



## ***Important information for employers with qualified retirement plans***

Employers who sponsor qualified retirement plans of their own should be aware that state law establishes the TRS retirement plan as the primary plan when there is more than one plan covering employees. This law is important to the administration of an employer-sponsored plan because it could affect the benefits payable **from** the employer's qualified defined benefit plan or the annual contributions that may be **made to** the employer's qualified defined contribution plan.

Contributions made to TRS for service credit purchase *and* made to an employer's qualified defined contribution plan *must be aggregated to determine whether the total annual contributions are within federal tax law limits*. See TRS rule 34 TAC §29.51. The general contribution limit for the Sept. 1, 2015 through Aug. 31, 2016 plan year is \$53,000 or 100 percent of compensation, whichever is less. If aggregated contributions would exceed the applicable limit, TRS members may be able to use installment payments or rollovers for service purchases to keep aggregated annual contributions within the limits. However, if aggregated contributions exceed the applicable limit, then contributions to the employer plan may need to be reduced.

For employers with defined benefit plans, Section 825.506, Texas Government Code, states that an employer may not provide employee retirement or deferred benefits that, when considered together with TRS benefits as required by federal law, would result in the TRS plan failing to meet federal qualification standards as applied to public pension plans. The benefit limits in Section 415(b) of the Internal Revenue Code are part of the standards that TRS must meet to maintain plan qualification and favorable tax treatment, such as deferral of federal income tax on salary contributions to TRS until benefits are paid.

Section 415(b) establishes limits on annual benefit payments by qualified defined benefit plans. *When an employee who retires will receive benefits from more than one qualified defined benefit plan covering the same employment, the limits apply to the aggregated benefits*. The Section 415(b) limit is \$210,000 for the 2015-2016 plan year, with lower limits applicable for retirement before age 62.

Because state law establishes the TRS defined benefit plan as primary, TRS compares only a member's TRS benefits to the federal limits to determine whether the benefits will be within the federal benefit limits at and during retirement. If an employer's own defined benefit plan also pays benefits to a retired employee, then, under Section 825.506, the employer must take into account the TRS benefits to be sure that the aggregated benefits do not exceed the Section 415(b) limits.

To determine whether an employer's plan is affected by the limits on benefits or annual contributions, the employer should contact the plan administrator or the tax advisor for the plan. TRS maintains no information on employer plans. Due to confidentiality requirements, any individual TRS contribution amounts or benefit amounts that an employer's plan administrator may need to consider in comparison to the applicable limits must be obtained directly from the covered employee.