidmore Tire Company, a small business with 75 employees. Skidmore has decided to establish a SIMPLE IRA plan for its employees and will make a 2 percent nonelective contribution for each of them. Under this option, even if an eligible Skidmore employee does not contribute to their SIMPLE IRA, that employee would still receive an employer nonelective contribution to their SIMPLE IRA equal to 2 percent of their salary.

Austin has a yearly salary of \$40,000 and has decided that this year he simply cannot contribute to his SIMPLE IRA. Even though Austin will not contribute this year, Skidmore makes a nonelective contribution of \$800 (2 percent of \$40,000). The financial institution holding Austin's SIMPLE IRA has several investment choices, and Austin has the same investment options as the other plan participants.

Employee Communications

There are two key disclosure documents that inform participants about how the plan operates, notify them of changes in the plan's structure and operation, and give them a chance to make decisions and take timely action on their accounts.

The **summary description** is a plain-language explanation of the plan that informs participants of their rights and responsibilities under the plan. It also informs participants about the plan's features. The financial institution usually provides this document to participants at the plan's inception, when employees first join the plan, and annually thereafter.

A summary description must include:

- The names and addresses of the employer and trustee,
- The requirements for eligibility to participate,
- The benefits provided,
- The time and method of making salary elections, and
- The procedure for, and effects of, withdrawals and rollovers (including the penalties for early withdrawals).

You can satisfy the summary description requirement by giving employees the most recent copy of IRS Form 5304-SIMPLE or 5305-SIMPLE provided by the financial institution (if one of these model forms is used to establish the SIMPLE IRA plan), along with the financial institution's procedures for withdrawals and transfers.

Each year, in addition to the information above, employees must receive an **annual election notice** describing their right to make salary reduction contributions and your decision to make either matching or nonelective contributions for the following year. For employers that use one of the model forms, page 3 of both Form 5304-SIMPLE and Form 5305-SIMPLE contain a *Model Notification to Eligible Employees* that can be used to provide this information to employees.

Every year, during the 60-day election period at the end of the year, you must give your employees the opportunity to enter into a salary reduction agreement or to modify an existing agreement.

Reporting to the Government

SIMPLE IRA plans do NOT have to file annual financial reports with the government.

The financial institution reports distributions from the plan to both the IRS and the distribution recipients on Form 1099-R, *Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.*

The financial institution handling the SIMPLE IRAs provides the IRS and participants with an annual statement containing contribution and fair market value information on Form 5498, *Individual Retirement Arrangement Contribution Information*.

SIMPLE IRA contributions are not included in the "Wages, tips, other compensation" box of Form W-2, *Wage and Tax Statement*. However, salary reduction contributions must be included in the boxes for Social Security and Medicare wages.

When Employees Want to Stop Contributions

Employees may elect to stop their salary reduction contributions to a SIMPLE IRA plan at any time. If they do so, the SIMPLE IRA plan may prevent them from resuming salary reduction contributions until the beginning of the next calendar year. Employers making nonelective employer contributions must continue to make them for these employees.

Distributions

Participants cannot take loans from their SIMPLE IRAs, but participants can withdraw SIMPLE IRA contributions and earnings at any time. When participants take a distribution, they can typically:

- Take a lump sum distribution of their account, or
- Roll over their account to an IRA or another employer's retirement plan.

Distributions from a SIMPLE IRA are generally subject to income tax for the year in which they are received. If a participant takes a withdrawal from a SIMPLE IRA before age 59½, a 10 percent additional tax generally applies. If the withdrawal occurs within 2 years of beginning participation, the additional tax increases to 25 percent.

Employees can roll over SIMPLE IRA contributions and earnings tax free from one SIMPLE IRA to another. Employees can also make tax-free rollovers from a SIMPLE IRA to another type of IRA or to another employer's qualified plan after 2 years of beginning participation in the SIMPLE IRA plan.

A specific minimum amount of SIMPLE IRA contributions and earnings is required to be distributed by April 1 of the year after the participant reaches age 72. After this initial year, the participant must receive a required minimum distribution for each year by December 31 of that year. For more information on the required minimum distribution amount, see IRS Publication 590-B, *Distributions from Individual Retirement Arrangements (IRAs)*.

Monitoring the Trustee

As the plan sponsor, you should monitor the financial institution/trustee to ensure it is doing everything it is required to do. You should also ensure that the trustee's fees are reasonable for the services it is providing. If the trustee is not doing its job properly, or if its fees are not reasonable, you should consider replacing the trustee.

Terminating the Plan

Although SIMPLE IRA plans are established with the intention of continuing indefinitely, the time may come when a SIMPLE IRA plan no longer suits the purposes of your business. When that happens, consult with your financial institution to determine if another type of retirement plan might be a better alternative.

To terminate a SIMPLE IRA plan, notify the financial institution that you will not make a contribution for the next calendar year and that you want to terminate the contract or agreement.

You must also notify your employees that the SIMPLE IRA plan will be discontinued.

You do not need to give any notice to the IRS that the SIMPLE IRA plan has been terminated.

Mistakes ... and How to Correct Them

Even with the best intentions, those operating the plan can still make mistakes. The U.S. Department of Labor and the IRS have correction programs to help employers with SIMPLE IRA plans correct plan errors, protect participants' interests, and keep the plan's tax benefits. These programs are structured to encourage you to correct the errors early.

Periodically reviewing the plan makes it easier to spot and correct mistakes in plan operation. See the *Resources* section for further information.

Your SIMPLE IRA Plan – A Quick Review

- Choose a financial institution to set up your SIMPLE IRA plan.
- Enroll your employees and start salary reduction contributions.
- Deposit contributions timely.
- Tell your employees about their rights under the plan.
- Monitor your financial institution/trustee.

Resources

To find this publication and more information on retirement plans, visit:

The U.S. Department of Labor's Employee Benefits Security Administration

- **Main site**
- **Information for small businesses**
- **Retirement savings information for employers and employees**

Internal Revenue Service

- **Main site**
- **Guidance for maintaining your SIMPLE IRA plan**
- **Retirement Plans Startup Costs Tax Credit**
- **SIMPLE Plan Checklist**

In addition, the following jointly developed publications are available on the DOL and IRS websites or can be ordered **electronically or by calling toll free 866-444-3272.**

- *Choosing a Retirement Solution for Your Small Business*, Publication 3998, provides an overview of retirement plans available to small businesses.
- *401(k) Plans for Small Businesses*, Publication 4222, provides detailed information about the establishment and operation of a 401(k) plan.
- *Automatic Enrollment 401(k) Plans for Small Businesses*, Publication 4674, explains a type of retirement plan that allows small businesses to increase plan participation.
- *Adding Automatic Enrollment to Your 401(k) Plan*, Publication 4721, explains how to add automatic enrollment to your existing 401(k) plan.
- *Payroll Deduction IRAs for Small Businesses*, Publication 4587, describes an arrangement that is an easy way for businesses to give employees an opportunity to save for retirement.
- *Profit Sharing Plans for Small Businesses*, Publication 4806, describes a flexible way for businesses to help employees save for retirement.
- *SEP Retirement Plans for Small Businesses*, Publication 4333, describes a low-cost retirement savings option for small businesses.

For business owners with a plan

- *Retirement Plan Correction Programs*, Publication 4224, provides a brief description of the IRS and DOL voluntary correction programs.

Related materials available from DOL

For small businesses

- *Meeting Your Fiduciary Responsibilities*
- *Understanding Retirement Plan Fees and Expenses*
- *Tips for Selecting and Monitoring Service Providers for Your Employee Benefit Plan*

DOL's **Small Business Retirement Savings Advisor** helps small business owners choose the most appropriate retirement plan for their businesses and provides resources on maintaining plans.

For employees

- *What You Should Know About Your Retirement Plan* (also in Spanish, Arabic, Simplified Chinese, Traditional Chinese, French, Haitian Creole, Korean, Polish, Portuguese, Russian, Tagalog, and Vietnamese)
- *Savings Fitness: A Guide to Your Money and Your Financial Future* (also in Spanish)
- *Taking the Mystery Out of Retirement Planning* (also in Spanish)
- *Top 10 Ways to Prepare for Retirement* (also in Spanish, Arabic, Simplified Chinese, Traditional Chinese, French, Haitian Creole, Korean, Polish, Portuguese, Russian, Tagalog, and Vietnamese)
- *Women and Retirement Savings* (also in Spanish)

To view these publications, go to DOL's **Saving Matters website**. To order publications or request assistance from a benefits advisor, contact EBSA **electronically** or call toll free 866-444-3272.

Related materials available from the IRS

- *Retirement Plans for Small Business (SEP, SIMPLE, and Qualified Plans)*, Publication 560
- *Contributions to Individual Retirement Arrangements (IRAs)*, Publication 590-A
- *Distributions from Individual Retirement Arrangements (IRAs)*, Publication 590-B
- *Have you had your check-up this year? for Retirement Plans*, Publication 3066
- *SIMPLE IRA Plan Checklist*, Publication 4284
- *Lots of Benefits*, Publication 4118 (also in Spanish, Vietnamese, Korean, Chinese, and Russian)

To view these related publications, go to the IRS's **website**. The publications do not reflect any changes in the law after the date of the publication.



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