

## **ERPA Test Review Web Seminar Part 1 – Agenda**

*Compliance and Operational Issues*

*January 3, 4, & 5, 2013*

*2:00 – 4:10 p.m. ET each day*

**Participation, Coverage and Vesting** – Minimum age and service requirements; break-in-service rules; plan entry dates; coverage requirements; excludable employees; ratio percentage test; minimum participation requirements; vesting schedules and service; PPA changes to vesting; change in vesting schedule; forfeitures.

**Contribution, Allocation and Benefit Formulas and Accrual Rules** – Types of contributions; contribution vs. allocation; allocation conditions; defined benefit plan permitted disparity rules; design-based safe harbor vs. non-safe harbor allocation formula; defined benefit accrued benefit; career average vs. final average pay benefit formulas; cash balance/hybrid plan; cash balance conversions.

**Limitation on Benefits, Contributions and Compensation** – 402(g) limits; catch-up contributions; excess deferrals; defined contribution and defined benefit 415 limits; calculate 415 defined benefit limits; short plan year; compensation; 414(s) compensation vs. 415 compensation; compensation ratio test.

**General Nondiscrimination Rules** – Highly compensated employee definition; top-paid group rule; general nondiscrimination test; design-based safe harbor for defined contribution and defined benefit; uniformity requirements; grouping allocation rates and benefit accruals; aggregation, disaggregation and restructuring; cross-testing; minimum gateway requirements; benefits, rights, and features.

**ADP/ACP Testing** – Tests; average deferral and contribution ratios; prior year and current year testing; QNECs; correction methods; calculating corrective distributions; excise tax for excess contributions and excess aggregate contributions.

**Related Employers** – Controlled group; affiliated service group; consequences; multiple employer plans.

**Top-Heavy Testing** – Key employees; former key employees; top-heavy determination; permissive vs. required aggregation; consequences.

**Elective Deferral Arrangements** – Safe harbor 401(k) plans; qualified automatic contribution arrangements; ACP safe harbor requirements; safe harbor notice; SIMPLE 401(k) plan requirements; advantages of automatic enrollment; Roth 401(k) requirements.

**Deduction and Funding Rules** – Defined contribution and defined benefit deduction rules; calculating maximum deduction limit; overlapping plan deduction limit; compensation; earned income; nondeductible contribution excise tax; minimum funding.

**Miscellaneous Plans** – 403(b) plan characteristics; 403(b) operational requirements; 412(i) plan characteristics; employer sponsored IRA.

**Legal Framework** – DOL/IRS/PBGC jurisdiction; plans subject to ERISA and PBGC; reliance on government guidance.

## **ERPA Test Review Web Seminar Part 2 – Agenda**

*Plan Documents, Reporting and Distribution Issues*

*January 8, 9, & 10, 2013*

*2:00 – 4:10 p.m. ET each day*

**Plan Documents and Amendments** – Qualified plan sponsors; plan document, trust agreement and adoption agreement; types of plan documents; limitation on changes to pre-approved plans; reliance; prototype sponsors; plan trustee vs. plan administrator; required and discretionary amendments; retroactive amendments; protected benefits; remedial amendment cycle.

**Government Filings and Submissions** – Form 2848 practitioner; determination letter procedure; Form 5300, 5307 and 5310; Form 5500 filers; deadlines; Schedules; short years and final returns; late filing penalties; DFVC; audit report.

**Participant Communications** – Summary plan description; notices on plan submission and plan termination; summary of material modifications; annual notices; SAR; funding notice for defined benefit plans; benefit statements; distribution and rollover notices; delivery methods.

**Rollovers** – Eligible rollovers; rollover criteria; direct rollovers vs. plan-to-plan transfers; non-spouse beneficiary rollover; 60-day vs. direct rollover; automatic IRA rollover.

**Distributions** – Tax consequences; withholding; premature distribution tax; nontaxable distributions; employer securities distributions; installments and annuity distributions; involuntary cash-out distributions; calculation of required minimum distributions; reporting distributions.

**Annuity Requirements and Spousal Consent** – Plans subject to joint and survivor annuity requirements; QJSA and QPSA requirements; spousal consent requirements.

**Death Benefits and Beneficiaries** – Incidental death benefit rules; life insurance; distribution options for beneficiaries; non-spouse beneficiary.

**Participant Loans** – Code §72(p) requirements; prohibited transaction requirements; calculation of maximum loan limit; loan default situations; deemed distribution vs. loan offset.

**QDROs** – QDRO requirements; administrative procedures; taxation issues.

**Plan Audit and Correction Programs** – IRS audit process; location; EPCRS program; fees; corrections; SCP requirements; VCP requirements; audit CAP; significant and insignificant operational failures; plan document and demographic failures; VFCP.

**Prohibited Transactions** – Prohibited transactions; exemptions, corrections and excise taxes.

**Plan Terminations** – Termination process; IRS, DOL and PBGC forms, documents and deadlines; defined benefit termination: standard vs. distress; PBGC vs. non-PBGC; ERISA §4044 asset priority.

**Ethics and Professional Responsibility** – ERPA rules; ERPA duties and restrictions; sanctions for violating Circular 230.