

RETIREMENT PLAN ROLLOVER CHART

FROM ¹	TO	Pre-tax	After-tax	Roth
Qualified Plan ²	Qualified Plan ³	Y	Y ⁵	N
	Roth 401(k) Account ⁴	N	N	Y ⁶
	403(b) Plan	Y	Y ⁶	N
	Roth 403(b) Account ⁴	N	N	Y ⁹
	Governmental 457 Plan	Y ⁷	N	N
	SEP	Y	Y	N
	IRA	Y	Y	N
	SIMPLE IRA	N	N	N
	Roth IRA	N ⁸	N ⁸	Y
403(b) Plan	Qualified Plan ³	Y	Y ⁹	N
	Roth 401(k) Account ⁴	N	N	Y ⁹
	403(b) Plan	Y	Y	N
	Roth 403(b) Account ⁴	N	N	Y ⁹
	Governmental 457 Plan	Y ⁷	N	N
	SEP	Y	Y	N
	IRA	Y	Y	N
	SIMPLE IRA	N	N	N
	Roth IRA	N ⁸	N ⁸	Y
Governmental 457 Plan ¹⁰	Qualified Plan ³	Y	N/A ¹¹	N/A
	Roth 401(k) Account ⁴	N	N/A	N/A
	403(b) Plan	Y	N/A	N/A
	Roth 403(b) Account ⁴	N	N/A	N/A
	Governmental 457 Plan	Y ⁷	N/A	N/A
	SEP	Y	N/A	N/A
	IRA	Y	N/A	N/A
	SIMPLE IRA	N	N/A	N/A
	Roth IRA	N ⁸	N/A	N/A
IRA/SEP ¹²	Qualified Plan ³	Y	N	N/A
	Roth 401(k) Account ⁴	N	N	N/A
	403(b) Plan	Y	N	N/A
	Roth 403(b) Account ⁴	N	N	N/A
	Governmental 457 Plan	Y ⁷	N	N/A
	SEP	Y	Y	N/A
	IRA	Y	Y	N/A
	SIMPLE IRA	N	N	N/A
	Roth IRA	Y ¹³	Y ¹³	N/A
SIMPLE IRA ¹⁴	Qualified Plan ³	Y	N	N/A
	Roth 401(k) Account ⁴	N	N	N/A
	403(b) Plan	Y	N	N/A
	Roth 403(b) Account ⁴	N	N	N/A
	Governmental 457 Plan	Y ⁷	N	N/A
	SEP	Y	Y	N/A
	IRA	Y	Y	N/A
	SIMPLE IRA	Y	Y	N/A
	Roth IRA	Y ¹³	Y ¹³	N/A

Checklists/Worksheets

FROM	TO	Pre-tax	After-tax	Roth
Roth IRA	Qualified Plan	N/A	N/A	N
	Roth 401(k) Account ⁴	N/A	N/A	N
	403(b) Plan	N/A	N/A	N
	Roth 403(b) Account ⁴	N/A	N/A	N
	Governmental 457 Plan	N/A	N/A	N
	SEP	N/A	N/A	N
	IRA	N/A	N/A	N
	SIMPLE IRA	N/A	N/A	N
	Roth IRA	N/A	N/A	Y

- ¹ A surviving spouse or an alternate payee receiving a QDRO distribution has the same rollover rights as a participant.
- ² The same responses apply to a SIMPLE 401(k) plan.
- ³ If a qualified plan accepts a rollover from a plan other than another qualified plan (or from a qualified plan by way of a conduit IRA), the individual is ineligible to elect income averaging or capital gains treatment. *Note: TRA '86 eliminated income averaging and capital gains treatment except for individuals who attained age 50 by January 1, 1986.* Code §401(k)(11)(B)(i)(III) provides that a SIMPLE 401(k) plan only may receive elective deferrals and the SIMPLE matching contribution or nonelective contribution. However, Rev. Proc. 97-9 (IRS model amendment for SIMPLE 401(k) plans) permits a SIMPLE 401(k) plan to accept rollover contributions.
- ⁴ A Roth account is an account within a 401(k) or 403(b) plan to receive Roth deferrals. A 401(k) or 403(b) plan permitting Roth deferrals also must permit pre-tax deferrals. The chart reflects that a participant cannot roll over non-Roth amounts (pre-tax or after-tax) into a Roth account. Conversely, a participant cannot rollover Roth deferrals to a 401(k) plan or a 403(b) plan that does *not* permit Roth deferrals, even if the plan would account separately for the Roth deferrals. A rollover from a Roth deferral account may be only to a Roth 401(k) plan, a Roth 403(b) plan or a Roth IRA. Treas. Reg. §1.402A-1, Q&A-5(a).
- ⁵ The rollover of after-tax dollars must be by a direct rollover to a qualified plan (or a 403(b) plan) that agrees to account separately for the after-tax dollars. Code §402(c)(2)(A).
- ⁶ Code §402(c)(2)(A) as amended by PPA §822(a).
- ⁷ A governmental 457 plan that accepts a rollover from a plan other than another governmental 457 plan must account separately for the rollover. The Code requires the separate accounting so the individual will not be able to avoid the 10% premature distribution tax as to the non-457 sourced amounts.
- ⁸ However, for distributions *after December 31, 2007*, a direct rollover from a qualified plan, a 403(b) plan or a governmental 457 plan will be permissible, subject to income inclusion of pre-tax amounts at the time of the rollover. Code §408A(e)(2)(B) as amended by PPA §824(a). This provision merely enables a participant to avoid the step of first rolling the distribution to a traditional IRA, and then converting the traditional IRA to a Roth IRA. The rollover is taxable in the same manner as a conversion.
- ⁹ Code §403(b)(8)(B), and Code §402(c)(2)(A), as amended by PPA §822(a). A participant *receiving* a Roth 401(k) or Roth 403(b) plan distribution may roll over (during the 60-day rollover period) the taxable portion of the Roth account distribution to a Roth 401(k) plan or to a Roth 403(b) plan. Treas. Reg. §1.402A-9, A-5(c). The rollover of Roth deferrals (excluding income) to a Roth 401(k) or Roth 403(b) plan must be a direct rollover. Treas. Reg. §1.402A-1, A-5(a).
- ¹⁰ All references in this chart to a governmental 457 plan mean an “eligible” governmental plan under Code §457(b).
- ¹¹ There appears to be no authority to make after-tax contributions to a governmental eligible 457 plan. See Treas. Reg. §1.457-4(a). The IRS model 402(f) notice deletes references to after-tax amounts, which are in the IRS model 402(f) notice for qualified plans and 403(b) plans.
- ¹² A SEP is a plan that permits an employer to make employer contributions to an IRA. Many practitioners refer to the IRA as a SEP IRA. However, a SEP IRA is a traditional IRA. Accordingly, the rollover rules for a SEP IRA and traditional IRA are the same.
- ¹³ An individual only may roll over to a Roth IRA if the individual’s adjusted gross income for the taxable year does not exceed \$100,000 (excluding the rollover), and the individual is not married filing separately (Code §408A(c)(3)(B)). However, for taxable years beginning after December 31, 2009, the income limitation no longer will apply. See TIPRA §512. The rollover from a traditional IRA to a Roth IRA constitutes a conversion to a Roth IRA. See Treas. Reg. §1.408A-4, A-1(b).
- ¹⁴ An individual may roll over to a plan *other than* a SIMPLE IRA only after he/she has participated in the SIMPLE IRA for two years (Code §408(d)(3)(G)(ii)).

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