



**SUNGARD** RELIUS EDUCATION

**New Plan Design Seminars**

- Cross-tested/Safe Harbor 401(k) Plans
- 403(b) Plans

August – September, 2010



## CROSS-TESTED/SAFE HARBOR 401(k) PLAN DESIGN WORKSHOP

Cross-tested plans and safe harbor 401(k) plans are two of the most dynamic plan designs in use today by many employers. In this full-day workshop, you receive analyses and strategies to help you and your clients make full use of the various design alternatives. The program quickly reviews the basics of cross-testing and, with an emphasis on how to create an effective cross-tested plan design, it then explores the range of issues a practitioner needs to consider when designing a cross-tested plan, including the gateway allocation requirement, top-heavy, early eligibility, and allocation group strategies.

SunGard's *Cross-tested/Safe Harbor 401(k) Plan Design Workshop* addresses "problem" issues, such as corrective amendments and the anti-cutback rule. You will receive a review on the basics of the safe harbor 401(k) plan design, exploring the use of nonelective and match components, and the opportunities and limitations to getting into and "exiting" a safe harbor design during a particular plan year. The speaker will demonstrate the triple-stacked match design with the ability to achieve maximum annual allocations, using only the safe harbor 401(k) plan. Attend this program and learn how cross-testing and safe harbor designs can work together in a flexible environment to achieve employer goals and reduce costs.

More than just a review of the rules, this program will help you understand the planning possibilities that exist, so you can choose the right tools for your clients — because one size truly does not fit all.

### TOPICS INCLUDE

- Troubleshooting Cross-tested Plans
- Triple-stacked Match vs. Cross-tested Plan Design
- Each Participant in His/Her Own Classification
- Discretionary Safe Harbor 401(k) Plan Design
- Combination Cash Balance and Cross-tested Plan Design
- Early Eligibility Safe Harbor 401(k) Plan Design
- Cross-tested Safe Harbor 401(k) Plan Design
- Prototype vs. Volume Submitter

### OBJECTIVES

Upon completion of the *Cross-tested/Safe Harbor 401(k) Plan Design Workshop*, attendees should be able to:

- Select the most effective cross-tested plan design
- Recognize the risks in using a plan design that places each participant in his/her own classification
- Design a safe harbor 401(k) plan design with a triple-stacked match design
- Identify the appropriate situation to recommend a DB/DC combination plan
- Design an effective corrective amendment if a cross-tested plan fails nondiscrimination testing
- Identify situations in which an employer may want to use a "discretionary" safe harbor 401(k) plan

### NOTE: Back-to-back scheduling!

The *403(b) Plan Design Workshop* follows the *Cross-tested/Safe Harbor 401(k) Plan Design Workshop* the next day in selected cities. A multi-program registration discount is available for those who wish to attend both programs at the same location.

### SPEAKERS

Each program is conducted by one of SunGard's nationally known and well-respected speakers, including:

Stephen W. Forbes, J.D., LL.M.  
Warren T. Marshall, J.D., LL.M.  
S. Derrin Watson, J.D., APM

Visit our Web site for complete speaker biographies:

[www.sungard.com/reliusspeakers](http://www.sungard.com/reliusspeakers)

### WHO SHOULD ATTEND

While designed for experienced practitioners, SunGard's case study approach allows even less-experienced practitioners to follow the issues and obtain valuable knowledge. Third-party administrators, consultants, attorneys, accountants, actuaries, trust officers, investment advisors, insurance agents, corporate benefits staff — including compensation and human resources — and others involved with plan design, compliance, administration and reporting will benefit from this program.

## 403(b) PLAN DESIGN WORKSHOP

Designing 403(b) plans can be a minefield for the unwary practitioner. 403(b) plans look similar to 401(k) plans, until you have to face the differences. Universal availability, limited investments, possible ERISA exemption (now involving more rules than ever before), information sharing agreements, unique catch-ups, special rules for church plans, and an as-yet untested prototype environment are just some of the challenges all practitioners face, especially those for whom 403(b) plans are “just a sideline.”

SunGard’s full-day *403(b) Plan Design Workshop* covers all this and more. More importantly, this workshop looks at the strategies and approaches a practitioner can use to navigate the mine field — leaving the employer with a retirement arrangement that best satisfies both its goals and the needs of its employees.

### TOPICS INCLUDE

- ERISA Plan vs. Non-ERISA Plan
- Employer (Nonelective) Contribution Options
- Employee Exclusions/Universal Availability
- Identifying Plan Investment Options
- Participating Employers
- Coordinating Plan Provision with Annuity Contract
- Matching Formulas
- Required Provisions
- Optional Provisions

### OBJECTIVES

After the program, attendees should be able to:

- Design a plan that avoids the application of ERISA
- Select the appropriate matching and nonelective options
- Coordinate plan provisions with annuity contract provisions to avoid conflict
- Identify which provisions are required to be included in a 403(b) plan
- Select among plan provisions to implement the new transfer restrictions

### WATCH FOR THESE 2010 PROGRAMS FROM SUNGARD'S RELIUS EDUCATION

- 401(k) Plans: What Every Practitioner Should Know
- ERISA Workshop
- Specialty Topics Workshops
- Web Seminars: live and recorded, covering many specialty topics

#### Plus ...

NEW DATES: Chicago  
Advanced Pension Conference:  
August 30 – September 1, 2010

For more information and to register for our pension seminars, go to: [www.sungard.com/reliuseducationresources](http://www.sungard.com/reliuseducationresources)



## Seminar Information Delivery Goes Green

The mailing of seminar brochures has been discontinued. All information and seminar notices are sent via e-mail to registered subscribers.

### Are you subscribed?

Subscribe to our free e-newsletter for seminars to stay up-to-date on Relius Education programs - both classroom delivery in more than 100 cities each year, and virtual delivery via the Web. Subscribe to “Pension Updates” to learn about late breaking legislative news.

**New subscriber?** Sign up [here](https://www.relius.net/login/NewUser.aspx). (<https://www.relius.net/login/NewUser.aspx>)

If you don’t know your customer ID or password, or don’t have a customer ID or password, please select “New firm requesting a user login.” Call 800-326-7235, option 6, for questions about subscribing.

**Already subscribed?** Review/update your profile and e-mail address [here](https://www.relius.net/login/Login.aspx). (<https://www.relius.net/login/Login.aspx>)



## AGENDA: CROSS-TESTED/SAFE HARBOR 401(k) PLAN DESIGN WORKSHOP

**8:00 a.m.**

**Registration Check-in/Coffee and Danish**

**8:30 a.m.**

### **Cross-tested Plan Design Concepts**

Conversion of allocation to a benefit; minimum gateway requirements; participants entitled to gateways; age-based plan design; general nondiscrimination test, rate group testing and average benefits test; abusive designs (ATAT); timing of plan documentation.

### **Designing a Cross-tested Plan**

Traditional design; multiple classification design; designing allocation groups; prohibited allocation groups; determining contributions; combination 401(k) cross-tested plan design; safe harbor 401(k) and cross-tested plan; adding a matching feature; top-heavy issues.

### **"Each Participant in Own Classification" Plan Design**

Flexibility of plan design; examples of how design facilitates corrections and troubleshooting; prototype/volume submitter restrictions and differences; dealing with the deemed 401(k) plan issue.

### **Troubleshooting a Cross-tested Plan**

Corrective amendment options; amendment deadlines; anti-cutback issues; contribution costs.

### **Combination Cash Balance and Cross-tested Plan Design (DB/DC "Combo")**

Advantages; when the design makes sense; PBGC issues; deduction rules and opportunities; minimum gateway requirements; design options.

**12:00 p.m.**

**Lunch (provided)**

**1:00 p.m.**

### **Safe Harbor 401(k) Plan Design Concepts**

Plan documentation requirements; timing; safe harbor contribution options; ACP safe harbor requirements; compensation choices; short plan year; notice requirements; allocation requirements; distribution restrictions; vesting rules.

### **Designing a Safe Harbor 401(k) Plan**

Choosing the safe harbor contribution (match vs. nonelective); choosing compensation definition; design options (safe harbor with profit sharing contribution, safe harbor with integrated contribution, safe harbor with additional matching contributions).

### **Triple-stacked Match Design**

Designing the matching formulas; backing into the matching formulas; where to use; designing formulas to avoid annual amendments; worst-case scenario; comparison with cross-tested plan design; sample document language.

### **Early Eligibility Design**

Early eligibility design for deferrals; application of otherwise-excludible employee rule; effect on top-heavy exemption, excluding part-time employees.

### **"Discretionary" Safe Harbor 401(k) Plan Design**

Design requirements; "maybe" notice; combining notices; timing of amendments; sample amendments and SMM; discretionary match.

### **Correction of Safe Harbor 401(k) Plan**

Failure to provide notice; failure to make quarterly matching contributions; improper exclusion.

**4:00 p.m.**

**Adjournment**

## AGENDA: 403(b) PLAN DESIGN WORKSHOP

**8:00 a.m.**

**Registration Check-in/Coffee and Danish**

**8:30 a.m.**

### **Written Plan Content**

New written plan requirement, required plan provisions, optional plan provisions; deadlines; prototype program; determination letters; reliance; eligible employers.

### **ERISA Provisions**

Design features to avoid ERISA; ERISA required language; non-ERISA plan using selected ERISA provisions; timing of deposit of deferrals (ERISA vs. non-ERISA); vesting options; avoiding employer discretion.

### **Annuity Contracts/Custodial Accounts**

Requirement to identify annuity contracts and custodial accounts; simplified method for adding new contracts/accounts; avoiding conflicts with annuity contracts/custodial accounts; life insurance restrictions.

### **Employee Exclusions/Eligibility Provisions**

Universal availability; permissible exclusions (deferrals): > 20 hour exclusion, non-resident aliens, eligibility for other plans, etc.; exclusions (employer contributions); eligibility provisions (nonelective and match); split eligibility provisions; one-time irrevocable provisions.

### **Elective Deferrals**

Election frequency; coordination of plan limits (403(b), 457, and 401(k)), catch-up contributions, special catch-up rule, ordering rules; corrective distributions, Roth 403(b).

### **Compensation Options**

Includible compensation, post-severance compensation, compensation choices for deferrals and employer contributions; contributions for former employees; compensation limit.

### **Matching Contribution Formulas**

Fixed; discretionary; tiered; based on years of service; safe harbor options; changing testing options.

**12:00 p.m.**

**Lunch (provided)**

**1:00 p.m.**

### **Employer Contribution (Nonelective) Formulas**

Fixed contribution; discretionary; integrated; choices of integration levels; cross-tested allocation formulas; classification options; application of nondiscrimination and coverage testing.

### **403(b) Distribution and Loan Requirements**

Distribution events; severance from employment; rollover requirements; hardship distribution options; required minimum distribution requirements, QDRO provisions; loan provisions and policies.

### **Common Control Rules**

Common control rules for tax-exempt organizations; permissive aggregation; aggregation with qualified plans; government employers; participation agreements; coverage requirements.

### **Transfers and Exchanges**

Information sharing agreements, grandfathered transfers, transition rules (orphan and runaway contracts), transfers to other 403(b) plans; drafting options.

### **Plan Termination**

Plan termination provisions, termination procedures, distribution options, timing, successor plan restrictions.

**4:00 p.m.**

**Adjournment**

## CONTINUING PROFESSIONAL EDUCATION (CPE)

**For each full-day program, attendees may earn up to:**

**7 hours CPE credit  
based on a 50-minute hour\***

**6 hours CE/CLE credit  
based on a 60-minute hour\***

*\*\*Actual credit hours granted may vary. The Final CE decision rests with the governing body. There are no prerequisites or other advance preparation to begin intermediate level courses.*

### **SunGard's Relius Education Programs Now Earn Continuing Education Credit for ERPA Designees.**

SunGard entered in to an agreement with the Office of Professional Responsibility, Internal Revenue Service, to meet the requirements of 31 Code of Federal Regulations, section 10.6(g), covering maintenance of attendance records, retention of program outlines, qualifications of instructors, and length of class hours. This agreement does not constitute an endorsement by the Office of Professional Responsibility regarding the quality of the program or its contribution to the professional competence of the Enrolled Retirement Plan Agent.

SunGard maintains CE sponsorship status with the Joint Board for the Enrollment of Actuaries, ASPPA, IRS Enrolled Agents program, IRS Enrolled Retirement Plan Agents (ERPA) program, NASBA,

and HRCI for SHRM professionals. Members of these groups may report CE credit directly to the entities. Pre-approval of programs is not required.

SunGard's pension seminars and conferences are designed to be acceptable to most other professional organizations for continuing professional education credit, including CFP, the ICB (for CRSP and CFTA), state bar associations, CPA boards, InFRE and PACE. Members governed by these entities may be required to submit the program to them for approval before reporting their CE credit hours. Contact your governing body for details.

Generally, SunGard submits program approval requests for CLE for credit in the states where the programs are conducted. In other states when possible, SunGard will submit for CLE program approval when sponsor-only filing is required and only upon request by an attendee. SunGard needs at least six weeks' notice prior to the program; credit is subject to approval by the appropriate jurisdiction. Attendees will bear CE approval fees in those jurisdictions imposing per attendee fees.

For CLE in states where sponsor filing is NOT required, attendees themselves are responsible for submitting the program for approval, program approval fees, fees for reporting CE credit hours, and any other associated fees.

Because of the administrative requirements of state insurance accrediting agencies, **SunGard is not able to obtain CE approval for insurance professionals.**



SunGard is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of

continuing professional education on the National Registry of CPE Sponsors. State boards have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors, 150 Fourth Avenue North, Suite 700, Nashville, TN 37219-2417. Web site: [www.nasba.org](http://www.nasba.org).



Each of these programs — Cross-tested/ Safe Harbor 401(k) Plan Design and 403(b) Plan Design

— is approved for six (6) recertification credit hours toward PHR or SPHR recertification through the Human Resource Certification Institute (HRCI). For more information about certification or recertification, please visit the HRCI homepage at [www.hrci.org](http://www.hrci.org).

For more information about Continuing Education, call 1-800-326-7235, Ext. 4031.

## COURSE MATERIALS

To make course materials a better reference and research tool for our customers, SunGard changed the way program materials are provided to registrants. Materials are now being made available to attendees in electronic format. Having course materials in electronic format provides several advantages for registrants:

- Find information faster by searching the e-files using keywords.
- Store the e-files on your PC — you always know where they are.
- Choose from two formats for the slide presentation, or use both:
  - » Three slides per page may be your

preference for travel. (Printing two-sided also makes a smaller package for travel).

- » Two slides per page may be your preference for storing on your PC or laptop, for easier reading.

Registrants should plan to bring the materials with them to the program — either hard copy or loaded into a laptop computer. Registrants are strongly encouraged to print and/or download the program materials prior to arriving at the seminar, as hotel business center printers and computers tend to be expensive.

**IMPORTANT:** To download the materials, Registrants are required to enter the

RegID number and registrant's last name as shown in the registration confirmation e-mail. Materials are available 7–10 days before the program. Details are provided in your registration confirmation e-mail.

**Alert:** Firewall software may interfere with the downloading process. If you experience download problems, please contact your IT department or network administrator for assistance.

### QUESTIONS?

If you have questions related to the workshops or your registration, please send an e-mail to [relius.education@sungard.com](mailto:relius.education@sungard.com), and someone will respond promptly.

## DATES AND LOCATIONS

Dates and locations are subject to change. Please visit our Web site to confirm that these are firm before making travel plans. Go to [www.sungard.com/reliuseducationresources](http://www.sungard.com/reliuseducationresources); select the program name for a list of dates/cities.

City	Cross-tested/ Safe Harbor	403(b)	Location
ATLANTA	Aug. 11	Aug. 12	Cobb Galleria Centre* Two Galleria Parkway Atlanta, GA 770-955-8000  Accommodations: Sheraton Suites Galleria* 2844 Cobb Parkway S.E. Atlanta, GA 770-955-3900 or 888-627-7047
DALLAS	Aug. 12	Aug. 13	Crowne Plaza Suites – Dallas* 7800 Alpha Road Dallas, TX 75240 972-233-7600
SEATTLE	Aug. 18	N/A	SpringHill Suites Seattle Downtown 1800 Yale Avenue Seattle, WA 206-254-0500 or 888-287-9400
SAN FRANCISCO	Aug. 19	Aug. 20	Embassy Suites San Francisco Airport* 250 Gateway Boulevard Gateway at East Grand Ave. South San Francisco, CA 650-589-3400
CHARLOTTE	Aug. 25	N/A	Charlotte Hilton Executive Park 5624 Westpark Drive Charlotte, NC 704-527-8000 or 800-445-8667
BOSTON	Aug. 26	Aug. 27	Radisson Hotel Boston 200 Stuart Street Boston, MA 617-482-1800 or 800-333-3333
PITTSBURGH	Sept. 22	N/A	Radisson Hotel Pittsburgh Green Tree 101 Radisson Drive Pittsburgh, PA 412-922-8400
MINNEAPOLIS	Sept. 23	Sept. 24	Embassy Suites Minneapolis Airport 7901 34th Avenue South Bloomington, MN 952-854-1000
DENVER	Sept. 24	N/A	Sheraton Denver Tech Center Hotel 7007 S. Clinton Street Greenwood Village, CO 303-799-6200
CINCINNATI	Sept. 29	N/A	Hilton Cincinnati Netherland Plaza 35 West Fifth Street Cincinnati, OH 513-421-9100 or 800-445-8667
KANSAS CITY	Sept. 29	Sept. 30	DoubleTree Hotel Kansas City Corporate Woods* 10100 College Boulevard Overland Park, KS 913-451-6100 or 800-222-8733
CHICAGO	Sept. 30	Oct. 1	DoubleTree Hotel Chicago - Oak Brook 1909 Spring Road Oak Brook, IL 630-472-6000 Reservations: 800-222-8733

**Hotels reserve a limited number of accommodations for seminar registrants until 4 weeks prior to the program(s).**

Hotels without a room block are indicated by an asterisk(\*). Registrants needing overnight accommodations must make room reservations directly with the hotel. Be sure to mention the SunGard program to obtain the group rate, if available. For information about other accommodations in the vicinity, please contact the host hotel's guest services desk or your travel agent.

# REGISTRATION Copy as needed to register additional persons

## 2010 CROSS-TESTED/SAFE HARBOR 401(k) PLAN DESIGN • 403(b) PLAN DESIGN

### THREE WAYS TO REGISTER:

1. **ONLINE:** [www.sungard.com/reliuseducationresources](http://www.sungard.com/reliuseducationresources) – Fastest way to register!
2. **MAIL:** SunGard • ATTN: Order Processing-Accounting • P.O. Box 47470, Jacksonville, FL 32247
3. **FAX:** 904-399-0519 (24 hours a day)

**Note:** Online registration will not be accessible within three (3) business days of program date.

### MULTIPLE-PROGRAM REGISTRATION\*\*

#### ☐ BOTH PROGRAMS

\$775 early\*  
\$825 standard

### SINGLE-PROGRAM REGISTRATION

#### ☐ CROSS-TESTED SAFE HARBOR 401(k) PLAN DESIGN ONLY

\$410 early\*  
\$435 standard

#### ☐ 403(b) PLAN DESIGN ONLY

\$410 early\*  
\$435 standard

**\*Early Registration:** Payment and registration received **15 days or more** prior to the program date.

**Standard Registration:** Payment and registration received **less than 15 days** prior to the program date.

\*\* Where multiple programs are selected, fees reflect multi-program discount. Multi-program discounts apply only for same person attending multiple programs in the same location.

City: \_\_\_\_\_ Date: \_\_\_\_\_ Seminar Fee \$: \_\_\_\_\_

**Volume Registration Discounts** are available for 6 or more registrants from the same firm attending the same program and location. For more information, send an e-mail to [relius.education@sungard.com](mailto:relius.education@sungard.com) or call 800-326-7235, ext. 7918 or ext. 4032.

**The registration fee includes** all seminar materials and food and beverage as stated in program agenda. Fee does not include other meals, lodging, transportation, or parking. Registrations are confirmed by e-mail. Please note: While walk-in registrations are accepted, be sure to call before the program to confirm that space and course materials are available. Recording of the program is NOT permitted. If you have questions or require special assistance, send an e-mail to [relius.education@sungard.com](mailto:relius.education@sungard.com).

### REGISTRANT INFORMATION: ☐ Please check if new address, phone or fax. Please print or type:

☐ Mr. ☐ Mrs. ☐ Ms. Full Name: \_\_\_\_\_

Name for Badge: \_\_\_\_\_ Profession: \_\_\_\_\_

Firm Name: \_\_\_\_\_ Client Account #: \_\_\_\_\_

Shipping Address (no P.O. Boxes): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Web Site: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

### PAYMENT METHOD Check or credit card information must accompany this form:

☐ Enclosed is a check payable to **SunGard Business Systems, LLC** Please charge: ☐ Mastercard ☐ VISA ☐ American Express

Seminar Discount Code (if any): \_\_\_\_\_ Seminar fee: \$ \_\_\_\_\_

CT, HI, NM, SD, WV, CN Residents add applicable sales tax: \$ \_\_\_\_\_ Total Due: \$ \_\_\_\_\_

Card Number: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Cardholder's Name (print): \_\_\_\_\_ Authorizing Signature: \_\_\_\_\_

**Cancellation/Transfer Policy:** All requests must be in writing. Full refund of program registration fee, less a \$50 administrative fee will be made for cancellations received at least 10 business days prior to the program. No refund for cancellations received later than 10 business days prior to the program. **Multi-program registrants please note: Cancellation resulting in attendance at only one program will result in loss of multi-program discount.** Transfer requests (within the same program only) must be received at least 10 business days prior to program date, and will result in a \$25 administrative fee. Substitutions may be allowed with at least five business days advance notice. Seminar requests, questions, or concerns may be e-mailed to [relius.education@sungard.com](mailto:relius.education@sungard.com).

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