



Owner's Only 401(k)

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Thinking of Creating an Owner's Only 401(k)?

A one-participant 401(k) plan is sometimes called a:

- Solo 401(k)
- Solo-k
- Uni-k
- One-participant k
- Self Employed 401(k)

The Owner's Only 401(k) plan is not a new type of 401(k) plan. It is a traditional 401(k) plan covering a business owner with no employees, or perhaps the owner and his or her spouse. These plans have the same rules and requirements as any other 401(k) plan.

This type of plan is often beneficial for sole proprietors and independent business owners looking for current income tax deductions while saving for the future. In fact, these are retirement plans similar to those in which one may participate when working at a larger company.

The Owner's Only 401(k) works the same way as a standard 401(k):

- Participants make contributions from their pre-tax earnings.
- The Owner's business may make additional tax-deductible contributions on behalf of the owner.
- And those savings can be invested in a range of vehicles to grow tax-deferred until some future date when withdrawn.

One other significant benefit: the self-employed 401(k) allows the owner to contribute, on an income tax deductible basis, more money each year than they could under a traditional IRA, SEP or SIMPLE!

The higher contribution limits and relatively easy plan administration make the Owner's Only 401(k) an appealing option for business owners who meet the plan's requirements and want a significantly higher savings potential.

Plan Limits (2022) - Maximum Contribution Comparison

Earned Income	SEP Plan	SIMPLE Plan with 3% Match			Traditional 401(k) Plan		
	Max 25% Contribution	Maximum Deferral	3% Match	Total	Maximum Deferral	Max. 25% Contribution	Total
20,000	\$ 5,000	\$ 14,000	\$ 600	\$ 14,600	\$ 20,000	\$ -	\$ 20,000*
25,000	6,250	14,000	750	14,750	20,500	6,250	26,750
30,000	7,500	14,000	900	14,900	20,500	7,500	28,000
35,000	8,750	14,000	1,050	15,050	20,500	8,750	29,250
40,000	10,000	14,000	1,200	15,200	20,500	10,000	30,500
50,000	12,500	14,000	1,500	15,500	20,500	12,500	33,000
60,000	15,000	14,000	1,800	15,800	20,500	15,000	35,500
75,000	18,750	14,000	2,250	16,250	20,500	18,750	39,250
100,000	25,000	14,000	3,000	17,000	20,500	25,000	45,500
162,000	40,500	14,000	4,860	18,860	20,500	40,500	61,000
200,000	50,000	14,000	6,000	20,000	20,500	40,500 (20.25%)	Same
244,000	61,000	14,000	7,320	21,320	20,500	40,500 (16.59%)	Same
305,000	61,000 (20%)	14,000	9,150	23,150	20,500	40,500 (13.28%)	Same
450,000	Same	14,000	13,500	27,500	20,500	Same	Same

*One's annual addition cannot exceed 100% of earned income.
This calculation ignores social security and medicare taxes.

Chart: Virtually every level of income creates a larger total income tax deduction with the Owner's Only structure!

Other advantages:

No discrimination testing requirement

As the Owner's Only 401(k) has no employees, one is not limited by employee contribution restrictions. No need for Safe Harbor benefits, Top Heavy considerations, etc.

Consolidating multiple accounts

Most retirement plan assets, including balances in other profit sharing, old money-purchase plans, Traditional IRA or SEP IRAs, can be consolidated into the Owner's Only 401(k) Plan.

While most well designed Owner's Only 401(k) plans allow for rollovers from other retirement plans, Roth IRAs are not eligible for rollover unless the Owner's Only plan allows for Roth contributions.

Covering your spouse under your Owner's Only 401(k)

The IRS allows one exception to the no-employees rule on the Owner's Only 401(k): your spouse and/or children, presupposing they earn income from your business.

Think about it. Adding family members will allow for increased tax-deductible contributions. Family members can also make elective deferrals as your employee, up to the employee deferral limit of \$20,500 (2022) plus a \$6,500 catch-up provision (2022) if the family member is age 50 or older, for a possible maximum deferral of \$27,000 (\$20,500 + \$6,500).

As the employer, you can make the plan's profit-sharing contribution for participating family members, up to 25% of their compensation.

Keep in mind any W-2 compensation paid to family members is subject to Social Security and Medicare tax.

Frequently Asked Questions (FAQ)

Do contributions have to be made to the plan each year?

No.

There is no requirement to contribute to the Owner's Only plan. Your salary deferral and the business contribution may be as little as zero up to the permissible annual contributions.

YOU decide from year-to-year how much, if anything, you wish to contribute (not to exceed the permissible annual limits).

I'm leaving my current employer to go out on my own. Can I take the distribution from my current employer's 401(k) and roll it to my Owner's Only 401(k)?

Yes. Most retirement plan assets, including balances in other profit sharing, old money-purchase plans, Traditional IRAs or SEP IRAs, can be consolidated into one's Owner's Only 401(k) Plan.

While most well designed owners-only 401(k) plans allow for rollovers from other retirement plans, Roth IRAs are not eligible for rollover unless the owner's only plan allows for Roth contributions.

Can loan provisions be included in an Owner's Only 401(k)?

Yes. The same loan rules that apply to other qualified plans apply to Owner's Only 401(k) plans.

Are there required IRS reporting requirements with an Owner's Only 401(k)?

Yes, Owner's Only 401(k) plans are required to file IRS form 5500EZ or 5500SF. If the plan qualified to file the 5500EZ, often the form is not filed with the IRS until the total plan assets reach \$250,000.

Can Roth Contributions be made to an Owner's Only 401(k)?

Yes. However, please understand only the portion that is considered a deferral from salary (or from Schedule C income for sole proprietors) can go to the Roth account. The "employer" portion of the contribution will go to a non-Roth account. Therefore, when creating the Roth feature, there are actually two accounts created: one with Roth contributions and the other with any pre-tax contributions from salary deferral or "employer" profit sharing contributions.

Can I make both pre-tax and Roth salary deferrals in the same year?

Yes you may. All you need to do is designate which part of your elective salary deferrals is to be considered Roth contribution. As stated earlier in this brochure, the Roth deferral will be segregated in a Roth account, all other monies in a non-Roth account within the Owner's Only plan.

Can I convert my existing pre-tax contributions to my Roth account inside my 401(k)?

No.

How are Roth 401(k) distributions treated?

Qualified distributions are tax-free if withdrawn after five years and due to death, disability or attainment of age 59½.

What if I hire employees in the future that are non-family members?

The 401(k) plan will no longer be considered an “Owner’s Only” plan. Owner’s Only and the other names mentioned at the beginning of this brochure are only convenient names. It does *not* mean the plan is only for owners and employees don’t count!

When and if employees are hired, and they meet eligibility requirements to enter the plan, then discrimination testing will be required and the 401(k) plan will be treated and administered like any other plan. This includes Top-Heavy considerations, minimum benefit funding, etc.

What is the deadline for creating an Owner’s Only 401(k) plan?

It is best to create the Owner’s Only plan before the last day of the fiscal year as any salary deferrals must be deferred on or before December 31.

What are the funding contribution deadlines?

Employer contributions must be made by the deadline for filing the business’s tax return, including extensions.

Owner's Only 401(k) Annual Contribution Deadlines		
Both Employee Deferrals and Employer Profit Sharing Contributions		
Business Structure	Contribution Deadline	Deadline if Business Filed for Extension
Sole Proprietorship	April 15	October 15
Partnership	March 15	September 15
S-Corporation	March 15	September 15
C-Corporation	March 15	September 15
LLC Taxed as S-Corporation	March 15	September 15
LLC Taxed as Partnership	March 15	September 15
LLC Taxed as Proprietorship	April 15	October 15

Take the next step!

To learn more about the Owner's Only 401(k), contact Bill Black:

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