

Deferred Compensation Plan/NYCE IRA In-Service Domestic Abuse Distribution Form

See Submission Instructions Below (212) 306-7760

1-888-DCP-3113 (outside NYC)

nycdcp



Web site: nyc.gov/deferredcomp

Please Print - Black Ink Preferred

Certain participants, whether active or severed from City service, may withdraw funds from their 457 or 401(k) plan, or NYCE IRA account, penalty free, up to the lesser of \$10,000 or 50% of their account balance. To be eligible to make such a withdrawal, the participant must certify that they have experienced or been a victim of domestic abuse. The distribution must be taken within 12 months of the domestic abuse incident.

The 401(k) and IRA 10% early distribution penalty tax will not apply to a distribution that qualifies as a domestic abuse-related distribution. However, pursuant to Federal Regulations participants will be responsible for claiming entitlement to the 10% penalty exception by filing a Form 5329 with their Federal income tax return.

The participant may, within three years from the date that the payment is issued, repay up to the full amount into the account from which the participant received the distribution.

Please complete this form if you meet the requirements and wish to take a domestic abuse-related withdrawal from your Deferred Compensation Plan 457 or 401(k) or NYCE IRA account. A participant is limited to one domestic abuse-related distribution per 12-month period.

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Such distributions will not be subject to an early withdrawal penalty. However, pursuant to Federal Regulations participants will be responsible for claiming entitlement to the 10% penalty exception by filing a Form 5329 with their Federal income tax return. The distribution payment will not be subject to mandatory income tax withholding and will not be eligible to roll over.

An in-service distribution due to domestic violence made from either the 457 Plan or the 401(k) Plan may be repaid to the applicable Plan, in an amount not to exceed the amount of such distribution. The repayment shall be treated as a trustee-to-trustee incoming rollover and payment can only be made in the form of a check made payable to the applicable Plan. Contact the Plan for the necessary form.

Additional Tax Withholding Information

Pre-Tax Account: Please note: Assets are generally taxable in the year in which they are withdrawn. The taxable amount of your distribution will be reported on a Form 1099-R and will need to be included in your income when you file your taxes. The 1099-R will be sent to you in January following the year of the withdrawal. You will be responsible for any additional federal taxes and applicable state and local taxes. Please consult with your tax advisor regarding the tax consequences of taking a distribution.

Roth Account: A Qualified Distribution from your Roth Account is not subject to federal, state or local income tax.

A Qualified Distribution is a distribution that is both: (1) Made after the five-taxable-year period of participation defined as beginning with the first day of the first taxable year in which the employee makes a designated Roth contribution to a designated Roth account established for the employee under the same plan and ends when five (5) consecutive taxable years have been completed; and (2) Made on or after the date the employee attains age 591/2, made to a beneficiary or the estate of the employee on or after the employee's death, or attributable to the employee's being disabled.

A non-Qualified Distribution from your Roth Account will be distributed proportionally among contributions and earnings. The earnings portion will be included in gross income and will be reported on Form 1099-R. The 1099-R will be sent to you in January following the year of the withdrawal.

The taxable portion of the withdrawal from your Roth account will be subject to a 10% default withholding for federal income taxes, in addition to any applicable additional federal taxes and state and local taxes. Please consult with your tax advisor regarding the tax consequences of taking a withdrawal.

Submission Instructions

Mail completed form to: DEFERRED COMPENSATION PLAN Bowling Green Station, P.O. Box 93 New York, New York 10274-0093

- OR -

Submit your completed form via email to NEWYRK@VOYAPLANS.com Please only include the last 4 digits of your Social Security number, along with your name and address on all forms. Forms can also be faxed to **844-299-2362**