

Nonqualified Deferred Compensation

Overview

A nonqualified deferred compensation plan represents an unsecured promise by an employer to pay compensation to an employee at a future date. Such a plan is not subject to the complex rules under ERISA that are applicable to tax-qualified retirement plans (regarding eligibility, nondiscrimination, funding, trust requirements, etc.). This gives employers significant flexibility in designing nonqualified deferred compensation plans to meet specific objectives.

Who is covered under a nonqualified deferred compensation plan?

The scope of coverage under a nonqualified deferred compensation plan varies widely and often depends on the nature of the plan. However, as a general matter, nonqualified deferred compensation plans are not broad-based in nature due to certain legal restrictions. Generally, these plans are limited to senior management, but may cover employees who are in middle management.

What are the types of nonqualified deferred compensation plans?

The most prevalent types of nonqualified deferred compensation plans are: (i) elective deferral arrangements; (ii) restoration plans; and (iii) supplemental executive retirement plans. A nonqualified deferred compensation plan may reflect only one of the foregoing types of plans or all three types. An overview of each type of nonqualified deferred compensation arrangement follows:

- **Elective deferral arrangement.** An elective deferral arrangement allows a participant to defer the payment of all or some portion of his or her compensation to a later date. Compensation eligible for deferral may be limited to base salary or include annual and long-term incentive compensation.

Amounts deferred are credited to a bookkeeping account in the name of each plan participant. These amounts may earn a stated rate of interest or may be notionally invested at the direction of the employee.

Any earnings on amounts credited to an employee's account accumulate on a tax-deferred basis. The employee's benefit is equal to the aggregate amount credited to the bookkeeping account. Typically, an employee is permitted to elect the time (e.g., upon separation from service, specified date) that the account balance is distributed and the form of distribution (e.g., lump sum, installments).

- **Restoration plan.** A restoration plan is designed to "restore" benefits or contributions that are cut back or limited under a tax-qualified retirement plan due to Internal Revenue Code limits. Restoration plans are common and generally do not result in negative attention from shareholders.

A restoration plan may be in the form of a defined contribution plan or defined benefit plan, each discussed below.

- **Defined contribution restoration plan.** A 401(k) restoration plan is the most common type of defined contribution restoration plan. Under a tax-qualified 401(k) plan, a participant's elective deferrals are limited to \$18,000 per year (indexed to inflation). Any employer matching contribution on elective deferrals is necessarily limited by this cap on elective deferrals (as well as certain other tax rules). However, under a 401(k) restoration plan, a covered employee may make elective deferrals without

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AN Whitehead



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Taxation and Funding of Nonqualified Deferred Compensation Michael G. Goldstein, Michael A. Swirnoff, William A. Drennan, 1998 Social Security Tax Treatment of Nonqualified Deferred Compensation United States. Congress. House. Committee on Ways and Means. Subcommittee on Social Security, 1990 Nonqualified Deferred Compensation Plans, 1995

Nonqualified Deferred Compensation Plans, 2006 *Non-qualified Deferred Compensation Plans*, 1988

Nonqualified Deferred Compensation Answer Book Henry A. Smith, III, Barry K. Downey, Michael P. Connors, Roberto Smith, 1995-11-20 *Nonqualified Deferred Compensation Answer Book* Barry K. Downey, 2010 Nonqualified Deferred Compensation Answer Book is a vital question and answer reference that is essential for professionals who advise plan fund or administer nonqualified deferred compensation plans *Code of Federal Regulations*, 1999 Special edition of the Federal Register containing a codification of documents of general applicability and future effect with ancillaries **Code of Federal Regulations** United States. Internal Revenue Service, 2013 Special edition of the Federal register containing a codification of documents of general applicability and future effect as of April 1 with ancillaries Nonqualified Deferred Compensation Answer Book Henry A. Smith, Michael P. Connors, 2001-12-17 This vital question and answer reference is essential for professionals who advise plan fund or administer nonqualified deferred compensation plans It is a necessary tool to attract motivate reward and retain top executive talent and to provide executives with appropriate deferred compensation in combination with and in light of the limits on their tax qualified deferred compensation programs *Internal Revenue Cumulative Bulletin* United States. Internal Revenue Service, 2007 *Living Trusts* Doug H. Moy, 2004-04-14 Everything estate owners need to establish a successful living trust When properly designed a revocable living trust can provide all of the estate tax saving benefits available under a decedent's Last Will eliminate a lifetime court supervised financial guardianship of a person's financial affairs in the event of physical or mental incapacity and upon the trustor's death facilitate estate administration without the necessity of a court supervised process or probate Shockingly often however trusts are poorly designed and underfunded nullifying all of their considerable advantages Living Trusts Third Edition shows the estate owner how to set up fund and manage a living trust that will protect the trustor's financial affairs in both life and death Order your copy today **The Code of Federal Regulations of the United States of America**, 2000 The Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government **Comprehensive Deferred Compensation** Louis R. Richey, Lawrence Brody, 1989 **Payroll Answer Book** Deborah Ellis Timberlake, 2019-05-16 Payroll Answer Book Payroll Answer Book gives payroll professionals guidance on what steps they need to take to comply with the laws and regulations governing payroll The Q A format helps you quickly and easily find answers to all of your employees payroll questions From both a legal and practical standpoint broad and deep coverage is given to Payroll implications of the wage and hour law How

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This book delves into Nonqualified Deferred Compensation. Nonqualified Deferred Compensation is a crucial topic that must be grasped by everyone, from students and scholars to the general public. The book will furnish comprehensive and in-depth insights into Nonqualified Deferred Compensation, encompassing both the fundamentals and more intricate discussions.

1. This book is structured into several chapters, namely:
 - Chapter 1: Introduction to Nonqualified Deferred Compensation
 - Chapter 2: Essential Elements of Nonqualified Deferred Compensation
 - Chapter 3: Nonqualified Deferred Compensation in Everyday Life
 - Chapter 4: Nonqualified Deferred Compensation in Specific Contexts
 - Chapter 5: Conclusion
 2. In chapter 1, the author will provide an overview of Nonqualified Deferred Compensation. This chapter will explore what Nonqualified Deferred Compensation is, why Nonqualified Deferred Compensation is vital, and how to effectively learn about Nonqualified Deferred Compensation.
 3. In chapter 2, the author will delve into the foundational concepts of Nonqualified Deferred Compensation. This chapter will elucidate the essential principles that must be understood to grasp Nonqualified Deferred Compensation in its entirety.
 4. In chapter 3, the author will examine the practical applications of Nonqualified Deferred Compensation in daily life. This chapter will showcase real-world examples of how Nonqualified Deferred Compensation can be effectively utilized in everyday scenarios.
 5. In chapter 4, the author will scrutinize the relevance of Nonqualified Deferred Compensation in specific contexts. This chapter will explore how Nonqualified Deferred Compensation is applied in specialized fields, such as education, business, and technology.
 6. In chapter 5, this book will draw a conclusion about Nonqualified Deferred Compensation. This chapter will summarize the key points that have been discussed throughout the book.
- This book is crafted in an easy-to-understand language and is complemented by engaging illustrations. This book is highly recommended for anyone seeking to gain a comprehensive understanding of Nonqualified Deferred Compensation.

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