

# Advanced Pension Conference

Westin Michigan Avenue Hotel • Chicago, IL

September 6-8, 2017

Empowering  
the Financial World



## Agenda

Wednesday, September 6

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

### General Session

8:30 - 8:45 a.m.

#### Welcome and Announcements

8:45 - 10:25 a.m.

#### Keeping Current – Ferenczy, Watson

Join Ilene and Derrin for an entertaining session that highlights the latest guidance from Congress, the IRS, the DOL, and the courts. Emphasis is given to areas not covered elsewhere in the program.

10:25 - 10:45 a.m.

Refreshment Break

10:45 - 12:00 p.m.

#### Future of the Form 5500 – Watson

The DOL has proposed the most sweeping overhaul to date of the Form 5500 and related schedules. This session will review the changes and highlight areas in which new data is being collected.

12:00 - 1:15 p.m.

Hosted Luncheon

1:15 - 2:15 p.m.

#### Advanced Hardships and Loans – Ferenczy, Schultz

An in-depth review of the rules surrounding participant loans and hardship distributions, including issues of default, deception, and documentation, along with recent guidance issued by the IRS.

2:15 - 2:30 p.m.

Refreshment Break

2:30 - 4:00 p.m.

#### Final Fiduciary Regulations – Current Status, Q&As – Ferenczy, Schultz, Watson

The DOL's Final Fiduciary Regulations are now "applicable". This session will review the rules, provide common-sense recommendations for TPAs and Recordkeepers to comply with the regulations and will allow time for your questions.

4:15 - 5:15 p.m.

#### In-and-Outs of Plan Amendments – Richter, Schultz

Plan sponsors frequently want to amend their plans. There are a myriad of rules governing plan amendments and these can be complex and easily overlooked. This session will focus on issues such as what exactly is a plan amendment, what are the timing concerns, how to avoid violating the anti-cutback rules, the interaction of the tax code and ERISA, and the IRS prohibition on mid-year amendments to Safe Harbor plans.

5:15 p.m.

Cocktail Reception

Thursday, September 7

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

### Concurrent Sessions

8:30 a.m. - 5:00 p.m. – Group I sessions are 60 minutes each. Group II sessions are 75 minutes each. Attend **two** topics from Group I and **two** from Group II.

**GROUP I:** 8:30 - 9:30 a.m. and repeated 9:40 - 10:40 a.m.

**01. Small Plan Tax Issues** – Donovan

This session will cover taxation and deduction issues for qualified plans. Impact of plan sponsor's entity type will be explored. Communication issues with the plan sponsor's CPA will also be discussed.

**02. Compensation: Different Definitions and Why They Matter** – Schultz

The definition of compensation used by a plan can greatly impact allocations and compliance testing results. This session will review the definitions of compensation a plan may or must use, how those definitions may be modified, and the associated limitations.

**03. Timely Solutions for Late Deposits** – Nowiejski

After years of education and investigations by the DOL, late deposits remain one of the most common issues found during investigations. We will revisit the DOL's rules on late deposits. We will also look at the ins-and-outs self-correction and the Voluntary Fiduciary Correction Program (VFCP)--and some of the unknown pitfalls of the VFCP calculator (yes, it can cost your clients more money). The session will also walk through the process of calculating Excise Taxes and discuss when EPCRS may be appropriate.

10:40 - 10:55 a.m. Refreshment Break

**GROUP II - Part 1:** 10:55 - 12:10 p.m. and *repeated after lunch* 1:20 - 2:35 p.m.

**04. What's next with 403(b) Plans** – Richter, Watson

The IRS recently issued approval letters on pre-approved 403(b). This is another area where the rules for 403(b) plans are getting closer to the rules for qualified plans. Qualified plan providers who do not handle 403(b) plans might see this an opportunity to expand into the 403(b) market. This session will outline key differences between 403(b) plans and 401(k) plans as well point out some IRS constraints on pre-approved 403(b) plan documents.

**05. Advanced Compliance Testing** – Donovan

This session will explore the value of going beyond the basics of non-discrimination testing and the benefits to taking a consultative approach to satisfying the requirements set forth in the regulations. We will look alternative solutions that better complement plan design as well as methodologies to detect and avoid future compliance traps and resulting affects. The use of average compensation, restructuring and other techniques will be discussed in detail.

**06. No Plan is an Island Unto Itself: Understanding Parties-in-Interest and Prohibited Transactions** – Nowiejski

No plan is an island unto itself. This session will turn ERISA's 3(14) laundry list of Parties-in-Interest into a working roadmap to identify potential issues. We will explore where to find various exemptions to Prohibited Transactions. Lastly, we will identify the Prohibited Transaction Exemptions that make the retirement world go round.

12:10 - 1:20 p.m. Hosted Luncheon

**GROUP II - Part 2:** 1:20 - 2:35 p.m. See above for Group II session descriptions.

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

**GROUP III:** 2:50 - 3:50 p.m. Sessions are 60 minutes each. Attend **one** topic from this group.

- 07. DOL Investigations from a Service Provider Perspective** – Nowiejski  
DOL investigations of plans and service providers are increasing in number and scope due to new enforcement initiatives. Come hear about DOL projects and priorities. Learn how service providers can help reduce the likelihood their clients are targeted for investigations, and how to help clients who are under investigation.
- 08. Govern Yourself Accordingly: How Governance Documents Can Help Your Clients Be Prudent** – Ferenczy  
An overview of the documents and issues surrounding prudent plan governance, including: policies and procedures, investment policy statements, committee documents, delegation of responsibilities and more.
- 09. Cash Balance Plans** – Donovan  
Traditional DB plans can be difficult for plan sponsors and participants to comprehend. Cash balance plans are much easier to communicate and have therefore become very popular. This session will discuss design of pay credits and interest credits as well as why and how cash balance plans are usually aggregated with 401(k) plans.

**GROUP IV:** 4:00 - 5:00 p.m. Sessions are 60 minutes each. Attend **one** topic from this group.

- 10. M&A: How I Learned to Love the 410(b)(6) Transition Period** – Ferenczy  
Working with the technical benefits rules that apply when plan sponsors acquire or sell entities are confusing and frustrating. Join Ilene Ferenczy for a practical and enlightening discussion of how things unfold when an M&A Transaction happens and how you can help your clients cope.
- 11. Auto-enrollment and Auto-Escalation** – Richter  
The use of automatic enrollment and escalation provisions is increasing. Advisors are becoming more creative in designing enrollment programs but this comes at a cost: complexity. This session will cover the legal constraints but with an emphasis on the practical issues that must be considered in designing and implementing automatic enrollment and escalation provisions.
- 12. Radical Mid-Year Changes to Safe Harbor Plans** – Watson  
Do you feel shackled by your safe harbor 401(k) plan design? This program shows you how to use midyear amendments and short plan years to accomplish an employer's objectives, even when those objectives change, or the employer becomes involved in a merger or acquisition.

Friday, September 8

8:00 - 8:25 a.m. Continental Breakfast

General Session

8:25 - 8:30 a.m.

**Announcements**

8:30 - 9:30 a.m.

**Washington Update** – Richter

The political landscape has been changing rapidly. This session offers a fast-paced review of activity in Congress, the White House, and the executive agencies dealing with retirement plans and tax reform.

9:30 - 9:50 a.m.

Refreshment Break

- 9:50 - 10:50 a.m.        **Pension Jeopardy** – Panel  
Join Derrin as he hosts our version of the popular game show. Topical questions test the knowledge of our expert speakers. This session is not only fun, but also highlights important pension issues in a memorable way.
- 11:00 - 12:00 p.m.     **Ask the Experts Workshop** – Panel  
Get those tough questions answered. Case studies will be used in a discussion of the issues currently facing practitioners in employee benefits area.
- 12:00 p.m.             Adjourn

Continuing Education Credits – Total possible hours:     $955 \text{ Minutes} \div 50 = 19 \text{ CPE/CE hrs.}^*$   
    $955 \text{ Minutes} \div 60 = 15.5 \text{ CE hrs.}^*$

\*Final decision rests with governing body. Program may qualify for partial credits by some governing bodies.