

## Form12

### Certification of Compliance with IRC Section 403(b)(12) Nondiscrimination Requirements

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#### General Information

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- This form provides GuideStone with evidence that your organization's retirement plan satisfies the nondiscrimination requirements imposed under IRC section 403(b)(12).
- In the event your organization elects to conduct the nondiscrimination test for the retirement plan or to obtain this assistance from another provider (other than GuideStone), you must certify that your organization conducted the applicable testing and obtained results that the plan satisfies the nondiscrimination requirements.
- Alternatively, this form certifies to GuideStone that your organization's plan satisfies the nondiscrimination requirements based on plan design or because no employee met the definition of HCE or no HCE Benefited under the plan.
- **Return this form as soon as possible after the close of the 2024 Plan Year.**
- Be aware that the IRS will continue to closely scrutinize 403(b) retirement plans. IRS guidelines indicate that one of the key areas an IRS agent is likely to examine in an audit is an organization's nondiscrimination testing results.

**Form 12**  
**Instructions for Certification of Compliance with IRC Section 403(b)(12)**  
**Nondiscrimination Requirements**

Instructions for completing each section

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**Section 1**—Indicate the legal name of your organization.

**Section 2**—Determine which option applies. You must calculate the HCE Compensation for every employee before completing this form to determine whether Option 3 or 4 applies.

**Option 1:** Check this option if your organization plans to test its retirement plan itself or have another provider perform the tests.

**Option 2:** Check this option if your organization satisfies nondiscrimination requirements based on plan design.

**Option 3:** Check this option if your organization has no HCEs for the 2024 Plan Year. Under the Statutory HCE Definition, any employee whose total Standard Compensation plus all salary reduction contributions for the 2023 Plan Year exceeded \$150,000 is an HCE.

**Option 4:** Check this option if no HCE made an employee tax-paid contribution or received an employer contribution of any kind.

**Section 3—Read the form carefully.** Secure the signature of an authorized officer. An authorized officer is the chief executive officer, any officer authorized to sign your organization's plan or any person who has a written authorization on file with GuideStone.

**Form 12**  
**Certification of Compliance with IRC Section 403(b)(12)**  
**Nondiscrimination Requirements**

**1. NAME**

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Legal name of organization: \_\_\_\_\_

**2. COMPLIANCE OPTION**

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Check one of the options below if GuideStone is not needed to assist with nondiscrimination tests:

- ☐ 1. This organization certifies that its retirement plan complies with all applicable nondiscrimination requirements and has made other arrangements to perform nondiscrimination tests for its retirement plan and understands that evidence of testing may be required by the IRS, if audited.
- ☐ 2. This organization certifies that its retirement plan complies with the nondiscrimination requirements based on plan design, and no HCE received an employer discretionary contribution during the 2024 Plan Year.
- ☐ 3. Under the HCE Definition, there are no HCEs of any employer of the organization for the 2024 Plan Year. An HCE is defined as any employee who (1) was a 5% owner at any time during the 2024 Plan Year or the preceding 2023 Plan Year or (2) for the preceding 2023 Plan Year had compensation from the employer in excess of \$150,000 and (if elected by the employer for a plan year) was in the top-paid group of employees for such preceding year.
- Generally, the \$150,000 compensation amount means gross pay less any minister's housing allowance. This compensation includes any amount that is contributed by the employer pursuant to a salary reduction agreement and that is not includible in the gross income of the employee under Code sections 125, 132(f), 401(k), 402(h), 403(b), 408(p)(2) or 457(b).
- ☐ 4. No HCE Benefited by making an employee tax-paid contribution or receiving any employer contributions of any kind from any employer of the organization during the 2024 Plan Year.

**3. CERTIFICATION AND ORGANIZATIONAL INFORMATION**

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**This is to certify that:**

- This is to certify that all the information above is true and that:
  - This organization recognizes its retirement plan is subject to certain nondiscrimination requirements under IRC section 403(b)(12).
  - This organization is required to conduct tests or otherwise demonstrate compliance, other than plan design, with certain nondiscrimination requirements to establish the fact that its plan satisfies the nondiscrimination requirements.
  - This organization understands the nature, complexity, requirements and applicability of such nondiscrimination tests and in recognition thereof has:
    - a. Conducted such test;
    - b. Had such tests conducted on its behalf;
    - c. Determined that the plan was administered in accordance with plan provisions; therefore, the plan automatically satisfies the applicable nondiscrimination requirements; or
    - d. Had no HCE or no HCE Benefited under the plan for the 2024 Plan Year.
- Moreover, this organization assumes the sole responsibility for the adequacy of the results of such test or such administration of the provisions of the plan.
- The results of such nondiscrimination tests or administration of plan provisions with respect to the plan indicates that such plan satisfies the applicable nondiscrimination requirements for the 2024 Plan Year.
  - GuideStone Financial Resources of the Southern Baptist Convention is hereby authorized to rely on this certification and assumes no liability related to the results or consequences of such testing by continuing to service this plan.

Signature of authorized officer: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Printed name of officer: \_\_\_\_\_ Telephonenum ber: (\_\_\_\_) \_\_\_\_\_

**Return this form to:** Retirement Compliance Department  
GuideStone Financial Resources  
5005 LBJ Fwy., Ste. 2200  
Dallas, Texas 75244-6152