

**CITY OF PORTLAND, MAINE  
DEFERRED COMPENSATION § 457 PLAN  
PARTICIPATION AGREEMENT**

SEND COMPLETED FORM TO:

City of Portland  
Benefits Division, Human Resources  
389 Congress Street  
Portland, ME 04101

Questions, call 874-8624

Read the reverse side of this form and Plan Highlights document carefully before completing this agreement. If you are a new participant, you must also complete the ICMA-RC 457 enrollment form. Please type or print clearly in ink. Benefits Associate/Benefits Manager, Human Resources must approve all requests.

Type of Agreement	New Participant		457 Change Request			
	<input type="checkbox"/> I am a New Participant	Date of Hire	<input type="checkbox"/> Name	<input type="checkbox"/> Address	<input type="checkbox"/> Deferral Amount	<input type="checkbox"/> Suspend
Participant Information Please Print	Name & Address of Employing Agency CITY OF PORTLAND, MAINE			Social Security Number		Department
	Participant (last, first, middle initial)			Former name (if applicable)		Date of Birth
	Street Address			Sex <input type="checkbox"/> F <input type="checkbox"/> M		Email Address
	City, State, Zip Code			Office Telephone No.		Home Telephone No.
Deferral Amount 2019 limit \$19,000	<p><b>DEFERRAL AMOUNT:</b> Complete Catch-up Contribution Section below if you wish to contribute more than normal limits and you meet eligibility requirements.</p> <p>I elect to defer from my total compensation \$ _____ or _____% per pay period, effective check dated ____/____/____</p> <p>I understand my deferral election will remain in effect until I separate from City service, change or suspend my deferral amount by completing a new Participation Agreement or the maximum annual limit is reached.</p>					
Catch-Up Contribution Election	<p>You must use whichever catch-up provision that provides the greater benefit. Call Human Resources at 874-8624 for determination.</p> <p>I hereby elect age _____ as my Normal Retirement Age, which I will attain in 20 _____. I understand that this election is irrevocable and cannot be changed (See reverse side for definition of Normal Retirement Age).</p>					
2019 Special catch-up limit \$19,000	<p><input type="checkbox"/> <b>SPECIAL SECTION 457(b) CATCH-UP OPTION</b> – Only available during the three consecutive years before but not including the year you attain Normal Retirement Age. You must complete the Special § 457(b) Catch-up Underutilization Worksheet to demonstrate eligibility for this option.</p> <p align="center">457(b) Catch-up Start Date _____ 457(b) Catch-up End Date _____</p>					
2019 Age 50+ catch-up limit \$6,000	<p><input type="checkbox"/> <b>AGE 50+ CATCH-UP OPTION</b> – Available to employees who will be at least age 50 by December 31<sup>st</sup> of the calendar year.</p>					

I understand that Deferred Compensation § 457 Plan (Plan) benefits are only payable (1) upon retirement or separation from City service; (2) due to death; (3) for an unforeseeable emergency as defined in the Plan document or (4) for a one-time in-service distribution where the total value of my account under the Plan is less than \$5,000 and I have not deferred any compensation into the Plan for at least a two-year period ending on the date of the withdrawal request. **THIS IS NOT A SAVINGS ACCOUNT.** I acknowledge receipt of the Plan Highlights document and confirm I understand the terms, provisions and conditions thereof; which terms, provisions and conditions are hereby incorporated into this Participation Agreement and constitute my entire rights and obligations under the Plan. I understand the Plan is administered in accordance with Section 457 of the Internal Revenue Code and any applicable regulations. I acknowledge that as a Participant, I am solely responsible for any investment gain or loss, charge or expense of any kind under this Plan, by virtue of my account upon which benefits under the Plan are based. I agree that neither the City of Portland, Maine, nor the vendor, ICMA-RC represents or guarantees any tax consequence will occur because of my participation in this Plan and I shall be responsible to consult with and rely upon my own legal, accounting or other representative concerning all questions about tax and investment consequences arising from my participation in this Plan. I understand participation in this Plan is voluntary. In return, I, my heirs and successors hold harmless the City, its employees, officials, assignees, and successors from any and all liability for all acts in good faith. I understand my deferral election can be suspended at any time by completing a new Participation Agreement; however, compensation already deferred into the Plan cannot be withdrawn except for the benefit payment reasons noted above.

Participant's Signature	Date
Benefits Division, Human Resources Authorized Signature	Date

Human Resources Use Only

ABT Code: \_\_\_\_\_ Amount: \_\_\_\_\_ Start As Of: \_\_\_\_\_

**SEND THIS ORIGINAL SIGNED FORM TO THE ADDRESS INDICATED AT THE TOP OF THIS FORM.  
MAKE A COPY FOR YOUR RECORDS.  
IF YOU ARE A NEW PARTICIPANT, ALSO SEND ICMA-RC ENROLLMENT FORM.**

<p><b>Type of Agreement</b></p>	<p>This agreement must be completed to enroll in the Plan, to make changes to an existing Participation Agreement or to modify the amount of your deferral.</p> <p>To designate a beneficiary or change a beneficiary designation, complete ICMA-RC Employee Information Change Form.</p> <p>To apply for benefit payments/withdrawals or an Unforeseeable Emergency withdrawal, contact ICMA-RC at 1-800-669-7400.</p> <p>If certain conditions are met, transfers to/from other plans or IRA's may be allowed. For information, contact ICMA-RC at 1-800-669-7400.</p>
<p><b>Deferral Amount</b></p>	<p>Complete this section only if you are enrolling or changing your deferral amount (including any Catch-up contributions). Any amounts deferred must be made through payroll deductions from future compensation only.</p> <p>Unless you specifically elect and use one of the available Catch-up provisions, the maximum you can defer in any calendar year is the amount specified under § 457(c) and § 457(e) (15) of the Internal Revenue Code (as adjusted for cost-of-living). This allows you to defer the lesser of (1) 100% of your gross compensation less any mandatory pre-tax ("picked-up") employee 401 plan contributions, or (2) a dollar limit in effect for that year. It is ultimately your responsibility to make sure that you do not defer more than is allowed in any calendar year.</p> <p>The effective date of any enrollment or change of deferral amount cannot be earlier than the first pay period following the month in which this form is completed or the earliest date thereafter consistent with the Administrator's processing requirements and § 457 of the Internal Revenue Code.</p>
<p><b>Catch-Up Contribution Election</b></p>	<p>Under the City of Portland, Maine Deferred Compensation 457 Plan "Normal Retirement Age" is age 70 1/2. However, you can elect an alternate Normal Retirement Age that is on or after the earlier of: (i) age 70 1/2 or (ii) the earliest date you will become eligible to retire and receive immediate, unreduced benefits under the MainePERS defined benefit plan or ICMA RC Money Purchase defined contribution plan in which you also participate. The Normal Retirement Age you select cannot be earlier than age 40 or later than 70 1/2. This is a one-time election and cannot be changed.</p> <p>The Special § 457(b) Catch-up option is available only during the three-year period before, but not including, the year in which you will attain Normal Retirement Age. You cannot make these contributions unless you have underutilized prior year contributions under the Plan. Complete the Special § 457(b) Catch-up Underutilization Worksheet to determine if you are eligible to use this option.</p> <p>The Age 50+ Catch-up contribution is available to those participants who are or will be at least age 50 by December 31st and who have also elected to defer the maximum amount permitted under § 457(e)(15), as adjusted for cost-of-living.</p> <p>The Benefits Division, Human Resources can help you determine whether the Age 50+ Catch-up provision [under IRS regulation § 1.457-4(c)(2)(i)] or the Special § 457(b) Catch-up Option [under IRS regulation § 1.457-4 (c)(2)(ii)] will provide the greater deferral amount. You cannot use both the Special § 457(b) Catch-up and the Age 50+ Catch-up options during the same year. Read the City of Portland, Maine Deferred Compensation § 457(b) Plan Catch-up Contributions information sheet for more information.</p>
<p><b>Participant Signature</b></p>	<p>Your signature acknowledges (1) receipt of the Plan Highlights document and agreement to the terms, provisions and conditions thereof; which terms, provisions and conditions are hereby incorporated into this Participation Agreement and constitute your entire rights and obligations under the Plan; (2) that you have accessed and read an investment option summary or a prospectus for each of the investment options you have elected to invest in; (3) that the City of Portland, Maine, your Employing Agency and its agents are not required to invest deferred compensation in any manner whatsoever. You understand and acknowledge that all Plan assets shall be held in trust by the trustee appointed by the City Council for the exclusive benefit of the Participant in accordance with the Plan document and the Internal Revenue Code. You may contact the Benefits Division, Human Resources to review or request a copy of the Plan Document. You understand that participation in the City of Portland, Maine Deferred Compensation § 457 Plan is voluntary. In return, you, your heirs, successors and assignees shall hold harmless the City of Portland, Maine, its employees, officials, agents, assignees and successors from any and all liability for all acts in good faith.</p> <p style="text-align: center;"><b>NOTE: THIS IS NOT A SAVINGS ACCOUNT. THIS IS A DEFERRED COMPENSATION § 457 RETIREMENT PLAN.</b></p>
	<p>This agreement may be suspended at any time by completing a new Participation Agreement; however, compensation already deferred into the Plan cannot be withdrawn except; (1) upon retirement or separation from City of Portland, Maine service, (2) due to death, (3) for an unforeseeable emergency as defined in the Plan document or (4) for a one-time in-service distribution where the total value of your account under the Plan is less than \$5,000 and you have not deferred any compensation into the Plan for a two-year period ending on the date of the withdrawal request.</p> <p>Keep a copy of this Agreement for your records. Return the original signed form to the address shown on the front of the form.</p>

**PLAN HIGHLIGHTS  
CITY OF PORTLAND, MAINE  
DEFERRED COMPENSATION 457(b) VOLUNTARY PLAN**

The City of Portland is pleased to provide a 457(b) Deferred Compensation Plan, administered by ICMA-RC, which can help all benefit eligible employees (permanent/project employees working at least half-time) save even more for their retirement. With this plan, you set aside money for retirement and you don't pay taxes on that money or on any earnings from your investments, until you take a distribution from the plan.

<b>Plan Highlights</b>	<b>Details</b>
<b>Your Contributions</b>	<ul style="list-style-type: none"> <li>• Your contributions are deducted on a pre-tax basis.</li> <li>• May defer percentage or dollar amount of total compensation each week.</li> <li>• You can change your contribution amount-or stop contributing-at any time. When you make a change, it takes effect on the first pay day of the following month.</li> </ul>
<b>Contribution Limits for 2019</b>	<ul style="list-style-type: none"> <li>• Your annual contributions to this plan are the lesser of 100% of compensation or \$19,000.</li> <li>• Participants 50 years old and older can make a special "catch-up" contribution every year-over and above the regular contribution limit. The dollar limit for this catch-up contribution is \$6,000.</li> <li>• If you're approaching retirement, you may also be able to take advantage of pre-retirement (special) catch-up contributions that allow you to make up the contribution you could have made in the past, but didn't. The dollar limit for this special catch-up is \$19,000.</li> <li>• Participants are eligible for greater of pre-retirement (special) catch-up or age 50 catch-up contributions, but not both.</li> </ul>
<b>Investment Options</b>	<ul style="list-style-type: none"> <li>• ICMA-RC provides you with a variety of options in which you can invest your savings.</li> <li>• Once you enroll, your contributions are sent directly to ICMA-RC. You direct how your dollars are invested and any gains or losses on your investments are applied to your account.</li> </ul>
<b>Rollovers into the Plan</b>	<ul style="list-style-type: none"> <li>• You can roll over taxable amounts into this plan from qualified plans (such as 401(k) plans, 403(b) plans and MainePERS), individual retirement accounts (IRAs) or other governmental 457(b) plans.</li> </ul>

Plan Highlights	Details
<b>Withdrawals</b>	<ul style="list-style-type: none"> <li>• This plan is designed primarily to enable you to save for retirement. However, if you have an unforeseeable emergency <b>and</b> you meet certain very specific criteria established by the IRS, you may take a withdrawal while you are still working.</li> <li>• If your account balance is \$5,000 or less, you have not made any contributions for at least 2 years and you have no prior distributions other than an emergency withdrawal from this account, you can receive a one-time in-service distribution.</li> </ul>
<b>Purchase Permissive Service Credit</b>	<ul style="list-style-type: none"> <li>• You may transfer directly to MainePERS all or a portion of your account for the purchase of service credit, for example, previously refunded time, non-contributory time, military time.</li> </ul>
<b>Payment of Vacation and/or Sick Leave upon Separation of Service</b>	<ul style="list-style-type: none"> <li>• You may defer all or a portion of your vacation and/or sick leave payment. You must make this election prior to the first day of the month in which the amounts would otherwise be paid.</li> </ul>
<b>Receiving a Distribution</b>	<ul style="list-style-type: none"> <li>• You may request a distribution when you retire or stop working for the City of Portland.</li> <li>• You have a number of payment options including lump sum payment, installment payments, annuity payments and more.</li> <li>• You can avoid current income taxes by rolling over your account to another employer's plan (for example, a 401(k), 403(b) or other governmental plan) or an IRA.</li> </ul>
<b>Loans</b>	<ul style="list-style-type: none"> <li>• Not available.</li> </ul>
<b>Distributions for payment of qualifying insurance premiums – Public Safety Officers (Firefighters &amp; Police Officers) only</b>	<ul style="list-style-type: none"> <li>• Tax-free withdrawals of up to \$3,000 annually to pay for a health plan or long-term care plan. Payments sent directly from ICMA-RC to the insurance carrier.</li> </ul>

If you have any questions about the City of Portland, Maine Deferred Compensation 457(b) voluntary plan after reading this Plan Highlights Document, please call (207) 874-8621 or (207) 874-8629.

You acknowledge that as a participant, you are solely responsible for any investment gain or loss, charge or expense of any kind under this Plan, by virtue of your account upon which benefits under the Plan are based. You agree that neither the City of Portland, Maine, represents nor guarantees any tax consequence will occur because of your participation in this Plan and you shall be responsible to consult with and rely upon your own legal, accounting or other representative concerning all questions about tax and investment consequence arising from your participation in this Plan.