



Bay Colony Partners

The Roth 401(k)

Beginning in 2006, employers can offer a brand-new option to 401(k) plan participants--the ability to make Roth 401(k) contributions. If you're lucky enough to work for an employer who offers this option, Roth contributions could play an important role in maximizing your retirement income.

What is a Roth 401(k)?

A Roth 401(k) is simply a traditional 401(k) plan that accepts Roth 401(k) contributions. Roth 401(k) contributions are made on an after-tax basis, just like Roth IRA contributions. This means there's no up-front tax benefit, but if certain conditions are met, your Roth 401(k) contributions and all accumulated investment earnings on those contributions are free from federal income tax when distributed from the plan. (Beginning in 2006, 403(b) plans can also allow Roth contributions.)

Who can contribute?

Unlike Roth IRAs, where you can't contribute if you earn more than a certain dollar amount, you can make Roth contributions, regardless of your salary level, as soon as you are eligible to participate in the 401(k) plan. And while a 401(k) plan can require employees to wait up to one year before they become eligible to contribute, many plans allow you to contribute beginning with your first paycheck.

How much can I contribute?

There's an overall cap on your combined pretax and Roth 401(k) contributions. In 2006, you can contribute up to \$15,000 (\$20,000 if you're age 50 or older) to a 401(k) plan. You can split your contribution between Roth and pretax contributions any way you wish. For example, you can make \$8,000 of Roth contributions and \$7,000 of pretax 401(k) contributions. It's up to you. But keep in mind that if you also contribute to another employer's 401(k), 403(b), SIMPLE, or SAR-SEP plan, your total contributions to all of these plans--both pretax and Roth--can't exceed \$15,000 in 2006 (\$20,000 if you're age 50 or older). It's up to you to make sure you don't exceed these limits if you contribute to plans of more than one employer.

Can I also contribute to an IRA?

Yes. Your participation in a 401(k) plan has no impact on your ability to contribute to an IRA (Roth or traditional). You can contribute up to \$4,000 to an IRA in 2006 (\$5,000 if you're age 50 or older). But, depending on your salary level, your ability to make

deductible contributions to a traditional IRA may be limited if you participate in a 401(k) plan.

Are distributions really tax free?

Because your Roth 401(k) contributions are made on an after-tax basis, they're always free from federal income tax when distributed from the plan. But the investment earnings on your Roth contributions are tax free only if you meet the requirements for a "qualified distribution."

In general, a distribution from your Roth 401(k) account is qualified only if it satisfies both of the following requirements:

- It's made after the end of a five-year waiting period
- The payment is made after you turn 59½, become disabled, or die

The five-year waiting period for qualified distributions starts with the year you make your first Roth contribution to the 401(k) plan. For example, if you make your first Roth contribution to your employer's 401(k) plan in December 2006, your five-year waiting period begins January 1, 2007, and ends on December 31, 2011. But if you change employers and roll over your Roth 401(k) account from your prior employer's plan to your new employer's plan (assuming the new plan accepts Roth rollovers), the five-year waiting period starts instead with the year you made your first contribution to the earlier plan.

If your distribution isn't qualified (for example, if you receive a payout before the five-year waiting period has elapsed or because you terminate employment), the portion of your distribution that represents investment earnings on your Roth contributions will be taxable, and will be subject to a 10 percent early distribution penalty unless you're 59½ or another exception applies. You can generally avoid taxation by rolling your distribution over into a Roth IRA or into another employer's Roth 401(k) or 403(b) plan, if that plan accepts Roth rollovers. (State income tax treatment of Roth 401(k) contributions may differ from the federal rules.)

If you contribute to both a Roth 401(k) and a Roth IRA, a separate five-year waiting period applies to each.

What about employer contributions?

Employers don't have to contribute to 401(k) plans, but many will match all or part of your contributions. Your employer can match your Roth contributions, your pretax contributions, or both. But your employer's contributions are always made on a pretax basis, even if they match your Roth contributions. That is, your employer's contributions, and investment earnings on those contributions, are not taxed until you receive a distribution from the plan. Your 401(k) plan may require up to 6 years of service before you fully own employer matching contributions.

Should I make pretax or Roth 401(k) contributions?

When you make pretax 401(k) contributions, you don't pay current income taxes on those dollars (which means more take-home pay compared to an after-tax Roth contribution of the same amount). But your contributions and investment earnings are fully taxable when you receive a distribution from the plan. In contrast, Roth 401(k) contributions are subject to income taxes up front, but qualified distributions of your contributions and earnings are entirely free from federal income tax.

Which is the better option depends upon your personal situation. If you think you'll be in a similar or higher tax bracket when you retire, Roth 401(k) contributions may be more appealing, since you'll effectively lock in today's lower tax rates. However, if you think you'll be in a lower tax bracket when you retire, pretax 401(k) contributions may be more appropriate. Your investment horizon and projected investment results are also important factors. A financial professional can help you determine which course is best for you.

Whichever you choose--Roth or pretax--make sure you contribute as much as necessary to get the maximum matching contribution from your employer. This is essentially free money that can help you reach your retirement goals that much sooner.

What happens when I terminate employment?

When you terminate employment you generally forfeit all contributions that haven't vested. "Vesting" means that you own the contributions. Your contributions, Roth and pretax, are always 100 percent vested. But your 401(k) plan may require up to 6 years of service before you fully vest in employer matching contributions (although some plans have a much faster vesting schedule).

When you terminate employment you can leave your money in your 401(k) plan until the plan's normal retirement age (typically age 65), or you can roll your dollars over tax free into an IRA or into another employer's retirement plan.

What else do I need to know?

- Like pretax 401(k) contributions, your Roth 401(k) contributions and investment earnings can be paid from the plan only after you terminate employment, attain age 59½, become disabled, or die. Your Roth contributions (but not investment earnings) can also be distributed if you incur a hardship.
- You may be eligible to borrow up to one half of your vested 401(k) account, including your Roth contributions, (to a maximum of \$50,000) if you need the money.
- You may be able to make a hardship withdrawal if you have an immediate and heavy financial need. But this should be a last resort--a 10 percent penalty may apply to the taxable amount if you're not yet age 59½, and you may be suspended from plan participation for 6 months or more.
- Unlike Roth IRAs, you must begin taking distributions from a Roth 401(k) plan after you reach age 70½ (or in some cases, after you retire), but you can generally roll over your Roth 401(k) dollars into a Roth IRA if you don't need or want the lifetime distributions.
- Depending on your income, you may be eligible for an income tax credit of up to \$1,000 for amounts you contribute to the 401(k) plan.
- Your assets are fully protected in the event of your, or your employer's, bankruptcy.

- If you were impacted by Hurricanes Katrina, Rita, or Wilma, more liberal loan and withdrawal provisions may apply to you.

Employers aren't required to make Roth contributions available in their 401(k) plans. So be sure to ask your employer if they are considering adding this exciting new feature to your 401(k) plan.

Note: Unless extended by Congress, the provisions of the Internal Revenue Code that permit Roth 401(k) contributions will expire at the end of 2010.