

Employer Participation Agreement

Unitarian Universalist Organizations Retirement Plan

(January 2014 Plan Restatement as Amended)

Overview: UUA Congregations and UUA-related organizations **who have not yet adopted** the UU Organizations Retirement Plan, January 2014 Plan Restatement as Amended (the Plan) may submit an Employer Participation Agreement (the Agreement), requesting authorization to adopt and implement the Plan effective on the first of an upcoming month. The Employer **must not** begin to administer the Plan until their Agreement has been received and acknowledged by the UUA Retirement Plan Committee (the Committee).

UU Employers wishing to update an **existing** Participation Agreement for the coming Plan (calendar) Year may, following a decision of their Board, and in keeping with applicable regulations and provisions, submit a new Employer Participation Agreement to the Retirement Plan Committee in advance for authorization. **Mid-year and retroactive changes are not supported.** Employers must abide by the provisions of their existing Agreement until the Committee provides confirmation/acceptance of the new Agreement.

The Unitarian Universalist (UU) Organizations Retirement Plan is an IRS qualified 401(a)/401(k) defined contribution, multiple employer, church retirement plan. As such, federal regulations apply. UU Employers that adopt the Plan must abide by the Plan’s provisions. Adopting Employers must update their personnel/HR policies to mirror the governing Plan’s provisions.

Employers who do not have a valid, fully executed Employer Participation Agreement on file with the Committee must not remit contributions to the Plan’s Recordkeeper, presently TIAA.

Before completing and submitting this legally-binding Agreement, review Plan information at <https://www.uua.org/finance/compensation/retirement>. Before submitting an Agreement, the governing board of each participating employer must adopt a motion (sample available at <https://www.uua.org/finance/compensation/retirement/sample-adoption-plan>) to participate in the Plan and make decisions about the items on this Agreement. Mark a response under each election. Incomplete Agreements delay processing and will be returned for completion. Consider seeking the advice of an attorney prior to signing if the elections, which include defined terms, are not fully understood.

This Employer Participation Agreement must be signed by:

- the President and Treasurer of the congregation, or
- the Board Chair and Treasurer of other UUA-related organizations

Returning the Agreement to the Retirement Plan Committee: Email the Agreement to retirementplan@uua.org or fax to (617) 742-2875 at least several weeks in advance to allow for processing a confirmation. Follow up by phone (617) 948-4655 to ensure that the Retirement Plan Employer Liaison has received the Agreement. Please also mail the Agreement to the UUA Office of Church Staff Finances, 24 Farnsworth Street, Boston, MA 02210-1409. Retain a copy for your organization’s records and await confirmation before implementing. Direct questions to: retirementplan@uua.org

Full Legal Employer/Congregation Name: _____

UUA Congregational # (4 Digits): _____ **Fed Employer # (EIN):** _____

Mailing Address: _____

Contact Person (for follow-up): _____ **Title:** _____

Phone: _____ **E-mail:** _____

A. Employer Elections: Our UU congregation/organization makes the following legally binding elections on behalf of our employees. We also provide a copy of this Agreement to employees when on-boarding them with information about this employee benefit plan.

- 1. Election #1 - Auto-Enrollment:** Unless the employee affirmatively elects otherwise, you, the Employer may opt to enroll your employee(s) in the Plan (regardless of hours worked), deduct a certain percentage of the Employee’s own compensation (see below), and forward those employee deferrals to TIAA for crediting to the employee’s account. Whether or not you choose to become an Auto-Enroll employer, you are responsible for properly informing your employees about the Plan and its applicable provisions, and documenting when you so informed each of your employees. You may utilize the Employee Contributions Agreement (found online at uua.org) to document the employees’ decisions to authorize elective contributions or to decline to authorize you to make them on their behalf. (Generally, employers electing to administer Auto-Enrollment do so to encourage employees to save for their own eventual retirement.)

Choose one of the two elections below:

_____ We choose **NOT to auto-enroll** all employees. However, we will enroll any employee (regardless of hours worked), as required by federal law, who elects to make a voluntary salary reduction to the retirement plan (e.g., an elective deferred contribution), and all who are or who become eligible to receive employer contributions.

_____ We choose to **auto-enroll** all current and future employees. In doing so, we agree to provide a copy of the Employee Contributions Form each year to all employees. Each employee who does not affirmatively make a different election will be deemed to have elected to contribute the following percentage of their Compensation (as defined in the Plan document and referenced under Election #4 below):

_____ 1% _____ 2% _____ 3% _____ 4% _____ 5% _____ 6%

- 2. Election #2 – Base Employer Contribution:** As the Employer Contribution, we will remit the following **whole percentage** of the compensation base to each employee who has met the Plan’s eligibility criteria. Please Note: Eligibility is governed by UUA Plan Provisions. The Employer’s HR/Personnel policies must mirror the Plan’s requirements. **KEY POINT:** All employees eligible for employer contributions must receive the same percentage employer base (retirement) contribution.

| | | | |
|-------|-----------------------|-------|-----------------|
| _____ | 5% (Required minimum) | _____ | 11% |
| _____ | 6% | _____ | 12% |
| _____ | 7% | _____ | 13% |
| _____ | 8% | _____ | 14% |
| _____ | 9% | _____ | Other (specify) |
| _____ | 10% | | |

- 3. Election #3 - Matching Employer Contribution:** In addition to the base employer contribution selected in 2 above, we opt to also match eligible employees’ elective salary deferrals (up to the percentage shown below). Note: the maximum match permitted is 6%.

| | | | |
|-------|--------------------------|-------|----|
| _____ | No Matching Contribution | _____ | 4% |
| _____ | 1% | _____ | 5% |
| _____ | 2% | _____ | 6% |
| _____ | 3% | | |

4. **Election #4 - Definition of Compensation:** Please indicate **whether** you will exclude any or none of the following from the retirement contribution compensation base (if excluding more than one, be sure to check all that you wish to exclude):

_____ No exclusions

Or mark one or more of the following:

- _____ Exclude payment-in-lieu-of-FICA (paid to ministers),
 _____ Exclude amounts paid to employees for federal and state
 income taxes owed on benefits provided by the employer for same-sex
 Civil union or domestic partner benefits if applicable, or
 _____ Exclude the value of any employer-paid Long-term Disability and Life
 insurance premiums which are imputed as income to the employee

5. **Employer Certification Regarding Employment Status:** IRS regulations require that all individuals receiving employer contributions be employees and receive a W2. Note that most ministers have a “dual tax status,” and are employees for federal income tax purposes, but are self-employed for Social Security purposes with respect to earnings from services performed in the exercise of their ministry. Regardless of their dual tax status, ministers should be treated as employees and receive a W2. For congregational-based ministers, this is a requirement.

_____ We hereby certify that all individuals receiving employer contributions or making employee salary deferrals are employees of our congregation/organization, and thus receive a W2 (not a 1099).

6. **Employer Certification of Non-Discrimination:** The UU Organizations Retirement Plan requires the enrollment of any Employee age 18 or older, regardless of hours of service, who wishes to defer compensation into their retirement account. Further, the Plan requires that all Employees owed Employer contributions be enrolled and receive the same percentage retirement contribution from the Employer, and opportunity for Employer Match, if elected in Election #3 above.

_____ We hereby certify that all Employees wishing to participate in the Plan have been enrolled (or will be, if we are entirely new to the Plan), and that Employer contributions are made for all Employees eligible under the Plan. We certify that the same percentage retirement contribution is made for all Employees eligible, and that the same percentage matching contribution is offered to all eligible Employees.

7. **Employer Certification: Highly Compensated Employees:** The IRS requires certain annual testing to verify that the Plan is not primarily benefitting highly compensated employees. The IRS defines a highly compensated employee as one who earned more than a specified limit for the prior year. For ministers, the amount is W2 income only. Do not include the housing allowance. Complete the applicable lines below:

_____ **None of our employees earned a salary of \$130,000 or more during 2021.**

(#7 continued)

_____ We have employees who received W2 reported wages of \$130,000 or more during calendar year 2021 (“look back year”):

- 1) _____ \$ wages during look back year
Name
- 2) _____ \$ wages during look back year
Name

B. Adoption/Re-Adoption of the Unitarian Universalist Organizations Retirement Plan (January 2014 Plan Restatement as Amended)

Pursuant to the terms of this agreement, the participating employer (congregation, national office, district, region, or other UUA-related organization) listed above hereby adopts the 2014 Restatement of the Unitarian Universalist Organizations Retirement Plan and all amendments, becomes a participating employer under the Plan, and agrees to be bound by the terms of the Plan subject to federal law and regulations.

Revisions to an **existing** Employer Participation Agreement can only be authorized for the coming Plan Year, with an implementation date of January 1, 2022. Mid-year and retroactive changes are not supported.

The restated Plan document, Summary Plan Description (SPD), and other pertinent information can be found at: <https://www.uua.org/finance/compensation/retirement>. **By submitting this Employer Participation Agreement, the congregation/participating employer commits to establishing internal procedures to ensure compliance with all Plan provisions.**

In order to comply with changes in federal laws relating to employee benefit plans or to implement changes determined necessary by the UUA, the UUA Board and/or Retirement Plan Committee may amend the Plan or the Participation Agreement. The UUA will notify Participating Employers in advance of any amendment to the Plan that changes the duties or liabilities of the employer. If the employer objects to any changes to the Plan or the Participation Agreement, the employer may terminate its active participation in the Plan by providing written notice to the UUA Retirement Plan Committee.

_____ (Please Check to Signal Your Commitment): After Plan Sponsor’s acceptance, we will distribute a copy of this fully executed document to all of our current employees (full-time and part-time) and will issue the then-current Agreement to all subsequent new hires.

Date of Board Motion
To Adopt/Re-adopt with revised Election(s)

Intended Implementation Date (XX/01/2022)
(subject to Retirement Plan Cte acceptance)

Signature of President/Board Chair /date

Printed Name of President/Board Chair

Signature of Treasurer /date

Printed Name of Treasurer

For UUA Use Only – Acceptance

Employer/Congregational Division Number

Date Received

Circle one: Initial Adoption Re-Adoption with Revised Election(s): for upcoming Plan Year

Authorized Implementation Date: _____

Date Approval Conveyed to Employer: _____

Signature, On Behalf of the UUA Retirement
Plan Committee

Printed Name, On Behalf of the UUA
Retirement Plan Committee