



## **Year-End Update—Recent Developments and Other Guidance Potentially Affecting Qualified Plans for 2018 and 2019**

Prepared by Aon

# Year-End Update—Recent Developments and Other Guidance Potentially Affecting Qualified Plans for 2018 and 2019

## Background

This document summarizes certain recent developments that may require amendments or possible changes in the administration of tax-qualified defined benefit (DB) and defined contribution (DC) retirement plans. This Year-End Update also identifies certain other items that are most likely to impact qualified retirement plans, including the 2016 and 2017 Internal Revenue Service (IRS) Required Amendments Lists (Notices 2016-80 and 2017-72, respectively), as well as other recent regulatory and administrative policy changes. In general, current IRS guidance requires that legally required plan amendments need to be adopted by the end of the second year following publication in a Required Amendments List, while other “discretionary” plan amendments need to be adopted by the end of the plan year in which the amendment is operationally put into effect. Additionally, and considering the increased plan termination activity Aon has seen with respect to qualified DB pension plans, we have added information for the sponsors of such plans that are terminating (or that may terminate in the near future) to consider (see Section III). These developments may require or suggest that changes be made to relevant plan provisions. Many referenced items include citations to applicable guidance.

While this summary is intended to reflect our understanding of certain required or permissive updates to qualified retirement plan documents, the nature, extent, and associated timing of any needed or discretionary plan amendments to reflect legislative, regulatory, administrative, or case law developments can be quite specific depending on the terms and the operational history of each qualified plan. As a result, clients may wish to use this summary (in consultation with Aon consultants) to evaluate how their tax-qualified retirement plans are impacted. Any member of Aon’s Retirement Legal Consulting & Compliance practice can assist with such a review.

## I. Required Amendments for DB and DC Plans

The summary provided below considers certain announcements as well as recent statutory and regulatory changes that may need to be reflected in a plan amendment or updated restatement of a plan that is intended to be qualified under Section 401(a) of the Internal Revenue Code of 1986, as amended (Code) or is otherwise subject to Title I of the Employee Retirement Income Security Act of 1974, as amended (ERISA). Additional background material is also included.

Change	Reference	Requirement	Comment	Links to Additional Guidance
Disability Claims Procedures	ERISA § 503	Additional procedural protections applicable to claims filed after April 1, 2018, for disability benefits or other rights triggered by a disability determination	<p>Regulations apply to retirement (and other ERISA) plans that provide a disability benefit or condition a distribution or other right on a plan's disability determination.</p> <p>Amendments to comply with these new disability rules must generally be adopted by the end of the plan year that includes April 2, 2018 (December 31, 2018, for calendar year plans).</p>	<p><b>Aon Articles</b></p> <p>New Disability Claims Procedure Rule Is Back:  <a href="#">1Q2018 Legal Consulting &amp; Compliance Quarterly Update</a></p> <p>New Disability Claims Procedure Rules:  <a href="#">2Q2017 Legal Consulting &amp; Compliance Quarterly Update</a></p> <p><b>Regulatory Guidance</b></p> <p>Claims Procedure for Plans Providing Disability Benefits:  <a href="#">FR - 81 Fed. Reg. 92316</a></p> <p>Claims Procedure for Plans Providing Disability Benefits; Extension of Applicability Date:  <a href="#">FR - 82 Fed. Reg. 47409</a></p> <p>90-Day Delay of Applicability Date:  <a href="#">FR - 82 Fed. Reg. 56560</a></p>

Change	Reference	Requirement	Comment	Links to Additional Guidance
Partial Annuity Distributions	Code § 417(e)(3); Treas. Reg. § 1.417(e)-1(d)(7)	Final regulations provide rules regarding application of the present value requirements of Code § 417(e)(3) where the accrued benefit is paid partly as an annuity and partly in a lump sum or other accelerated payment form	<p>Applies to DB plans that permit two or more benefit elections, sometimes referred to as “bifurcated” benefit payments.</p> <p>Amendments to comply with these new rules must generally be adopted by the end of the second calendar year that begins after issuance of Notice 2017-72 (<i>i.e.</i>, by December 31, 2019) or, if later, the end of the plan year in which a plan amendment to provide for such bifurcated payments is operationally put into effect.</p> <p>Depending on Plan language, certain DB plans may need to reference recent IRS guidance on mortality tables.</p>	<p><b>Regulatory Guidance</b></p> <p>Final Regulations for § 1.417(e)-1: <a href="#">FR - 81 Fed. Reg. 62359</a></p> <p>Model Amendments to Add Bifurcated Distribution Options to DB Plans: <a href="#">Notice 2017-44</a></p> <p>Final Regulations for Mortality Tables (October 5, 2017): <a href="#">FR - 82 Fed. Reg. 46388</a></p> <p>Updated Static Mortality Tables for DB Plans for 2018: <a href="#">Notice 2017-60</a></p>

Change	Reference	Requirement	Comment	Links to Additional Guidance
Cash Balance/ Hybrid Plans (Market Rate of Return)	Treas. Reg. §§ 1.411(a)(13)-1, 1.411(b)-1, and 1.411(b)(5)-1	Market Rate of Return	<p>Cash balance/hybrid plans must be amended to the extent necessary to comply with those portions of the regulations regarding market rate of return and other requirements that first become applicable to the plan for the plan year beginning in 2017. The anti-cutback relief of Code § 411(d)(6) provided in Treas. Reg. § 1.411(b)(5)-1(e)(3)(vi) applies only to plan amendments adopted before the effective date of the regulations; that is, until the day immediately prior to the first day of the first plan year beginning on or after January 1, 2017 (<i>i.e.</i>, December 31, 2016, for calendar year plans).</p> <p>For collectively bargained plans, the plan amendments must be adopted before the first day of the first plan year that begins on or after January 1, 2019, unless the last collective bargaining agreement ratified on or before November 13, 2015 expires before January 1, 2019, in which case the required amendments must be adopted before the first day of the first plan year that begins on or after the later of (1) the date on which the last applicable collective bargaining agreement expires; or (2) January 1, 2017.</p>	<p><b>Regulatory Guidance</b></p> <p>Additional Rules Regarding Hybrid Retirement Plans:  <a href="#">FR - 79 Fed. Reg. 56442</a></p> <p>Transitional Amendments to Satisfy Market Rate of Return Rules for Hybrid Retirement Plans:  <a href="#">FR - 80 Fed. Reg. 70680 (26 CFR Part 1)</a></p>

Change	Reference	Requirement	Comment	Links to Additional Guidance
Pre-approved Plans	Code §§ 401(a) and 403(b)	<p>Pre-approved Code § 401(a) qualified plans must be updated during applicable IRS pre-approved qualified plan cycle; determination letter requests by eligible employers may be submitted to IRS by the end of such cycle</p> <p>Employers that adopt pre-approved Code § 403(b) plans generally have assurance that plan document complies with Code § 403(b); pre-approved 403(b) plans must be adopted by the end of the applicable IRS pre-approved 403(b) plan cycle</p>	<p>The current cycle for pre-approved qualified DB plans began May 1, 2018 and ends April 30, 2020.</p> <p>The current cycle for pre-approved 403(b) plans ends March 31, 2020.</p> <p>The most recent cycle for pre-approved qualified defined contribution (DC) plans, the third six-year remedial amendment cycle, began February 1, 2017 and ends January 31, 2023.</p> <p>Adopting employers that miss an applicable deadline generally may correct error under the IRS's Voluntary Correction Program.</p>	<p><b>Regulatory Guidance</b></p> <p>Pre-approved Qualified DB Plans: <a href="#">Announcement 2018-05</a></p> <p>Pre-approved 403(b) Plans: <a href="#">Revenue Procedure 2017-18</a> <a href="#">Revenue Procedure 2018-42</a></p>

## II. Discretionary Amendments for DC Plans

The summary provided below considers certain 2016, 2017, and 2018 announcements or law changes. To the extent that a plan sponsor has made any design changes or introduced other discretionary features to its qualified plan that are effective during 2018, the sponsor should be certain that it has adopted plan amendment language no later than the last day of the applicable plan year (e.g., by December 31, 2018, for calendar year plans). In addition, plan sponsors may want to consider the following amendments before year end:

Change	Reference	Possible Update	Comment	Links to Additional Guidance
<b>Hardship Withdrawals</b> Bipartisan Budget Act of 2018	Code §§ 401(k) and 403(b)	<p>Plan sponsors have the option to eliminate certain restrictions on hardship withdrawals for plan years beginning after December 31, 2018</p> <p>These restrictions involve the six-month suspension period following a withdrawal, the necessity of taking out plan loans prior to a withdrawal, and limitations on the types of funds that can be withdrawn for hardship. It is not yet clear if any such restrictions must be eliminated for ADP/ACP safe harbor design 401(k)/401(m) or 403(b) plans, or with respect to safe harbor hardship rules</p> <p>Hardship distributions during the period 2018-2025 for damage to the employee's principal residence may be limited if based on "deemed immediate and heavy financial need" regulations (formal IRS guidance on this matter has not yet been issued)</p>	<p>An appropriate plan amendment is required by the end of the plan year in which a discretionary change is operationally put into effect (e.g., by December 31, 2019, for calendar year plans, with respect to any such discretionary hardship withdrawal changes that are effective in 2019).</p> <p>Required changes (disqualifying provisions) must be made by the end of the second calendar year that begins after issuance of the Required Amendments Lists in which the required change appears.</p>	<p><b>Statutory Changes</b></p> <p>Bipartisan Budget Act of 2018: <a href="#">BBA 2018</a></p> <p><b>Regulatory Guidance</b></p> <p>Timing of Amendments: <a href="#">Revenue Procedure 2016-37</a></p> <p><b>Aon Article</b></p> <p>See "Quarterly Roundup of Other New Developments:" <a href="#">3Q2018 Legal Consulting &amp; Compliance Quarterly Update</a></p>



Change	Reference	Possible Update	Comment	Links to Additional Guidance
<b>Disaster Relief</b> IRS Announcements 2017-11, 2017-13, and 2017-15;  H.R. 3823 Disaster Tax Relief and Airport and Airway Extension Act of 2017 (Relief Act)	Code §§ 401(k)(2)(B) and 72(t)	Relief regarding provisions for eligible loans and in-service distributions from certain profit sharing and stock bonus plans (e.g., 401(k) plans)	<p>The IRS has provided some relief for loan and hardship distributions for participants directly affected by Hurricanes Harvey, Irma, and Maria and the California wildfires. If a plan amendment is required, calendar-year plans must be amended by December 31, 2018. Congress has also provided participants directly affected by Hurricanes Harvey, Irma, and Maria with tax relief from the 10% early withdrawal penalty tax and the 20% withholding requirement that applies to eligible rollover distributions.</p> <p>The IRS offered additional temporary relief from some Code requirements for participants affected by Hurricanes Michael and Florence in September and October 2018, respectively.</p>	<p><b>Statutory Changes</b></p> <p>Disaster Tax Relief and Airport and Airway Extension Act of 2017:  <a href="#">Relief Act</a></p> <p><b>Regulatory Guidance</b></p> <p>Relief for Victims of Hurricane Harvey:  <a href="#">Announcement 2017-11</a></p> <p>Relief for Victims of Hurricane Irma:  <a href="#">Announcement 2017-13</a></p> <p>Relief for Victims of Hurricane Maria and California Wildfires:  <a href="#">Announcement 2017-15</a></p> <p>Tax Relief for Victims of Hurricanes Michael and Florence:  <a href="#">IRS News: FL-2018-04</a>  <a href="#">IRS News: IR-2018-202</a></p>
<b>Disaster Relief: Puerto Rico</b>  Administrative Determinations Nos. 17-29, 18-02, and 18-13	PRIRC §1081.01	Puerto Rico qualified retirement plans permitted to provide in-service cash distributions of up to \$100,000 on a tax-favored basis to eligible individuals; distributions to eligible individuals must be made by November 30, 2018	The first \$10,000 can be distributed tax-free. Eligible distributions above \$10,000 are subject to a 10% income tax rate and 10% tax withholding. An appropriate plan amendment must be adopted by December 31, 2018.	<p><b>Regulatory Guidance</b></p> <p>Administrative Determinations 17-29, 18-02, and 18-13 are available only in Spanish</p>



Change	Reference	Possible Update	Comment	Links to Additional Guidance
Proposed IRS Regulations	Code §§ 401(k) and 401(m)	QMAC and QNEC allocations	Proposed regulations under Code §§ 401(k) and 401(m) were published on January 18, 2017 (82 Fed. Reg. 5477) and provide that qualified matching contributions (QMACs) and qualified nonelective contributions (QNECs) must satisfy applicable nonforfeitable and distribution requirements at the time they are allocated to participant accounts as QMACs or QNECs, as applicable. Importantly, the funds used as QMACs and QNECs are no longer required to satisfy the nonforfeitable and distribution conditions for QMACs and QNECs when they were originally contributed to the plan as another contribution type (e.g., matching contribution). Plan sponsors wanting to utilize forfeitures for QMAC and QNEC allocations may do so if the plan is amended to provide for such allocation. These proposed regulations apply only to taxable years beginning on or after the publication of final regulations, but plan sponsors may rely on the proposed regulations for periods before then.	<b><i>Regulatory Guidance</i></b> Definitions of QMACs and QNECs: <a href="#">FR - 82 Fed. Reg. 5477</a>

Change	Reference	Possible Update	Comment	Links to Additional Guidance
TE/GE Division Memorandum (July 26, 2017)	Code § 72(p)(2)	Clarification of qualified DC plan loan amounts	On July 26, 2017, the IRS issued revised guidance to assist its agents in determining the maximum amount a participant may borrow from a qualified DC plan if the participant has multiple loans. This guidance applies to qualified retirement plans with audits open on and after July 26, 2017. The guidance illustrates two permissible methods for adjusting the \$50,000 cap for the highest outstanding loan balance. Since the IRS has concluded that plans may adopt one of these two methods in determining the maximum amount a participant may borrow, it may be advisable for the plan sponsor to review its loan procedures and update plan terms to the extent necessary.	<b>Regulatory Guidance</b> Computation of Maximum Loan Amount under Code § 72(p)(2)(A): <a href="#">TE/GE-04-0717-0020.pdf</a>
TE/GE Division Memorandum (February 23, 2017)	Code § 401(k)	Safe harbor hardship distributions	The IRS issued guidance for Employee Plans examination agents on February 23, 2017, specifying the types of documentation that should be reviewed in determining if hardship withdrawals were properly made for a deemed need. The memorandum indicates that plans may obtain and rely on a summary of source documents (rather than the actual source documents) in support of a hardship withdrawal request. Additionally, participants who “self-certify” that they have a deemed need must provide certain information. The plan also must notify any such participant of certain requirements before making a hardship distribution. Many plans—particularly those with current detailed provisions regarding hardship administration—will need to be amended to reflect these changes, as applicable.	<b>Regulatory Guidance</b> Substantiation Guidelines for Safe Harbor Hardship Distributions from 401(k) Plans: <a href="#">TE/GE-04-0217-0008</a>  <b>Aon Article</b> Substantiation of Safe-Harbor Hardship Distributions: <a href="#">2Q2017 Legal Consulting &amp; Compliance Quarterly Update</a>

### III. Some Discretionary Amendments to Consider When Terminating DB Plans<sup>1</sup>

Provision	Reference	Possible Update	Comment	Links to Additional Guidance
Plan Administrator	Part 4 of Title I of ERISA, 29 U.S.C. §§ 1104–1114	If the company or, perhaps less commonly, a single individual is designated as the “plan administrator” under ERISA and the plan document, consider an amendment designating a committee to make the selection of the insurer or insurers from which an annuity contract will be purchased	The nature and financial significance of a plan’s selection of a “safest available annuity” provider within the meaning of the DOL’s Interpretive Bulletin 95-1 (as revised in 2008) are such that most plan terminations proceed by having a committee of, for example, three or five plan fiduciaries decide on the eventual 95-1 annuity placement.	<b>Regulatory Guidance</b> <a href="#">2509.95–1 Interpretive Bulletin</a> <a href="#">2008 Amendment to Interpretive Bulletin-95-1</a>
QJSA Election Period	Code § 417(a) Treas. Reg. § 1.401(a)-20, Q&A 8	Consider extending a plan’s 90-day maximum period to 180 days (if not previously so extended after December 31, 2006)  Consider amending the plan (and election materials) to provide that an election of an optional form and a waiver of the QJSA includes a waiver of the QPSA, in case the participant dies before payments commence. This change should avoid a possible need to revert to payment as a QPSA, if the participant dies prior to the annuity starting date	Such a change would assist with potential plan termination election timing, particularly if the sponsor is evaluating whether or not to proceed with a lump-sum window opportunity ahead of the plan’s termination.	<b>Regulatory Guidance</b> Internal Revenue Manual § 4.72.9.4.5.1: <a href="#">Internal Revenue Manual</a>

<sup>1</sup> Changes to DB pension plans subject to collectively bargaining should not be amended before the sponsor discusses such proposed changes with labor counsel and determines if such changes are subject to “effects bargaining” and require notice and negotiation with each applicable union.

Provision	Reference	Possible Update	Comment	Links to Additional Guidance
Commencement at Age 65	Code §§ 401(a)(14) and 401(a)(9) Treas. Reg. § 1.401(a)-14	Evaluate if plan terms should be revised to clarify whether terminated vested participants are required to commence benefits upon attainment of normal retirement age (e.g., 65) or, alternatively, if there is a right to defer commencement. If there is a right to defer, the steps necessary to exercise that deferral right also should be described	Prior operational history should also be evaluated, since a prior, consistent administrative practice may have given rise to either a right to commence at normal retirement age or a right to defer payment of the vested benefit up to the required beginning date. Evaluation should consider whether either right ( <i>i.e.</i> , the right to commence at normal retirement age or defer) may be a protected optional form of payment subject to certain anti-cutback protections.	<b>Regulatory Guidance</b> Required Distributions: <a href="#">IRS Explanation 9, Required Distributions</a>
Suspension of Benefits	ERISA § 2530.203-3	If the plan provides that participants who remain in active employment with the sponsor at age 65 will receive a suspension of benefits notice meeting the requirements of ERISA § 2530.203-3, consider amending the plan to eliminate the suspension of benefits notice requirement upon the successful transfer of liabilities to one or more insurers	Aon's understanding is that insurance companies will generally not agree to administer a suspension of benefits provision. As a result, plan sponsors should consider amendments, effective coincident with the transfer of accrued benefit liabilities from the plan to an insurer, or possibly earlier, such that no suspension of benefit notice will be provided and that any participant who remains in active employment with the employer past age 65 will be able to commence benefits in-service or have their accrued benefit actuarially increased to reflect the time period that such accrued benefit is not being paid because of the participant's continued employment past normal retirement age.	<b>Regulatory Guidance</b> Retirement Plan Participant Notices: <a href="#">Suspension of Benefits Notice</a>

Provision	Reference	Possible Update	Comment	Links to Additional Guidance
Supplemental Disability Benefits	Treas. Reg. §§ 1.411(d)-3 and 1.411(d)-4	<p>If the plan provides for a protected optional form of payment triggered by a qualifying disability, evaluate if those terms need to be retained in the plan</p> <p>In addition, if the plan provides for additional service to be recognized in certain situations where a participant incurs a qualifying disability, consider amending the plan to remove the additional service recognition</p>	The employer should determine whether any such plan amendment would be subject to bargaining (e.g., hourly plans) or is otherwise not permitted.	
Supplemental Death Benefits	Treas. Reg. §§ 1.411(d)-4 and 1.411(d)-3(g)(2)	Check plan provisions regarding what happens if a participant dies while actively employed. In addition to reflecting certain required provisions for the plan's QPSA for married participants and required provisions for married participants performing qualified military service, the plan may also reflect certain discretionary provisions regarding a participant's ability to name a non-spousal beneficiary to receive some or all of his pre-retirement death benefit payable by the plan	Preretirement death benefits other than a qualified preretirement survivor annuity can often be removed from a plan covering non-bargained employees.	

Provision	Reference	Possible Update	Comment	Links to Additional Guidance
Plan Termination		Consider modifying the plan to include certain provisions that are specific to terminating plans, including (1) adding to the enumerated list of specified fiduciary duties within the purview of the designated plan administrator (e.g., settling of all liabilities, purchase of an irrevocable annuity contract, etc.); and (2) the ability to direct any surplus plan assets to a “qualified replacement plan” or to any other eligible purpose that will not trigger a reversion and excise tax	It is not uncommon for a pension plan to have surplus assets following the final annuity purchase for a variety of reasons, including demographic adjustments made by the sponsor and the insurer. Sponsors should carefully evaluate their options with respect to such surplus assets, particularly where the pension plan previously required mandatory employee after-tax contributions. Additionally, if the plan has not allowed reversions for at least five calendar years preceding the plan proposed termination date, excess plan assets must be allocated among plan participants in accordance with existing plan provisions.	<b>Regulatory Guidance</b> Internal Revenue Manual § 7.12.1.17.1.2: <a href="#">Internal Revenue Manual</a>
Voluntary Cash-outs and Missing Participants	Code § 411(a)(11) ERISA § 4050	If the current terms of the plan only provide for cash-outs of the accrued benefit for benefits that are not in excess of \$1,000, consider adding a voluntary cash-out provision for accrued benefits over \$1,000 but not more than \$5,000	In light of the PBGC’s administrative position on “missing participants,” including unresponsive distributees, sponsors restating plan documents for termination will need to carefully evaluate their policies regarding involuntary cash-outs and stale-dated checks to ensure compliance with ERISA § 4050. In many situations, sponsors may decide to direct the accrued benefits of “missing participants” to the PBGC.	<b>Regulatory Guidance</b> Protected Benefits: <a href="#">Treas. Reg. 1.411(d)-4</a>  Missing Participants: <a href="#">ERISA Reg. 4050.101 through 107</a> <a href="#">Missing Participants Program for PBGC-insured Single-Employer Plans</a>

Provision	Reference	Possible Update	Comment	Links to Additional Guidance
Deemed Cash-outs	Code § 411(a)(11)	If a plan does not include “deemed cash-out” language for participants that separate prior to being vested in their accrued benefit, evaluate if it would be advisable to add this language to the plan	<p>DB and DC plans may include a “deemed cash-out” provision. However, ERISA § 4044(d)(2)(A) provides that any amendment increasing the amount which may be distributed to the employer cannot be treated as effective before the end of the fifth calendar year following the date the amendment is adopted.</p> <p>DB plan terms should be reviewed regarding the treatment of participants who previously separated from service and have not yet incurred a five-year break in service when the plan terminates.</p>	<p><b>Regulatory Guidance</b></p> <p>Deemed Cash-outs:  <a href="#">Improper Forfeiture by Defined Benefit Plans</a></p> <p>Breaks-in-Service:  <a href="#">IRS Employee Plans News (Vol. 2, Fall 2002)</a></p> <p>PBGC Guidance:  <a href="#">PBGC Standard Termination Filing Instructions (footnote 17b)</a></p> <p><b>Aon Article</b>  <a href="#">Plan Terminations, Strategic Planning For 2012 and Beyond (Journal of Compensation and Benefits July/August 2011)</a></p>



## IV. IRS Determination Letter Guidance—Reminder

The IRS announced significant changes to the determination letter program for individually designed qualified plans in [Announcement 2015-19](#), [Notice 2016-03](#), and [Revenue Procedure 2016-37](#). [Revenue Procedure 2018-4](#), as modified by [Revenue Procedure 2018-19](#), explains how the IRS currently provides advice to taxpayers, including procedures for requesting determination letters from the IRS.

- In [Announcement 2015-19](#), the IRS advised that it was eliminating the current staggered five-year determination letter remedial amendment cycle for on-going individually designed qualified retirement plans. Effective February 1, 2017, determination letter filings for individually designed retirement plans have been limited to determinations regarding initial qualification (e.g., at plan establishment) and at termination (and in certain other limited circumstances, yet to be determined by the IRS).
- In January 2016, the IRS issued [Notice 2016-03](#), which provides further guidance for employers who:
  - Rely on a determination letter issued prior to January 4, 2016;
  - May establish or adopt a pre-approved DC plan; and
  - Are in a controlled group or affiliated service group and previously made a “Cycle A” election to file on a consolidated basis on or before January 31, 2017
- The IRS issued further guidance in [Revenue Procedure 2016-37](#), which clarifies, modifies, and supersedes Revenue Procedure 2007-44 and is generally effective January 1, 2017.
- [Revenue Procedure 2018-4](#), as modified by [Revenue Procedure 2018-19](#), provides revised procedures for issuing determination letters on the qualified status of employee plans under Sections 401(a), 403(a), 409, and 4975 of the Code.

Aon’s Retirement Legal Consulting & Compliance practice can assist plan sponsors with a review of qualified plan documents and related administrative and operational requirements to confirm plan terms in the absence of future IRS determination letters regarding the qualification of ongoing individually designed plans.

## V. Other Recent IRS Guidance

The IRS has previously issued certain publications to assist plan sponsors (as well as their own internal examination specialists) identify major problems in employee benefit plans that might impact their tax-qualified status. The worksheets attached to each publication were provided by the IRS to summarize and describe complex plan qualification requirements generally and to help identify possible issues and deficiencies in employer-sponsored tax-qualified retirement plans regarding the last regular IRS cycle submission period (Cycle A Submission Period—February 1, 2016 – January 31, 2017). It is important to note that there may be issues not mentioned in the worksheets that could affect a plan's qualification. The following provides the links to each publication:

<b>Publication No. (Rev. April 2016)</b>	<b>Description</b>	<b>Reference</b>
<a href="#">Publication 4962</a>	Explanation No. 2A, Minimum Vesting Standards, DB Plans	Code § 411
<a href="#">Publication 4964</a>	Explanation No. 5B, Permitted Disparity	Code § 401(l)
<a href="#">Publication 4965</a>	Explanation No. 5A, Safe Harbor Nondiscrimination Requirements DB Plans	Treas. Reg. § 1.401(a)(4)-3(b); Code § 414(s)
<a href="#">Publication 5139</a>	Explanation No. 14, Section 436 Limitations DB Plans	Code § 436 (plans subject to minimum funding requirements of Code § 412)
<a href="#">Publication 6388</a>	Explanation No. 1, Minimum Participation Standards	Code § 410(a)
<a href="#">Publication 6389</a>	Explanation No. 2, Minimum Vesting Standards (DC Plans)	Code § 411
<a href="#">Publication 6391</a>	Explanation No. 3, Joint and Survivor Determination of Qualification	Code §§ 401(a)(11) and 417
<a href="#">Publication 6392</a>	Explanation No. 4, Miscellaneous Provisions	Various sections of the Code and Regulations
<a href="#">Publication 6393</a>	Explanation No. 5, Safe Harbor Nondiscrimination Requirements DC Plans	Treas. Reg. § 1.401(a)(4)-2(b); Code § 414(s)
<a href="#">Publication 7001</a>	Explanation No. 6, Limitations on Contributions and Benefits	Code § 415
<a href="#">Publication 7002</a>	Explanation No. 7, Top-Heavy Requirements	Code § 416
<a href="#">Publication 7003</a>	Explanation No. 8, Employee Leasing	Code § 414(n)
<a href="#">Publication 7004</a>	Explanation No. 9, Required Distributions	Code § 401(a)(9)

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## About Aon

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