Southern Retirement Plan Conference
Pensions on Peachtree

Atlanta, GA – April 24-25, 2014

AGENDA *(Tentative)*
Thursday, April 24

8:00 - 8:30 a.m.	Registration and Continental Breakfast

General Sessions

8:30 - 10:10 a.m. — **Keeping Current – Ferenczy, Watson**
- Latest IRS and DOL guidance
- Court and agency guidance on same-gender marriage
- Recent court cases

10:10 - 10:30 a.m. — Refreshment Break

10:30 - 11:45 a.m. — **Advanced Cross-Tested Plan Design – Forbes, Watson**
- Allocation group options
- Restructuring into component plans
- Safe harbor 401(k) cross tested plan
- Troubleshooting cross-tested plan failures
- 11(g) amendments
- Imputing disparity, averaging EBARs, average compensation, banding

11:45 - 1:00 p.m. — Hosted Luncheon

Concurrent Sessions

1:00 - 5:00 p.m. – Attend **one** topic from each group below.

Grp 1: 1:00 - 2:15 p.m. — **01- Plan Design for Related Employers – Watson**
- Advantages/disadvantages to using separate plans
- Deduction problems for affiliated service groups
- Permissive aggregation
- Testing considerations
- Compensation alternatives

02- TPAs as 3(16) Plan Administrators – Ferenczy, Paul
- General discussion of what it means to be a 3(16) Administrator under ERISA
- What tasks can a TPA do that are considered to be fiduciary in nature?
- Documenting the delegation of responsibilities
- Analysis of TPA liability in relation to 3(16) duties, including co-fiduciary liability
- Written agreements with plan sponsors

Grp 2: 2:25 - 3:40 p.m. **03- Loan Defaults: Reporting and Correction – Forbes**

- Failure to withhold loan repayments
- Failure to apply adjustment to the $50,000 limit
- Failure to apply plan loan limits
- Loan refinancing
- Loan documentation
- Calculating and reporting interest and excise taxes on late deposits

04- Handling IRS and DOL Audits – Farmer, Paul

- Preparation for the audit
- Correcting identified error
- Practitioner's vs. sponsor's office
- Case studies
- Documents to provide

3:40 - 4:00 p.m. Refreshment Break

Grp 3: 4:00 - 5:00 p.m. **05- Understanding Rehired and Part-Time Employees – Forbes**

- When do they enter?
- Application of the break-in-service rules
- Distribution issues
- Necessary plan language
- Case studies

06- Plan Governance: How It's Supposed to Work – Farmer

- How to keep the employer out of trouble
- What policies and procedures do you need? What should they say?
- How often should the plan administrative committee and investment committee meet? How should meetings be handled?
- Little steps to avoid big lawsuits

6:30 p.m. Barbeque at Ilene's Home – cocktails at 6:30 p.m., dinner will be served at 7:00 p.m. Please RSVP on the registration form. Transportation will be provided.

Friday, April 25

8:00 - 8:30 a.m. Continental Breakfast

Concurrent Sessions 8:30 - 12:05 p.m. – Attend **one** topic from each group below.

Grp 4: 8:30 - 9:30 a.m. **07- Safe Harbor 401(k) Design/Correction – Forbes**

- Compensation choices
- Combining with cross-tested plan
- Stacking the matching formulas
- Correcting notice failure
- Correcting improper exclusion

08- Plan Document Failures – Farmer, Watson

- Interim amendments
- Restatement failures
- VCP application
- Streamlined applications
- How far back does the IRS go?

Grp 5: 9:40 - 10:55 a.m. **09- In-plan Roth Rollovers – Watson**

- Recordkeeping requirements
- Design choices
- Amendment deadline
- 72(t) recapture rules

10- 403(b) Plan Design/Correction – Forbes

- Remedial amendment deadline
- Changes to exclusion categories
- Universal availability changes
- Document corrections
- Design options

10:55 - 11:05 a.m. Refreshment Break

Grp 6: 11:05 - 12:05 a.m. **11- Avoiding TPA Firm Liability – Ferenczy, Paul**

- Service agreement
- Takeover issues
- E&O insurance

12- Tax Consequences of Disqualification – Forbes

- Calculation of the taxes
- Effect on deduction
- Coverage and nondiscrimination failures
- Trust taxation
- Impact on participants

12:05 - 1:20 p.m. Hosted Luncheon

General Session

1:20 - 2:35 p.m. **General Fiduciary Issues, Including ERISA 3(38) – Paul**

- Who can be an ERISA 3(38) investment manager, and what does having one really mean to the other plan "players"?
- How do the courts deal with ERISA 404(c) and the regulations thereunder?
- Avoiding common pitfalls and common sense advice for fiduciaries
- Do people really get sued over this stuff?

2:35 - 2:50 p.m. Refreshment Break

2:50 - 4:30 p.m. **Ethics for TPAs and Other Professionals – Ferenczy, Watson**

Why is it that when lawyers teach ethics, they teach it like you're preparing for the bar exam? This will be a practical session with real world situations and practical solutions.

4:30 p.m. Adjourn