

November 2, 2010

Adjusted Limits

The Internal Revenue Service has announced the 2011 limits that affect the operation of tax-qualified retirement plans, including 401(k) plans, and certain other types of employee benefit plans. The amount by which the limits are adjusted each year is based on a cost of living index. While that cost of living index increased over the past twelve months, it was still below that index twenty-four months ago. Accordingly, the 2011 limits generally are at the same dollar amounts as the 2010 limits. Please see the accompanying table for the limits that are effective January 1, 2011.

Social Security

The Social Security (OASDI) taxable wage base, which governs the amount of pay subject to Social Security tax withholding and affects plans that are "integrated" with Social Security, also is subject to adjustment annually. For 2011, the OASDI taxable wage base remains unchanged at \$106,800. The Medicare tax, however, applies to all wages without limit.

| 2011 ADJUSTED LIMITS | |
|---|------------------------|
| Provision | 2011 Limit |
| Maximum 401(k) Contributions | \$16,500 |
| Maximum Compensation Limit | \$245,000 |
| Highly Compensated Employees <i>Earning (in previous year) more than</i> | \$110,000 |
| Key Employee Limit | \$160,000 |
| Annual Contribution Limit for Defined Contribution Plans | \$49,000 |
| Annual Benefit Limit for Defined Benefit Plans | \$195,000 ¹ |

2011 ADJUSTED LIMITS

| Provision | 2011 Limit |
|---|------------|
| SIMPLE Plan Limit | \$11,500 |
| Age 50 and Older Catch-Up Contribution Limit | |
| <i>All plans other than SIMPLE Plans</i> | \$5,500 |
| <i>SIMPLE Plans</i> | \$2,500 |
| Annual Contribution Limit for Section 457 Deferred Compensation Plans (government and tax-exempt organizations) | \$16,500 |
| ESOP: | |
| <i>Maximum account balance subject to five-year distribution period</i> | \$985,000 |
| <i>Each dollar amount of account balance in excess of \$915,000 that adds one year to distribution period</i> | \$195,000 |
| Simplified Employee Pension Plans (SEPs) | |
| <i>Contributions must be made for employees earning at least</i> | \$550 |

If you have questions about this *Alert*, please contact a member of your Cooley team or one of the attorneys listed above from the Compensation & Benefits Group.

Notes

1 Note that the limit on benefits payable to a defined benefit plan participant for a particular year is the lesser of (i) the Annual Benefit Limit for Defined Benefit Plans for that year and (ii) 100% of the participant's average compensation for the participant's high 3 years. For 2011, the Annual Benefit Limit for such participant is \$195,000. However, such participant's "average compensation" limit is calculated a bit differently for 2011 because of variance in the cost of living indexes over the past few years. For a participant who separated from service during 2010, the "average compensation" limit for 2011 is computed by multiplying the participant's 2010 "average compensation" limit by 1.0118. For all other participants, the "average compensation" limit is unchanged.

This content is provided for general informational purposes only, and your access or use of the content does not create an attorney-client relationship between you or your organization and Cooley LLP, Cooley (UK) LLP, or any other affiliated practice or entity (collectively referred to as "Cooley"). By accessing this content, you agree that the information provided does not constitute legal or other professional advice. This content is not a substitute for obtaining legal advice from a qualified attorney licensed in your jurisdiction, and you should not act or refrain from acting based on this content. This content may be changed without notice. It is not guaranteed to

be complete, correct or up to date, and it may not reflect the most current legal developments. Prior results do not guarantee a similar outcome. Do not send any confidential information to Cooley, as we do not have any duty to keep any information you provide to us confidential. When advising companies, our attorney-client relationship is with the company, not with any individual. This content may have been generated with the assistance of artificial intelligence (AI) in accordance with our AI Principles, may be considered Attorney Advertising and is subject to our [legal notices](#).

Key Contacts

| | |
|------------------------------|--|
| Tom Reicher San Francisco | treicher@cooley.com +1 415 693 2381 |
| David Walsh Reston | dwalsh@cooley.com +1 703 456 8021 |
| Thomas Welk San Diego | twelk@cooley.com +1 858 550 6016 |

This information is a general description of the law; it is not intended to provide specific legal advice nor is it intended to create an attorney-client relationship with Cooley LLP. Before taking any action on this information you should seek professional counsel.

Copyright © 2023 Cooley LLP, 3175 Hanover Street, Palo Alto, CA 94304; Cooley (UK) LLP, 22 Bishopsgate, London, UK EC2N 4BQ. Permission is granted to make and redistribute, without charge, copies of this entire document provided that such copies are complete and unaltered and identify Cooley LLP as the author. All other rights reserved.