

PROTOTYPE PLAN

News

JUNE/JULY 2010

Conkright vs. Frommert Update

On April 21, 2010, the U.S. Supreme Court reversed the opinion of the Second Circuit U.S. Court of Appeals, ruling 5-3 that deference should have been given to a plan administrator when dealing with a dispute over a calculation of pension benefits (*Conkright vs. Frommert*, No. 08-810). Justice Sotomayor did not participate in this case since she was a member of the Second Circuit at the time the case was decided by that court. The decision reinforces the opinion of the Supreme Court that courts should defer to ERISA plan administrators that have discretionary authority to interpret plan provisions. The case also affirms that a “single honest mistake” by a plan administrator will not permit a court to deprive the plan administrator of the ability to make future interpretations of the plan or allow a court to substitute its judgment for the administrator’s.

The case involved Xerox Corporation’s ERISA-covered pension plan (the Plan), current and former plan administrators, and a group of more than 100 Xerox employees and retirees. These workers left Xerox in the 1980s, received lump-sum distributions from the Plan, and were later rehired. Upon rehire, these workers began to accrue additional pension plan benefits. A dispute developed due to the method used by the Plan to reduce future retirement benefits by the amount of the workers’ past distributions. The Plan’s administrator used a “phantom account method” to take into consideration the hypothetical growth the distributed

amounts would have earned had the money remained in the pension plan. Applying an earnings rate to the distributions caused an additional reduction of future retirement benefit accruals.

The workers filed a lawsuit in federal court under ERISA challenging the use of the “phantom account method,” alleging that both the Plan and its administrators violated ERISA’s Summary Plan Description (SPD), notice, and anti-cutback provisions. Early versions of the Plan’s SPD contained a non-duplication provision that stated future benefits would be offset by prior distributions; however, the SPD did not address how the calculation would be performed. Language referencing the “phantom account method” was added to the SPD during an amendment in 1998.

Initially, the U.S. District Court for the Western District of New York ruled in favor of the Plan, applying a deferential standard of review to the Plan’s administrator. The district court found the pre-1998 plan terms implicitly allowed for a method of including an earnings adjustment in the calculation of retirement benefits. On appeal, the Second U.S. Circuit Court of Appeals ruled the administrator’s interpretation of the Plan for calculating the hypothetical growth was unreasonable. The court also found that applying the “phantom account method” prior to issuing the 1998 SPD

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Conkright vs. Frommert Update

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caused the Plan to be in violation of Section 1054(h), which prohibits retroactive benefit cutbacks. The circuit court remanded the case back to the district court to correct the Plan error. After hearing a new proposed calculation method by the Plan's administrator and a recommendation by the workers to not adjust the prior distributed amounts for any earnings, the district court sided with the workers' approach. The circuit court affirmed the decision, finding the district court correctly denied applying deference because the administrator previously abused its discretionary interpretation of the Plan.

In rejecting the decision of the circuit court, Chief Justice John Roberts cited prior cases (*Firestone Tire & Rubber Co. vs. Bruch*,

Metropolitan Life Ins. Co. vs. Glenn), which support deference to an administrator who has discretionary authority. The outcome of this case is a positive one for plan sponsors and administrators. Although future interpretations of a plan provision by an administrator may, and surely will, be challenged, this decision reinforces the administrator's ability to develop an alternative remedy, even when their initial approach is rejected. While this clearly supports the powers of a plan administrator's interpretation, it also appears to limit how far plan participants can go in disputing these decisions. ■

HEART Act Clarifications

The IRS recently provided guidance (IRS Notice 2010-15) on the Heroes Earnings Assistance and Relief Tax Act of 2008 (HEART Act), which affects qualified plan rules for individuals called into qualified military service (QMS). The guidance clarifies certain HEART provisions and reinforces others.

The HEART Act created a new tax code section (IRC Section 401(a)(37)). It provides that survivors of a plan participant who dies on QMS will be entitled to any additional benefits — other than benefit accruals relating to the participant's period of QMS — that would have been provided had the participant resumed employment and then terminated on account of death. Benefits include service credit, ancillary life insurance benefits, and other survivor benefits that are contingent upon a participant's death and vesting.

Vesting Service

HEART requires that participants killed on QMS be treated as having returned to employment the day before their death and that vesting be provided accordingly, just as if the individual had died while he or she was employed. In almost all defined contribution (DC) plans, this will result in 100% vesting. However, that may not be the case in defined benefit (DB) plans, which often do not fully vest upon death.

Although credit will be given as if the employee had died while employed for the purpose of vesting percentages, the plan is not required to include the participant's period of QMS when determining the amount of death benefits for either a DB or a DC plan. However, the plan may opt to do so.

If a participant is not entitled to reemployment rights under USERRA, then the survivor benefits under the HEART Act do not apply.

The Notice also clarifies that the plan does not have to provide 100% vesting for service members who become disabled on QMS, although it may choose to do so.

Differential Wage Payments

Under the HEART Act, differential pay is considered compensation. Any individual receiving differential wage payments will be treated as an employee of the employer making the payment. Thus, if an employee on QMS is already a plan participant, his or her differential wage payments are considered compensation for qualified plan purposes, such as employer allocations and elective deferrals.

Note: Differential pay was an option on the final IRC Section 415 regulations plan amendment and, thus, has already been either included or excluded in the plan's definition of compensation.

Contributions resulting from differential wage payments may be included in nondiscrimination testing. However, this is not permitted — nor desired — if the amounts will cause the testing to fail. If these amounts are included in testing, they must be included for all employees receiving differential wage payments.

Qualified Reservist Distributions

The qualified reservist distribution (QRD) was created by the Pension Protection Act of 2006 (PPA) and made permanent by the HEART Act. It is a distribution from an IRA or of deferrals from a 401(k) or 403(b) plan to a member of a military reserve unit that was ordered or called to active duty for a period in excess of 179 days (or for an indefinite period). The QRD must be made between the date of the order or call to active duty and the date the active duty period ends. There is no 10% penalty on QRDs for participants under age 59½.

A QRD or any portion of a QRD may be repaid up until two years after the day the active duty period ends. Whether the QRD is from a 401(k), 403(b), or IRA, repayment may only be made to an IRA as after-tax amounts. Thus, there is no deduction for the repayment (unless it is made within the normal 60-day period allowed for rollovers). Since this is a rollover, it has no impact on the \$5,000 a year IRA contribution limit.

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Comparison of Qualified Plan (QP) and Traditional IRA Exceptions to the 10% Penalty on Distributions Prior to Age 59½ (April 2010)

Reason for Distribution	Penalty Exception?	
	QP	IRA
Separation from service in or after the year that the individual has reached age 55 ¹	Yes	No
Disability as defined in IRC Section 72(m)(7) ²	Yes	Yes
Payments made on or after the participant's death ³	Yes	Yes
First-time home purchase — up to \$10,000 ⁴	No	Yes
Roth conversion; provided the conversion remains in the Roth IRA for five years; Notice 2008-30 Q&A-3	Yes	Yes
IRS tax levy	Yes	Yes
“Qualified” post-secondary education expenses ⁵	No	Yes
Payment of unreimbursed medical expenses exceeding 7.5% of AGI ⁶	Yes	Yes
Hardship withdrawal, deemed loan, plan termination	No	N/A
QDRO distribution paid to alternate payee [Code Section 414(p)]	Yes	N/A
Transfer of IRA incident to divorce [Code Section 408(d)(6)] ⁷	N/A	Yes
Corrective distributions: excess deferrals, excess annual additions, ineligible employees, etc.	Yes	N/A
Corrective distributions: excess IRA contribution paid prior to tax filing due date, including extensions	N/A	Yes
Note: Earnings distributed are subject to 10% penalty ⁸		
Qualified disaster distributions ⁹	Yes	Yes
Permissive withdrawals from an Eligible Automatic Contribution Arrangement	Yes	N/A
Qualified Reservist Distribution — Individual called into active duty for more than 179 days ¹⁰	Yes	Yes
Payment of health insurance premiums, provided conditions are met ¹¹	No	Yes
Distribution of dividends passed through under an ESOP	Yes	N/A
Distribution of employer securities with Net Unrealized Appreciation (NUA), if NUA is excluded from gross income; NUA exempt from 10% penalty	Yes	N/A
Substantially equal payments paid in accordance with Rev. Rul. 2002-62 ¹²	Yes	Yes

¹ For more information on the age 55 exception, go to: www.mhco.com/Library/Articles/2010/AAge55_031810.html.

² Check your plan document for availability of this and other definitions of disability. Note that only the IRS Code Section 72(m)(7) disability definition is entitled to the waiver of the 10% penalty (2009 Publication 590, page 52).

³ Check your plan document for the availability of installments versus only lump-sum payments. If only lump sum, then a direct rollover may be made by a non-spouse beneficiary to an inherited IRA.

⁴ For details, see 2009 Publication 590, page 53.

⁵ For details, see 2009 Publication 590, page 52.

⁶ For details on the qualified plan exception, go to: www.mhco.com/Library/Articles/2005/AH_MedicalExpenses_042805.html. For details on the IRA exception, see 2009 Publication 590, page 51.

⁷ For details, see 2009 Publication 590, page 28.

⁸ For details, see 2009 Publication 590, page 48.

⁹ These are for a limited geographic area (as declared by the President or defined in law) and for a limited time; for example, Hurricanes Katrina, Rita, and Wilma and the Midwestern storms and flooding of 2008. For details, see FS-2008-27; Pub 4492-B; Pub 4492.

¹⁰ For details, see 2009 Publication 590, page 53.

¹¹ For details, see 2009 Publication 590, page 52.

¹² The substantially equal payments rule requires separation from service for qualified plans but not for IRAs.

For more information on qualified plan exceptions, see 2009 Publication 575 on Pension Distributions, page 31.

HEART Act Clarifications

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Deemed Severance Distribution

For distribution purposes, an individual called into active duty is deemed to be severed from employment after 30 days of active duty and may request a distribution of deferrals after that 30-day period. Deferrals are suspended for six months after such a distribution. Deemed severance distributions are eligible rollover distributions subject to the 20% mandatory income-tax withholding. A plan is not required to allow deemed severance distributions. If an individual has a real severance from employment and then returns to the job within six months of taking a distribution of deferrals, he or she can begin making elective deferrals immediately.

If an individual on active duty is eligible for both a deemed severance distribution and a QRD (after 179 days on active duty), the distribution will be treated as a QRD. Thus, there will be no six-month suspension of deferrals or 10% premature distribution penalty.

Remedial Amendment Period

Plans must be amended for the HEART Act by the last day of the first plan year beginning on or after January 1, 2010. (The deadline for amending governmental plans is January 1, 2012.) ■

EPCRS Nonamender Rules

Plan sponsors of preapproved defined contribution plans (Master and Prototype and Volume Submitter Plans) will face nonamender penalties if they failed to restate their plan onto an EGTRRA plan document by the April 30, 2010, deadline. The IRS has stated there would be no extension of the April 30th deadline; therefore, it is critical to ensure all preapproved defined contribution plans were timely restated. April 30, 2010, was not only the deadline for EGTRRA restatements, it was also the cutoff date for existing preapproved EGTRRA defined contribution plans to file for a determination letter (DL) using Form 5307. It is hoped that at a later date the IRS will address how future DL requests using a Form 5307 may be made, especially for new plans.

EPCRS Nonamender Correction

The IRS's Employee Plans Compliance Resolution System (EPCRS) (Rev. Proc. 2008-50) contains the appropriate correction method for remedying a nonamender failure. Plan sponsors can voluntarily correct these failures under the Voluntary Correction Program (VCP). Such corrections will require a VCP filing.

Plan sponsors who did not timely restate their plan onto an EGTRRA document will face even greater IRS penalties if the failure is identified on audit or during a DL request. The EPCRS nonamender fee is the normal VCP fee for correcting plan failures and is based on the number of participants in the plan. See the fee chart in the column to the right.

Note: The fee shown in the column to the right is reduced by 50% if the nonamender violation is remedied within the one-year period following the April 30, 2010, deadline (Section 12.03 of Rev. Proc. 2008-50).

Number of Participants	VCP Fee
20 or fewer	\$750
21 to 50	\$1,000
51 to 100	\$2,500
101 to 500	\$5,000
501 to 1,000	\$8,000
1,001 to 5,000	\$15,000
5,001 to 10,000	\$20,000
Over 10,000	\$25,000

Additional Points About VCP Fees

- The Fee Table (Section 12.02) requires the fee to accompany the VCP submission.
- The filing may be streamlined by using the Appendix F nonamender schedules.
- The nonamender penalty is based on the number of participants in the plan. The number of participants is determined from the most recently filed Form 5500 on line 7f (Section 12.07).
- Group submissions are based on the number of plans. The cost for twenty plans is \$10,000; additional plans are \$250 each, up to a maximum of \$50,000 (Section 12.04). ■

Safe Harbor Excluded Eligible Employee Correction

The correction method under the IRS's Employee Plans Compliance Resolution System (EPCRS) originally called for qualified nonelective employer contributions (QNECs) equal to the average of the actual deferral percentage (ADP) for

either the nonhighly compensated employees (NHCEs) or the highly compensated employees (HCEs), depending on which group the employee was a member of during the time the

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Safe Harbor Excluded Eligible Employee Correction

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employee was incorrectly excluded from the plan. Since the May 2006 release of Rev. Proc. 2006-27, the correction method requires a QNEC equal to only 50% of the applicable ADP average during the exclusion period, since the employee continued to get his or her full compensation during the period he or she was erroneously excluded. The 50% is called the missed opportunity amount. The employee also has to receive the full (not 50%) match and earnings that otherwise would have been received.

Correction for the exclusion of an eligible employee from a safe harbor 401(k) plan. EPCRS has special rules for the exclusion of an eligible employee from a safe harbor 401(k) plan. A safe harbor plan with a nonelective contribution (NEC) has different correction rules than a safe harbor matching contribution plan. The 50% of the group average method is not used.

Correction under a safe harbor 401(k) nonelective contribution plan. If the safe harbor is a 3% NEC, the amount of the missed deferral is deemed to be 3%, regardless of the group average. The amount the employer must make up is 50% of the 3% deferral and all of the 3% safe harbor nonelective contribution.

Example 1: The plan is a safe harbor 401(k) with a 3% NEC and no other employer contributions. The employee should have entered the plan on January 1, 2009. The employee never had the opportunity to elect to defer. This is discovered in January 2010. The individual's compensation for 2009 was \$30,000. The correction is made on the missed deferral opportunity of 50% of 3%. The employer must also contribute the safe harbor 3% nonelective contribution. In addition, the earnings must be calculated and added to this corrective contribution. For simplicity, we will assume the correction time period was exactly one year. The correction would be \$450 (50% of 3% × \$30,000) of missed opportunity and \$900 (3% × \$30,000) for the safe harbor nonelective contribution, plus earnings.

Correction under a safe harbor 401(k) basic matching contribution plan. If the safe harbor plan uses the safe harbor basic matching formula, the correction is based on 50% of the estimate of the missed deferral. *The missed deferral is based on the amount of match that is provided at a 100% rate.* In the basic match, the first 3% are provided a 100% match. So the missed

deferral would be 3%, and the missed deferral opportunity would be 50% of that. The safe harbor match on the 3% missed opportunity would also be provided.

Example 2: We will use the same facts as Example 1, except this is now a safe harbor basic matching contribution plan. The missed deferral opportunity is 50% of 3%. The missed safe harbor matching opportunity would be 100% of 3%, and the amount would be adjusted for earnings. In this case the missed match is again \$900.

Correction under a safe harbor 401(k) enhanced matching contribution plan. If the plan is offering a 100% match on more than 3%, the missed deferral opportunity would be based on the higher match percentage that is being provided at 100%.

Example 3: The plan is a safe harbor 401(k) with an enhanced safe harbor match formula of 100% match on the first 5% deferred. There are no other employer contributions. The employee should have entered the plan on January 1, 2009. The employee never had the opportunity to elect to defer. This is discovered in January 2010. The individual's compensation for 2009 was \$30,000. The missed deferral opportunity cost would be 50% of 5% of \$30,000, equaling \$750. The missed safe harbor enhanced matching would be 100% of 5% of \$30,000, equaling \$1,500. The total corrective contribution would be \$2,250, plus earnings.

Note: If a plan has other employer contributions, such as a discretionary match, hard-coded match formula (or a nonelective contribution), the employer would have to make the employee whole for those amounts using the full match that would have been earned on the missed deferral, plus earnings.

Caveat for controlled groups. A potential follow-up issue is who has to get the safe harbor amounts. The eligible group may be larger than the employer realized. If the employer sponsoring the plan is part of a controlled group and coverage could not be passed separately (i.e., without including the employees of the other company within the controlled group), all those employees who must be made eligible retroactively to pass coverage testing must be treated as if they also were wrongfully excluded and must receive the corrective contributions. This could result in significant amounts of additional contributions. ■

DOL Proposed Regulations Update

On February 26, 2010, the Department of Labor (DOL) issued new proposed rules regarding individualized investment advice within participant-directed individual account plans and advice provided to individual retirement accounts (IRAs) and similar accounts. The DOL had released final regulations on January 21, 2009, but implementation was delayed until the incoming administration could review them. Those regulations and the associated prohibited transaction

exemption (PTE) were withdrawn in November 2009 due to concerns over a class exemption, which could have opened up the possibility of self-dealing by investment advisors. The 2010 proposed regulations are limited to the implementation of the Pension Protection Act statutory exemption relating to investment advice.

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DOL Proposed Regulations Update

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The proposed rules allow two methods for fiduciary advisors to provide advice under “eligible investment advice arrangements”:

1. Computer model: A computer model that meets specific requirements and provides unbiased advice can be used. The program must be certified in advance by an independent investment expert.
2. Fee leveling: Compensation or commissions earned by a fiduciary advisor may not vary based on the investments selected by a participant.

In addition to ensuring the computer model is certified prior to its use, a process must also be established for the selection of the investment expert who certifies the program. An independent auditor will be required to perform an annual audit of the plan’s investment advice arrangements.

Fiduciary advisors will be subject to disclosure rules, which require that a written notice be provided to participants and beneficiaries prior to giving investment advice. The DOL will be providing a model Fiduciary Advisor Disclosure Form to assist fiduciary advisors with satisfying these disclosure rules. Use of the model notice is optional. The following information must be disclosed prior to providing advice:

- Past performance and historical rates of return of the investment options available under the plan (if this information has not otherwise been provided).
- Fees and other compensation that the fiduciary advisor or its affiliates would receive in connection with the acquisition, holding, or sale of investments selected as a result of the advice provided.
- Any relationship of the fiduciary advisor or affiliates to the security or other property involved in the investment transaction.
- The role of any party who has both a relationship with the fiduciary advisor and is involved in the development of the investment advice program or the selection of investments available within the plan.
- The right of the participant to receive investment advice from an advisor that is not affiliated with the plan.
- A statement by the fiduciary advisor acknowledging they are providing services as a fiduciary under ERISA.

- How personal participant and beneficiary information will be used and protected *and* which parties will share in this information.
- Types of services provided by the fiduciary advisor.

The proposed regulations contain clarifying language to address concerns (received in comment letters) with the provisions of the former final rule that had interpreted the statutory exemption’s fee-leveling requirement. The DOL observed that the final rule would permit the receipt of varying fees by an affiliate of a fiduciary advisor, and this would permit an affiliate of a fiduciary advisor to establish economic incentives for either the fiduciary advisor, or individuals providing investment advice on its behalf, to recommend investments that pay varying fees to the affiliate. Thus, the final rule would not adequately protect participants and beneficiaries from advice influenced by the affiliate’s interests.

In the new proposed rules, the DOL is emphasizing that, as was stated in Field Assistance Bulletin 2007-1, the receipt by a fiduciary advisor of any payment from any party (including an affiliate of the fiduciary advisor), *or* the use of any such payment for the benefit of such fiduciary advisor, which payment is based, in whole or part, on investments selected by participants or beneficiaries, would be inconsistent with the fee-leveling requirement of the statutory exemption. Clarification is also provided in that this limitation applies both to an entity that is retained to render advice and to any employee, agent, or registered representative of such an entity. Thus, even though an affiliate of a fiduciary advisor may receive fees that vary depending on the investment options selected, any provision of financial or economic incentives by an affiliate (or any other party) to a fiduciary advisor or any individual employed by such fiduciary advisor (e.g., an employee providing advice on its behalf or an individual responsible for supervising such an employee) to favor certain investments would be impermissible (Proposed Rule paragraph (b)(3)(i)(D) of Section 2550.408g-1). The fiduciary advisor must maintain records that support they have satisfied the terms of these regulations for at least six years. The bottom line is that even though the affiliate may receive a varying fee, the advisor is not able to share in any such additional amounts. ■

Recent Developments

New Optional Filing Method Now Available

As we went to press, the Department of Labor (DOL) announced that service providers preparing Form 5500 or Form 5500-SF for clients may obtain signer credentials to submit the forms electronically on their clients’ behalf. Here are the rules that must be met.

- The plan administrator must give written permission to the service provider to file on their behalf. The service provider must maintain this request on file.
- The plan administrator must manually sign a paper copy of the Form 5500 or 5500-SF. The signed copy must be made available to participants and beneficiaries upon request.

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Recent Developments

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- The service provider must attach a PDF copy of the first two pages of the signed Form 5500 or 5500-SF as an attachment in the EFAST2 filing.
- The plan administrator must be informed that filing in this manner will result in the image of their signature being visible on the Internet once the annual report is posted by the DOL on the Internet for public disclosure.
- The service provider will keep the client informed of any inquiries and/or information received from any agency or EFAST2 about the Form 5500.

Because of the difficulty the EFAST2 rules previously provided, many service providers see this optional filing method as welcome relief, though not everything they might have wished for.

Late Deferrals

The Department of Labor (DOL) has stated that an overwhelming number of filings in the Voluntary Fiduciary Compliance Program (VFCP) involve late deposits of elective deferrals and loan repayments. Self-correction for these errors is very possible but not currently permitted under the program. Between the calculator on the DOL website that allows plans to compute earnings due to the plan on late deposits and the recently finalized rules for the seven-business-day safe harbor for depositing deferrals/loan repayments for small plans,* the correction process has been greatly simplified. Hopefully, a

* If a small plan misses the safe harbor, interest and penalties are calculated from the benchmarked deposit date (usually three to five business days) and not from the end of the seven-day safe harbor period.

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Around the Firm

Rich Hochman will be making the following presentations:

DATE	NAME OF ORGANIZATION	TOPICS
June 10	Cincinnati Bar Association Cincinnati, OH	401(k) Update
June 17	ASPPA Great Lakes Benefits Conference Chicago, IL	IRS DL Program Update
June 17	ERPA Conference Chicago, IL	DL Letter Issues
June 18	ASPPA Webcast Nationwide	IRS Hot Topics
July 12	ASPPA NE Benefits Conference Boston, MA	Ethics in Representing EB Plans
July 13	ASPPA NE Benefits Conference New York, NY	Ethics in Representing EB Plans
July 22	ASPPA BCOS Ft. Lauderdale, FL	Ethics in Representing EB Plans

Bill Grossman will be co-chairing the following conference:

June 17-18	ERPA Conference Chicago, IL	Practicing Before the IRS: Case Study and Best Practices
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Bill's article, "Back-to-Basics: Average Deferral Percentage Test," was published in *The ASPPA Journal*, Summer 2010 Edition.

Come to the first Annual ERPA Conference on June 17 and 18 in Chicago. More information at:
www.erpconference.org

Recent Developments

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future VFCP update will include criteria permitting self-correction methods for late deferrals and/or loan repayments.

For a number of years, Form 5500 has asked plan sponsors to disclose if any deferrals were deposited late during the year. The 2009 Form 5500 also asks if late deposits were corrected, thus allowing plan sponsors to indicate that the plan has been made whole. This should prevent a common scenario where a plan sponsor reports a late deposit and makes the correction, only to then receive a letter from the IRS and/or the DOL about the need to make a correction.

EBSA Fiscal Year 2009 Results

EBSA closed 3,669 civil investigations in FY 2009. In over 72% of those cases, the agency found violations and

obtained corrections. Criminal offenses involving employee benefit plans led to the indictment of 115 individuals. The agency also recovered \$124.5 million for workers and their families by resolving individual complaints through informal resolution procedures. In addition, EBSA handled 365,457 inquiries from the public and conducted more than 1,500 education and outreach events for workers, employers, plan officials, and Congressional members.

Results were also achieved through the agency's compliance assistance programs. The popular Voluntary Fiduciary Correction Program (VFCP) received 1,692 applications from employers, plan officials, service providers, and other fiduciaries to self-correct ERISA violations. ■

*William C. Grossman, QPA, ERPA
Director of Education and Communications*

The general information in this publication is not intended to be nor should it be treated as tax, legal, or accounting advice. Additional issues could exist that would affect the tax treatment of a specific transaction and, therefore, taxpayers should seek advice from an independent tax advisor based on their particular circumstances before acting on any information presented. This information is not intended to be nor can it be used by any taxpayer for the purpose of avoiding tax penalties.

REGIONAL SEMINARS

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|---------|---|
| 6/8-9 | NEW Practitioner Level Class
Oak Brook, IL |
| 6/8-9 | Retirement Plan Insights
Oak Brook, IL |
| 7/14-15 | NEW Practitioner Level Class
Atlantic City, NJ |
| 7/14-15 | Retirement Plan Insights
Atlantic City, NJ |
| 8/3-4 | Retirement Plan Insights
Peabody, MA |

Upcoming eSeminars

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| 6/23 | Advanced RMD Issues |
| 6/30 | EPCRS |
| 7/8 | Start of Back-to-Basics Series |
| 7/21 | Safe Harbor 401(k)s: Design and Correction |
| 8/25 | What a 401(k) Administrator Needs to Know About IRAs |
| 9/15 | 403(b) Update |

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