

**Employee Benefit Plan
Permitted Disparity
(Worksheet Number 5B - Determination of Qualification)**

**Form 9639 (Rev. 4/2000)
Cat. No. 20614M**

INSTRUCTIONS-All items must be completed. A "Yes" answer generally indicates a favorable conclusion is warranted while a "No" answer indicates a problem exists. Please use the space on the worksheet to explain any "No" answer. See Document 6393, Explanation Number 5, for guidance in completing this form.

The technical principles in this worksheet may be changed by future regulations or guidelines.

Name of Plan _____

**I. PERMITTED DISPARITY:
Defined Contribution Plan (Other Than Target Benefit Plan)**

- a. Is this a design-based safe harbor plan that provides for a disparity in the rate of employer contributions (and forfeitures) allocated to participants that favors highly compensated employees? [0570]

(If "Yes", complete this part; if "No," do not complete this part.)

- b. Is the integration level under the plan a uniform dollar amount not in excess of the taxable wage base in effect at the beginning of the plan year? [0571]

- c. Are the base contribution percentage and the excess contribution percentage under the plan the same for all participants? [0572]

- d. Is the excess contribution percentage no greater than twice the base contribution percentage? [0573]

- e. Is the difference between the excess contribution percentage and the base contribution percentage no greater than the maximum permitted disparity? [0573]

f. Does the plan provide that the overall permitted disparity limits will not be exceeded? [0574]

II. PERMITTED DISPARITY: Defined Benefit/Target Benefit Plan

a. Is this a design-based safe harbor plan that provides for a disparity in the rate of employer benefits that favors highly compensated employees? [0575]

(If "Yes," complete this part; if "No," do not complete this part.)

b. Does the plan use a permissible integration or offset level? [0576]

c. Are the base benefit percentage and excess benefit percentage (or in an offset plan, the gross benefit percentage and the offset percentage) under the plan the same for all participants? [0577/0578]

d.(i) Is the difference between the excess benefit percentage and the base benefit percentage (or, in an offset plan, the offset) no greater than the maximum excess (or offset) allowance? [0579]

d.(ii) If the plan provides for employee contributions that are not allocated to a separate account, does the plan satisfy the maximum permitted disparity limits taking into account only the employer-provided benefit? [0580]

d.(iii) Does the plan satisfy the cumulative disparity limit? [0581]

d.(iv) If the plan has an integration or offset level other than the participant's covered compensation or the safe harbor integration level, is the difference between the excess benefit percentage and the base benefit percentage (or, in an offset plan, the offset) no greater than the maximum excess (or offset) allowance as adjusted? [0582/0583]

d.(v) Does the plan satisfy the maximum excess or offset requirement with respect to each optional form of benefit? [0584/0585]

d.(vi) Does the plan satisfy the maximum excess or offset requirement with respect to benefits payable before SSRA? [0586/0587]

e. If this is a fully insured plan or a target benefit plan, does the plan satisfy the maximum excess or offset requirement when the 3/4 of one percent factor (as otherwise adjusted) is multiplied by .8? [0588/0589]

f. Does the plan provide that the overall permitted disparity limits will not be exceeded? [0590]