

**Employee Benefit Plan  
Employee and Matching Contributions  
(Worksheet Number 11 – Determination of Qualification)**

See Explanation No. 11 (Rev. 11-2006) for guidance in completing this form.

Initials

I. <b>Applicability</b>	Plan Reference	Initials		
		Yes	No	N/A
a. If the plan is a defined contribution plan –				
(i) does the plan provide for voluntary or mandatory employee contributions or employer matching contributions?				
(ii) does the plan include a section 401(k) cash or deferred arrangement (CODA) and does the plan provide for the allocation of matching contributions or forfeitures on the basis of a participant's elective contributions?				
(If the answer to (i) or (ii) is "Yes," complete this worksheet; but if the plan contains SIMPLE provisions, skip this worksheet and complete Worksheet No. 12. If the plan contains Safe Harbor CODA provisions, see part VII of this worksheet. )				
<b>II. Discrimination</b>				
a. Does the plan either:				
(i) include the actual contribution percentage test set forth in section 401(m)(2)(A) of the Code and provide that it will meet the ACP test or [1101, 1102, 1103]				
(ii) incorporate the test by reference including whether it is using the prior or current year testing method, and provide that it will meet the test? [1101, 1102, 1103]				
b. If the terms of the plan set forth the ACP test rather than incorporate it by reference, does the plan, for purposes of this test:				
(i) take into account the actual contribution ratios of all eligible employees; [1104, 1105]				
(ii) take the proper contributions into account; [1106, 1107]				
(iii) treat contributions made under plans that are aggregated for purposes of section 401(a)(4) or 410(b) as made under a single plan; [1108]				
(iv) aggregate all plans under which a highly compensated employee (HCE) is eligible to make employee contributions or receive matching contributions for purposes of the HCE's actual contribution ratio; and [1109]				
(v) determine the ACPs of the HCEs and of all other eligible employees using the relevant plan year? [1115]				
c. Are employee and matching contributions available on a nondiscriminatory basis? [1112]				
<b>III. Elective Contributions and Qualified Nonelective Contributions (QNECs)</b> (Complete if the terms of the plan provide that QNECs and/or elective contributions are to be treated as matching contributions for the purposes of the ACP test.)				
a. Are the QNECs:				
(i) immediately vested, without regard to a participant's age and service; [1136, 1137, 1138, 1139]				
(ii) distributed only under the distribution rules (other than hardship) applicable for elective contributions under a qualified cash or deferred arrangement (CODA)? [1136, 1137, 1138, 1139]				
b. Are QNECs and elective contributions treated as matching contributions only if the conditions described in section 1.401(m)-2(a)(6) of the regulations are satisfied? [1147]				