

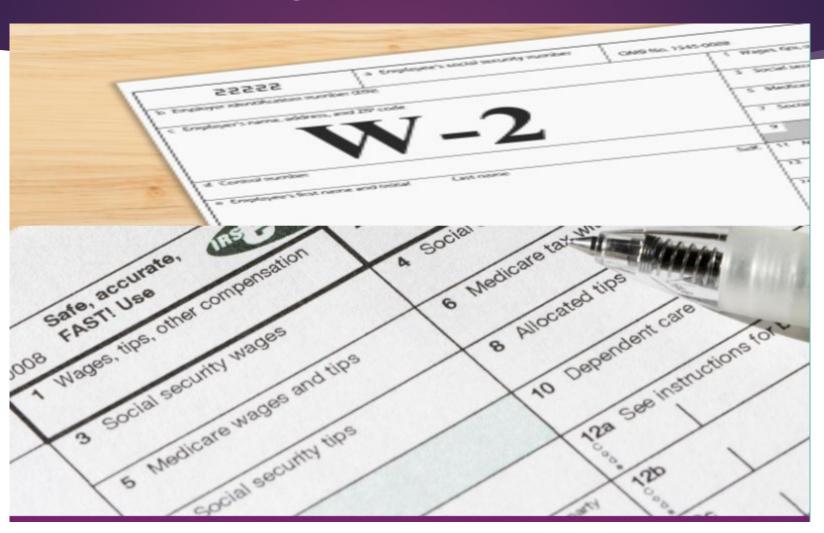
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➤ Do not file this form unless attaching Form 2553 to elf Form 1120S and its sep

Learn More: mysolo401k.net

2022/2023 Solo 401k Contributions Guide: S-corp/C-corp LLC taxed as S-Corp/C-Corp

Based on W-2 Pages NOT Passive Income



Disclosure

- This presentation is being provided for educational purposes only and should not be construed as tax, legal or investment advice nor as a solicitation.
- When making an investment decision, please consult with your tax attorney and financial professional.







- Contribution Limits including Secure Act 2.0 Update
- Scenarios & Examples
- How to Use Online Calculator
- Deadline
- How to Make Contributions
- How to Report Contributions
- What is Not a Contribution

Basic Factors - How Much Can I Contribute?

- ➤ The Solo 401k contribution limits are based on the following factors:
 - ✓ Your Self-Employment Income
 - ✓ Your Age
 - ✓ Whether you participate in another retirement plan (e.g., 401k plan through your "day job")
 - ✓ Type of Contribution (Employee vs. Employer; Pre-Tax, Roth or Voluntary After-Tax)

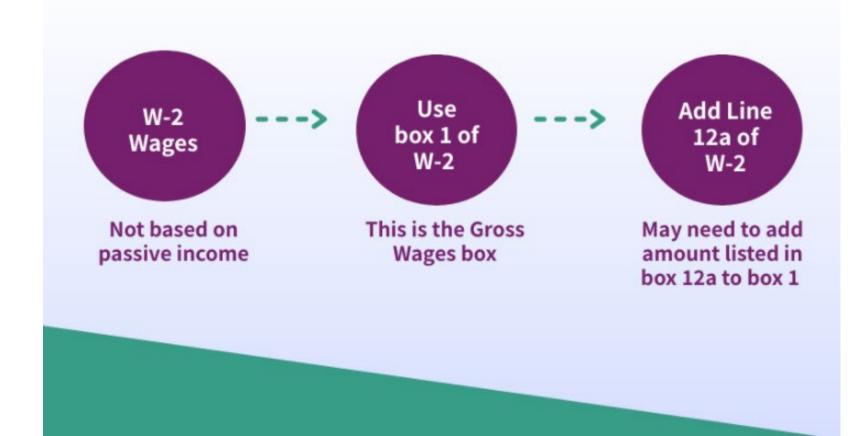
S-Corporation, C-corporation, LLC taxed as S-corp/C-corp, W-2 : Self-Employment Income

- ➤ If your self-employed business is taxed as an S-Corporation, C-corporation, LLC taxed as S-corp/C-corp your ability to make Solo 401k contributions is based on the W-2 wages that you receive from your self-employed business eared income not your day-time job W-2 wages.
 - Don't consider w-2 wages from other sources (e.g., day job)
 - Don't consider K-1 from the S-corporation

W-2 Wages From Self-Employed Business



First Determine Earned Income



2022 & 2023 Contribution Limits



Second Determine Contribution Year & Amount

2022

Tax Year

2022

Annual Contribution Limit

\$61,000

Age 50 or Older Catch-up

\$6,500

2023

Tax Year

2023

Annual Contribution Limit

\$66,000

Age 50 or Older Catch-up

\$7,500

Contribution Types



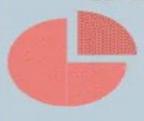
Third Determine Contribution Type

Employee Contribution



- Can be applied as a pretax, Roth, voluntary after-tax or in combination.
- Roth and pretax contributions are impacted by day-time job 401(k) plan contributions.
- Voluntary After-Tax contributions
 NOT impacted by day-time job 401k
 plan contributions.

Roth Contribution



- May be applied as employee contributions.
- Includes the catch-up amount for those age 50 or older.
- Now also falls under Employer Profit Sharing Contribution (nonelective) per SECURE 2.0 Act.

Employer Contribution



- Can be applied as a pretax contribution.
- Can be applied as a Roth contribution per SECURE
 2.0 Act.
- Not affected by contributions to a daytime job 401(k) plan.

Voluntary After-Tax

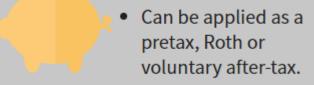
- Part of the employee contribution and overall limit category.
- Does not include the catch-up amount for those age 50 or older.
- Not impacted by day job 401k.

Pre-Tax (Employee) – How much can I contribute?

Employee Contribution (Salary Deferrals)

- ❖ The limit is 100% of your w-2 wages from your self-employed business NOT TO EXCEED/UP TO \$20,500 for 2022 (plus an additional \$6,500 if you are 50 or older)
 - ▶ Need to reduce by any contributions made to another employer plan UNLESS the other plan is a 457 governmental plan in which contributions are not aggregated
 - ► For 2023, the elective deferral increased to \$22,500, or \$30,000 if age 50 or older.

Employee Contribution

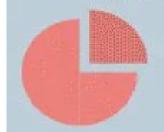


Roth – How much can I contribute?

Employee Contribution (Salary Deferrals)

- ▶ 100% of the Employee contributions (subject to the limits – see prior slide) can be made as Roth Contribution
- ▶ Roth contributions must be deposited in a separate sub-account for each participant

Roth Contribution



- May be applied as employee contributions.
- Includes the catch-up amount for those age 50 or older.

Pre-Tax (Employer) — How much can I contribution?

Employer Contribution (Profit-Sharing)

- The limit is equal to 25% of your w-2 wages.
 - ▶ Use the amount reported in Box 1 of the W-2 plus any pre-tax elective deferrals not in Box 1.
 - ► The aggregate contributions can't exceed the overall limit of \$61,000 or \$67,500 if you are 50 or older for 2022 (For 2023, the contribution limit increased to \$66,000 or \$73,500 if age 50 or over).
 - ▶ Not impacted by contributions made to another retirement plan through an unrelated employer (e.g., "day job" 401k plan) UNLESS such contributions were made to a 403b plan

Employer Contribution



- Can be applied as a pretax contribution.
- Can be applied as a Roth contribution per SECURE
 2.0 Act.
- Not affected by contributions to a daytime job 401(k) plan.

Secure Act 2.0: New Roth Employer (Nonelective) Contributions

- > Effective immediately, Secure Act 2.0 allows Employer Contributions to be made as Roth contributions.
- For a Solo 401k plan that allows for Mega Backdoor Roth contributions, this change offers no substantive advantage:
 - Voluntary After-tax Solo 401k Contributions can be made at higher percentage of self-employment income (100%) compared to Employer (Nonelective) Contributions made as Roth Solo 401k contributions (25%).
 - ❖ The deadline to establish a Solo 401k plan in order to make both Employer (Nonelective) and Voluntary After-Tax Contributions is the same: the plan must simply be established in time to make contributions by the business tax return deadline including any timely filed extension.
 - ❖ Voluntary after-tax contributions may be transferred to a Roth IRA whereas Employer Contributions may not be transferred out of the Solo 401k to a Roth IRA until a "triggering event" has been met (e.g. the attainment of age 59 ½).

Secure Act 2.0: New Roth Employer (Nonelective) Contributions FAQs

QUESTION: Do I need to deposit Employer Solo 401k contributions made as Roth Solo 401k contributions in a separate account?

ANSWER: No. Both Employee and Employer contributions made as Roth Solo 401k contributions may be deposited into the same bank or brokerage for Roth Solo 401k funds.

QUESTION: What is the contribution limit for Employer Solo 401k contributions made as Roth Solo 401k contributions?

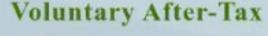
ANSWER: The contribution limit is the same for both Pre-tax and Roth Employer Solo 401k contributions: i.e. 25% of the self-employment compensation subject to the overall limit.

QUESTION: How do I report Employer Solo 401k contributions made as Roth Solo 401k contributions on my personal or business tax return?

ANSWER: While there is no specific IRS guidance yet on how to report Roth Employer (Nonelective) Solo 401k contributions, it would not be prudent to report such contributions as deductible expenses since such contributions are made on a Roth (post-tax) basis.

Voluntary After-Tax – How much can I contribute?

- Voluntary After-Tax Contributions (Mega Backdoor Roth)
 - The lesser of (i) self-employment compensation & (ii) the overall limit (\$61k for 2022 & \$66k for 2023) REDUCED by any Employer or Employee contributions made to the Solo 401k [IGNORE any catch-up contributions made to the Solo 401k].
 - ▶ Note the limit does not go up if you are 50 or older
 - ▶ Not impacted by any contributions made to another retirement plan through an unrelated employer (e.g., "day job" 401k plan) UNLESS the other plan is 403b
 - ► Voluntary after-tax contributions must be deposited in a separate sub-account for each participant



- Part of the employee contribution and overall limit category.
- Does not include the catch-up amount for those age 50 or older.
- Not impacted by day job 401k.

- "Base Scenario" Assumptions
 - Self-employed business taxed as an S-corporation
 - One Participant
 - Under 50 years of Age
 - Does not make contributions to another plan
 - Goal is to Maximize Pre-tax contributions and then make Roth Solo 401k and/or Voluntary After-Tax Contributions
 - \$100,000 of w-2 wages from the self-employed business
 - ❖ Note: Assume all Employer Contributions made as Pre-tax because making Employer Contributions as Roth contributions offers no substantive advantage over Mega Backdoor Roth Solo 401k Contributions.



- "Base Scenario" Contribution Limits
 - Employee (Pre-tax or Roth): \$20,500 for 2022 (\$22,500 for 2023) [100% of w-2 wages up to \$20,500 for 2022; \$22,500 for 2023]
 - Employer Pre-tax Contributions: \$25,000 [25% of w-2 wages provided total contributions don't exceed overall limit]
 - Voluntary After-Tax: \$15,500 for 2022; \$18,500 for 2023 [Lesser of Self-employment compensation or the overall limit of \$61,000 for 2022 (\$66,000 for 2023) reduced by any employee or employer contributions made to the Solo 401k]



- Change "Base Scenario" Assumptions to \$50k
 - Self-employed business taxed as an S-Corporation, Ccorporation, LLC taxed as S-corp/C-corp
 - One Participant
 - Under 50 years of Age
 - Does not make contributions to another plan
 - Goal is to Maximize Pre-tax contributions and then make Roth Solo 401k and/or Voluntary After-Tax Contributions
 - \$50,000 of w-2 wages from the self-employed business



How do Contribution Limits Change?

- Employee (Pre-tax or Roth): \$20,500 for 2022 (\$22,500 for 2023) [100% of w-2 wages up to \$20,500 for 2022; \$22,500 for 2023]
- Employer Pre-tax Contributions: \$12,500 [25% of w-2 wages provided total contributions don't exceed overall limit]
- Voluntary After-Tax: \$17,000 for 2022; \$15,000 for 2023[Lesser of Self-employment compensation OR the overall limit of \$61,000 for 2022 (\$66,000 for 2023) reduced by any employee or employer contributions made to the Solo 401k]



- Change "Base Scenario" Assumptions to Maximize Contributions "Day Job" Plan
 - Self-employed business taxed as an S-Corporation, C-corporation, LLC taxed as Scorp/C-corp One Participant
 - Under 50 years of Age
 - Contributes \$20,500 for 2022 (\$22,500 for 2023)
 to "Day Job" Plan
 - Goal is to Maximize Pre-tax contributions and then make Roth Solo 401k and/or Voluntary After-Tax Contributions
 - \$100,000 of w-2 wages from the self-employed business



How do Contribution Limits Change?

- Employee (Pre-tax or Roth): \$0 [100% of w-2 wages up to \$20,500 for 2022; \$22,500 for 2023) reduced by any contributions made to another retirement plan unless 457 governmental plan]
- Employer Pre-tax Contributions: \$25,000 [25% of w-2 wages provided total contributions don't exceed overall limit]
- Voluntary After-Tax: \$36,000 for 2022; \$41,000 for 2023; [Lesser of Self-employment compensation OR the overall limit of \$61,000 for 2022 (\$66,000 for 2023) reduced by any employee or employer contributions made to the Solo 401k]



- Change "Base Scenario" Assumptions to Goal is Maximize Roth Solo 401k Contributions
 - Self-employed business taxed as an S-Corporation, C-corporation, LLC taxed as S-corp/C-corp One Participant
 - Under 50 years of Age
 - Does not make contributions to another plan
 - Goal is to Maximize Roth Solo 401k and/or Voluntary After-Tax Contributions
 - \$100,000 of w-2 wages from the self-employed business



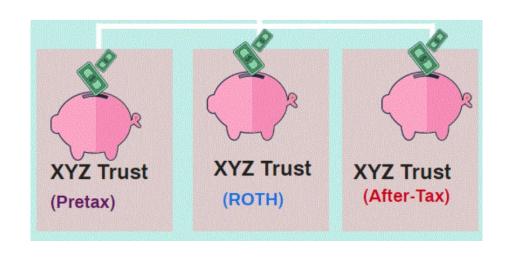
- How do Contribution Limits Change?
 - Employee (Roth): \$20,500 for 2022 (\$22,500 for 2023) [100% of w-2 wages up to \$20,500 for 2022; \$22,500 for 2023]
 - Employer Pre-tax Contributions: \$0 [25% of w-2 wages provided total contributions don't exceed overall limit]
 - Voluntary After-Tax: \$40,500 for 2022; \$43,500 for 2023; [Lesser of Self-employment compensation OR the overall limit of \$61,000 for 2022 (\$66,000 for 2023) reduced by any employee or employer contributions made to the Solo 401k]



- Change "Base Scenario" Assumptions to Two (2) Participants
 - Self-employed business taxed as an S-Corporation, C-corporation, LLC taxed as S-corp/C-corp Two (2)
 Participants (e.g., spouses or business partners)
 - Under 50 years of Age
 - Does not make contributions to another plan
 - Goal is to Maximize Pre-tax contributions and then make Roth Solo 401k and/or Voluntary After-Tax Contributions
 - \$100,000 of w-2 wages from the self-employed business for each person



- How do Contribution Limits Change? [Limits for each person]
 - Employee (Pre-tax or Roth): \$20,500 for 2022 (\$22,500 for 2023) [100% of w-2 wages up to \$20,500 for 2022; \$22,500 for 2023]
 - Employer Pre-tax Contributions: \$25,000 [25% of w-2 wages provided total contributions don't exceed overall limit]
 - Voluntary After-Tax: \$15,500 for 2022; \$18,500 for 2023 [Lesser of Self-employment compensation or the overall limit of \$61,000 for 2022 (\$66,000 for 2023) reduced by any employee or employer contributions made to the Solo 401k]



- Change "Base Scenario" Assumptions to Age 50 or older
 - Self-employed business taxed as an S-Corporation, C-corporation, LLC taxed as Scorp/C-corp
 - One Participant
 - 50 or older years of Age
 - Does not make contributions to another plan
 - Goal is to Maximize Pre-tax contributions and then make Roth Solo 401k and/or Voluntary After-Tax Contributions
 - \$100,000 of w-2 wages from the self-employed business



- How do Contribution Limits Change?
 - Employee (Pre-tax or Roth): \$20,500 for 2022 (\$22,500 for 2023) [100% of w-2 wages up to \$19,500 plus \$6,500 Catch-Up Contribution for 2022; \$20,500 plus \$7,500 Catch-Up Contribution for 2023]
 - Employer Pre-tax Contributions: \$25,000 [25% of w-2 wages provided total contributions don't exceed overall limit]
 - Voluntary After-Tax: \$15,500 for 2022; \$18,500 for 2023 [Lesser of Self-employment compensation or the overall limit of \$61,000 for 2022 (\$66,000 for 2023) reduced by any employee or employer contributions made to the Solo 401k]



- Change "Base Scenario" Assumptions to (i) Maximize Contributions "Day Job" Plan and (ii) Maximize Roth Solo 401k
 - Self-employed business taxed as an S-Corporation, Ccorporation, LLC taxed as S-corp/C-corp One Participant
 - Under 50 years of Age
 - Contributes \$20,500 for 2022 (\$22,500 for 2023) to
 "Day Job" Plan
 - Goal is to Maximize Roth Solo 401k and/or Voluntary After-Tax Contributions
 - \$100,000 of w-2 wages from the self-employed business



- How do Contribution Limits Change?
 - Employee (Pre-tax or Roth): \$0 [100% of w-2 wages up to \$20,500 for 2022; \$22,500 for 2023 reduced by any contributions made to another retirement plan unless 457 governmental plan]
 - Employer Pre-tax Contributions: \$0 [25% of w-2 wages provided total contributions don't exceed overall limit]
 - Voluntary After-Tax: \$61,000 for 2022; \$66,000 for 2023; [Lesser of Self-employment compensation or the overall limit of \$61,000 for 2022 (\$66,000 for 2023) reduced by any employee or employer contributions made to the Solo 401k]



- Change "Base Scenario" Assumptions to (i) Age 50 or older; (ii) Maximize Contributions "Day Job" Plan and (iii) Maximize Roth Solo 401k
 - Self-employed business taxed as an S-Corporation, Ccorporation, LLC taxed as S-corp/C-corp
 - One Participant
 - 50 or older years of Age
 - Contributes \$27,000 for 2022 (\$30,000 for 2023) to "Day Job" Plan
 - Goal is to Maximize Roth Solo 401k and/or Voluntary After-Tax Contributions
 - \$100,000 of w-2 wages from the self-employed business



- How do Contribution Limits Change?
 - Employee (Pre-tax or Roth): \$0 [100% of w-2 wages up to \$20,500 for 2022; \$22,500 for 2023 reduced by any contributions made to another retirement plan unless 457 governmental plan]
 - Employer Pre-tax Contributions: \$0 [25% of w-2 wages provided total contributions don't exceed overall limit]
 - Voluntary After-Tax: \$61,000 for 2022; \$66,000 for 2023; [Lesser of Self-employment compensation or the overall limit of \$61,000 for 2022 (\$66,000 for 2023) reduced by any employee or employer contributions made to the Solo 401k]



- Change "Base Scenario" Assumptions to (i) Two (2) Participants; (ii) Maximize Contributions "Day Job" Plan and (iii) Maximize Roth Solo 401k
 - Self-employed business taxed as an S-Corporation, C-corporation, LLC taxed as S-corp/C-corp
 - Two (2) Participants (e.g. spouses or business partners)
 - Under 50 years of Age
 - * Each person contributes \$20,500 for 2022 (\$22,500 for 2023) to "Day Job" Plan
 - Goal is to Maximize Roth Solo 401k and/or Voluntary After-Tax Contributions
 - \$100,000 of w-2 wages from the self-employed business for each person

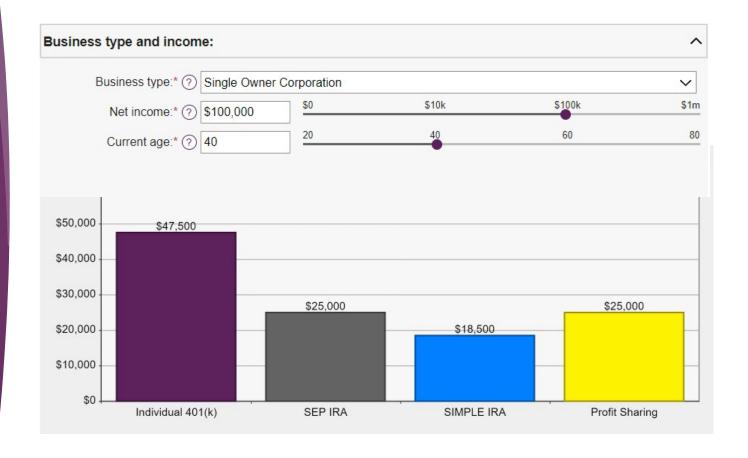


- How do Contribution Limits Change? [Limits for each person]
 - Employee (Pre-tax or Roth): \$0 [100% of w-2 wages up to \$20,500 for 2022; \$22,500 for 2023 reduced by any contributions made to another retirement plan unless 457 governmental plan]
 - Employer Pre-tax Contributions: \$0 [25% of w-2 wages provided total contributions don't exceed overall limit]
 - Voluntary After-Tax: \$61,000 for 2022; \$66,000 for 2023; [Lesser of Self-employment compensation or the overall limit of \$61,000 for 2022 (\$66,000 for 2023) reduced by any employee or employer contributions made to the Solo 401k]



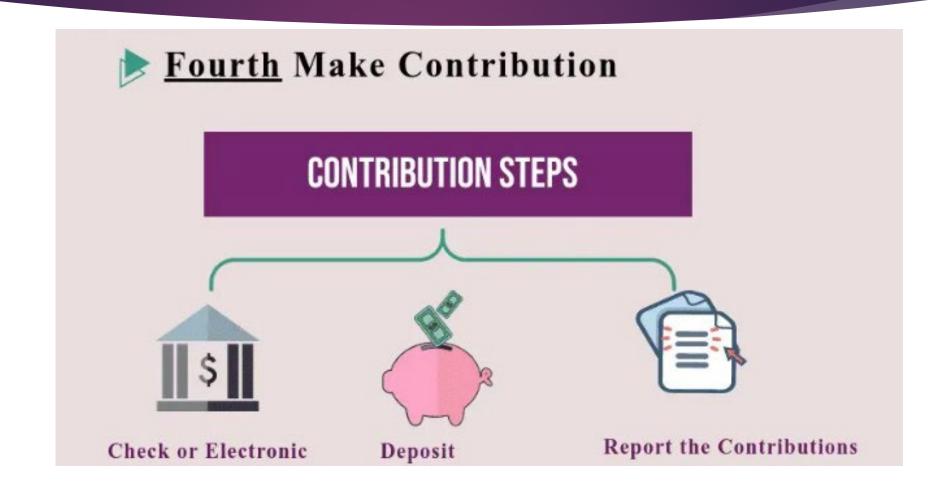
How to Use our Online Calculator

- For a self-employed business taxed as an S-Corporation, Ccorporation, LLC taxed as Scorp/C-corp, select "Single Owner Corporation"
- Enter the w-2 wages (i.e. box 1 of the w-2 plus an pre-tax elective deferrals not included in box 1) for each participant
- Enter the age of each participant as of the end of the applicable year
 - Modify if you make contributions to a "day job" plan
 - Modify for After-Tax Contributions
- Click "View Report" to see detail
- Click "Print" to keep a copy



https://www.mysolo401k.net/learn/online-tools/

Make Contributions



How do I make contributions?

- ➤ To make the contribution, you will make the check payable in the name of the solo 401k and write "Annual Contribution" on the memo section of the check.
- Electronic Transfer is also acceptable.
 - Check with the financial institution that holds the accounts.
 - Note: Other than Fidelity most brokerage firms don't allow electronic deposit.
- Each participant deposits his/her contributions into separate sub-accounts
- Pre-tax, Roth and after-tax funds must go into separate sub-accounts.
- May transfer funds in one lump sum or series of contributions
- May transfer funds from personal or business account

When is the deadline to make contributions?

- > The deadline to make **ALL** types of contributions is the business tax return deadline (for S-Corporation, C-corporation, LLC taxed as S-corp/C-corp : 3/15 or 9/15 if a timely tax return extension is filed.
- This is clear based on IRS publication 560 which is the IRS publication that deals with retirement plans for Solo 401k plans (see excerpt below of chart on page 3 of IRS Pub 560):

Type of Plan	Last Date for Contribution	Maximum Contribution	Maximum Deduction	When To Set Up Plan
SEP	Due date of employer's return (including extensions).	Smaller of \$55,000 or 25%1 of participant's compensation.2	25%1 of all participants' compensation.2	Any time up to the due date of employer's return (including extensions).
SIMPLE IRA and SIMPLE 401(k)	Salary reduction contributions: 30 days after the end of the month for which the contributions are to be made. ⁴ Matching or nonelective contributions: Due date of employer's return (including extensions).	Employee contribution: Salary reduction contribution up to \$12,500, \$15,500 if age 50 or over. Employer contribution: Either dollar-for-dollar matching contributions, up to 3% of employee's compensation, 3 or fixed nonelective contributions of 2% of compensation. 2	Same as maximum contribution.	Any time between January 1 and October 1 of the calendar year. For a new employer coming into existence after October 1, as soon as administratively feasible.
Qualified Plan: Defined Contribution Plan	Elective deferral: Due date of employer's return (including extensions).4 Employer contribution: Money Purchase Pension Plan or Profit-Sharing: Due date of employer's return (including extensions).	Employee contribution: Elective deferral up to \$18,500, \$24,500 if age 50 or over. Employer contribution: Money Purchase Pension Plan: Smaller of \$55,000 or 100% of participant's compensation. ² Profit-Sharing: Smaller of \$55,000 or 100% of participant's compensation. ²	25% ¹ of all participants' compensation, ² plus amount of elective deferrals made.	By the end of the tax year.
Qualified Plan: Defined Benefit Plan	Contributions generally must be paid in quarterly installments, due 15 days after the end of each quarter. See <u>Minimum Funding Requirement</u> in chapter 4.	Amount needed to provide an annual benefit no larger than the smaller of \$220,000 or 100% of the participant's average compensation for his or her highest 3 consecutive calendar years.	Based on actuarial assumptions and computations.	By the end of the tax year.

Under a SIMPLE 401(k) plan, compensation is generally limited to \$275,000 in 2018.
4 Certain plans subject to Department of Labor (DOL) rules may have an earlied used to date for salary reduction contributions and elective deferrals, such as 401(k

2022 Solo 401k Contribution Deadlines

2022 Solo 401k Annual Contribution Deadlines Both Employee & Employer/Profit Sharing

Entity Type	Contribution Deadline	Contribute by Extended Business Tax Return Deadline
Sole Proprietorship	April 17, 2023	October 16, 2023
Partnership	March 15, 2023	September 15, 2023
S-Corporation	March 15, 2023	September 15, 2023
C-Corporation	April 17, 2023	October 16, 2023
LLC taxed as an S-Corporation	March 15, 2023	September 15, 2023
LLC taxed as a Partnership	March 15, 2023	September 15, 2023
LLC taxed as a Sole Proprietorship	April 17, 2023	October 16, 2023

2023 Solo 401k Contribution Deadlines

2023 Solo 401k Annual Contribution Deadlines Both Employee & Employer/Profit Sharing

Entity Type	Contribution Deadline	Contribute by Extended Business Tax Return Deadline
Sole Proprietorship	April 15, 2024	October 15, 2024
Partnership	March 15, 2024	September 16, 2024
S-Corporation	March 15, 2024	September 16, 2024
C-Corporation	April 15, 2024	October 15, 2024
LLC taxed as an S-Corporation	March 15, 2024	September 16, 2024
LLC taxed as a Partnership	March 15, 2024	September 16, 2024
LLC taxed as a Sole Proprietorship	April 15, 2024	October 15, 2024

How do I report contributions?

- Employee contributions:
 - Pre-tax: Not included in Box 1 and reported in Box 12 (code D) and check "Retirement Plan" field in Box 13
 - ► Roth: Box 12 of the w-2 (Code AA) and check "Retirement Plan" field in Box 13
 - ► Voluntary After-Tax Contributions: May be reported on Box 14 of the w-2 (Optional)
- Pre-tax Employer Contributions:
 - ▶ Line 17 of the Form 1120s (S-corporation tax return)
 - ▶ Line 23 of the Form 1120



Report the Contributions

- Reporting the contribution on your tax return depends on multiple factors including Corporation type (C-corp. vs. S-cop)and contribution type (e.g., pretax, employer, roth or voluntary after-tax).
- For S-Corp., pretax employer profit sharing contributions are reported on Form 1120S, Line 17.
- For C-Corp., pretax employer profit sharing contributions are reported on Form 1120 Line 23.
- For both S-Corp., and C-Corp., employee pretax contributions are reported on Schedule 1, line 16.
- Alternatively, Employee pretax contributions may be reported in box 12 of Form W-2.
- Voluntary after-tax contributions may be reported in box 14 of Form W-2.
- Employee Roth contributions are reported in box 12 of Form W-2 using Code AA.

What about Matching Contributions?

- Can I also make matching contributions to the Solo 401k?
 - ➤ No. Matching contributions only apply to full-time employer 401k plans, not self-employed solo 401k plans (i.e., 401k plans for owner-only businesses).
 - Solo 401k contributions only consist of employee and profit-sharing contributions.
 - Matching is when the employer matches what the employee has contributed.
 - Profit-sharing contributions may be made to the Solo 401k even if no employee contributions are made.



What is NOT a contribution?

- The following amounts are not contributions, and therefore, are not subject to the contribution limits
 - Amounts rolled over from an existing retirement account (e.g. former employer plan and/or non-Roth IRA)
 - ➤ Earnings from your Solo 401k Investment (e.g. rents collected with respect to real estate owned by your Solo 401k)
 - ➤ Amounts converted within the Solo 401k (Funds converted from Pre-tax and/or Voluntary After-Tax to Roth)
 - Repayment of Solo 401k participant loans

Solo 401K: Learn More!

- <u>business@mysolo401k.net</u>
- **(800) 489-7571**

Follow the conversation at:

https://mysolo401k.net/mycommunity/forums/

