ROTH CONTRIBUTIONS TO THE NYSDCP

New York State
Deferred Compensation Plan
A Plan for Your Future

Effective July 8, 2011, the NYSDCP (Plan) will allow after-tax Roth contributions with the opportunity of withdrawals being tax-free. They're called *Designated Roth Contributions (Roth Contributions)*. Some employers may choose not to offer this feature or need more time to adjust their payroll procedures. This brochure is intended to provide general education about Roth Accounts and should not be considered tax advice.

Deciding What is Best For You

Deciding if you should designate any of your deferrals as Roth contributions can be complicated since many factors are involved. One of the primary factors in making this decision may be the difference in your income tax rate today versus what will apply at your retirement. In most cases, your tax bracket is lower when retired than when you are working. If your tax rate will be lower at retirement, pre-tax deferrals may be advantageous because you would be saving taxes at a high rate and paying them back at a low rate. However, tax rates can and do change. Your personal financial situation may also change resulting in higher income and tax rates at retirement.

Other important factors to consider are the anticipated rates of return for your accounts and the expected number of years of compounding until you will begin receiving distributions. The higher the rate of return and the longer you have until retirement, the more attractive a Roth contribution could be. You could be paying a relatively small tax cost today to forgo paying taxes on a larger balance in the future. Conversely, if you are close to retirement, assuming low rates of return, in a high tax bracket and expect to be in a lower tax bracket at retirement, Roth contributions may be less attractive. It is important that you consult with your tax advisor to determine the affect making Roth contributions would have on your tax situation.

For more information, please contact the HELPLINE or your local Account Executive.

WHAT ARE ROTH CONTRIBUTIONS?

Roth contributions are deducted from your pay on an after-tax basis unlike regular pre-tax deferral contributions that reduce your gross taxable income. Contributions grow tax deferred, but when a distribution is *qualified*, it is not subject to federal or New York State income taxes. The availability of tax-free distributions is what makes the Roth feature attractive.

WHAT IS A *QUALIFIED* DISTRIBUTION?

Roth contributions and pre-tax deferrals are subject to the same Plan distribution rules requiring separation of service, attainment of age 70½, etc. If a distribution is available, it must meet two requirements to be considered *qualified*. The first is that the distribution must be made after attainment of age 59½, death or disability. The second is that a Roth contribution, or In-Plan Roth Rollover, must have been made to the Plan at least five tax-years ago. Rollovers from other plans that offer a Roth feature may count towards the five-year requirement in certain circumstances. The period starts at the beginning of the year the first Roth contribution or rollover is made and is met on the fifth anniversary of that date. For example, a participant made his or her first Roth contribution on July 25, 2011. The first tax year would start on January 1, 2011. The five-year requirement would be met on January 1, 2016.

If the distribution is *not qualified*, the portion attributed to the Roth contributions is not subject to income tax since it was already taxed when it was made. The growth portion of a distribution would be taxable on a pro-rata basis. For example, if 25% of the Roth account value was due to growth, 25% of any distribution would be considered taxable.

HOW ARE ROTH CONTRIBUTIONS SHOWN IN MY ACCOUNT?

Roth contributions are held in a separate subaccount within your Plan account, as required by law. Although separately recorded, they will be included in your Quarterly statements and in all the summaries and totals. There are no additional Plan fees related to the creation of the Roth subaccount. At this time, transfers from a Roth account to the Self Directed Investment Account through Schwab are not allowed.

HOW MUCH CAN I CONTRIBUTE?

Roth contributions, combined with pre-tax deferrals, can be made up to Plan limits. Participants choose how to allocate their deferrals in whole percentages between pre-tax and Roth contributions. For example, a participant could split a 15% total deferral by putting 9% in pre-tax and designating 6% as Roth contributions. Participants may change how they split their contributions at any time, but once a contribution is made, it cannot be re-classified.

2011 Deferral Limits

Regular Deferrals	$16,500
Age 50 And Over	$22,000
Retirement Catch-Up	Up to $33,000

HOW ARE MY ROTH CONTRIBUTIONS INVESTED?

Investment directions on file apply to both pre-tax and Roth contributions. Once contributions have been deposited, existing balances may be exchanged among available Plan investment options.

RULES REGARDING DISTRIBUTIONS

Required Minimum Distributions (RMDs) apply to both pre-tax and Roth subaccounts but the participant may choose to take the distributions from either or both sources. Participants may also choose the sources of funds for partial lump sum and installment distributions and Unforeseeable Emergency withdrawals.

Loans, Retirement Service Credit and Public Safety Officer Insurance Payments may be withdrawn only from pre-tax balances. For the purpose of qualifying for a loan of up to 50% of the account value, all subaccount values will be included in the calculation.

CAN I ROLL OVER MY ROTH ACCOUNT?

If you are eligible to take a regular distribution, you may be able to roll Roth funds to another employer plan that offers a Roth program or a Roth IRA. In most cases, you would be eligible to take a distribution after separation of service, attainment of age 70½, as a Small Inactive Account Distribution or a distribution under the HEART Act. Distributions including Unforeseeable Emergency withdrawals, RMDs, and installment payments of ten years of more would not qualify for rollover.

Participants should be aware of the tax rules regarding these roll-overs, especially "indirect" roll-overs.

Rollovers can also be made to Roth IRA accounts. The required five-year holding period to be *qualified* starts in the tax year the rollover is made regardless of the number of years of participation under the distributing plan. However, if the taxpayer had previously established any Roth IRA accounts, including the account receiving the rollover, the year the Roth IRA(s) was established would be used as the first tax year for determination of *qualified* distributions.

COMPARISON OF ROTH DEFERRALS VS. PRE-TAX DEFERRALS

The primary advantage of Roth deferrals is the potential for tax-free distributions. Income tax planning is possible when a taxpayer has a choice between funds that are taxable and some that are not. Even in retirement, income taxes can be significant since pensions, Social Security and other types of income are likely to be subject to federal income taxation. Income tax credits and deductions as well as some governmental benefits may be reduced if your taxable income is too high. Having sources to draw upon that are not subject to income tax could be very helpful.

The primary disadvantage of Roth deferrals is that contributions do not reduce current income taxes. There are very few tax deductions available to most taxpayers and many deductions, credits and exemptions may be reduced based on your level of taxable income. For some participants, the income tax savings is an important part of making contributions affordable. Although pre-tax deferrals will result in taxable distributions in the future, planning may be used to limit the impact of those taxes and distributions are not required until the participant attains age 70½ allowing for extended tax deferral. Saving taxes when you are subject to high rates, such as your working years, and paying them back at lower rates, typically during retirement, is usually considered good tax planning.

COMPARISON OF ROTH CONTRIBUTIONS VS. ROTH IRAs

You can contribute much more to the Plan than to a Roth IRA and your eligibility to contribute is not limited by your income or your tax-filing status, as it may be with a Roth IRA. Distributions from the Plan are not subject to the 10% early distribution penalty tax whereas taxable distributions from Roth IRAs may be subject to the penalty tax. The Plan also provides low-cost investment options and low administrative fees compared to many IRA products. Finally, contributing to the Plan is convenient and easy through payroll deduction.

Roth IRAs do not restrict when you can take distributions whereas Roth balances in the Plan are subject to the Plan's distribution rules. *Non-qualified* distributions from Roth IRAs are received from tax-free basis first. *Non-qualified* distributions from the Plan are taxed on a less favorable pro-rata (or proportional) basis. Roth balances are subject to lifetime RMD rules whereas Roth IRA balances are not. Roth IRA investment options can be very broad and are not limited to the Plan's investment options, but are usually available only through retail pricing.

WHO IS THE BENEFICIARY OF MY ROTH ACCOUNT?

The beneficiary designation on file also applies to the Roth subaccount. Separate designations are not allowed under the Plan. Distributions to beneficiaries retain the same income tax treatment as if the participant had received the distribution. The five-year holding requirement applies for a distribution to be considered *qualified* even in the case of death.

Neither Nationwide nor its representatives may offer tax or legal advice. Consult with your own counsel before making any decisions about contributing or converting your Plan assets to Roth 457.

NRM-8275NY-NY (05/11)