



EGTRRA Restatements: Approaching Compliance Deadlines

Employment, Labor & Benefits Practice Group

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PRACTICE AREAS

Employee Benefits

In our previous edition of *Employment, Labor & Benefits Quarterly*, we noted certain approaching compliance amendment deadlines. Sponsors of qualified retirement plans should also be aware of approaching EGTRRA restatement deadlines. Satisfaction of all of the various deadlines will help ensure that affected retirement plans maintain their qualified status.

EGTRRA RESTATEMENTS FOR CYCLE D PLANS

All qualified retirement plans that are categorized as "Cycle D" plans must be restated and submitted to the IRS for approval on or before January 31, 2010. Cycle D plans include: (a) individually designed plans that are sponsored by employers whose taxpayer identification numbers end with 4 or 9; and (b) multiemployer plans. An extended deadline of April 30, 2010 is available for adopters of pre-approved plans. If the sponsor of a Cycle D single employer plan wants to restate the plan via adoption of a pre-approved plan (such as the Foster Swift profit sharing/401(k) volume submitter plan), then IRS Form 8905, *Certification of Intent to Adopt Pre-approved Plan*, must be signed by both the plan sponsor and the sponsor of the pre-approved plan by January 31, 2010.

EGTRRA RESTATEMENTS FOR PRE-APPROVED PLANS

All qualified retirement plans that are categorized a "pre-approved" plans must be restated and submitted to the IRS for approval on or before April 30, 2010. Pre-approved plans include: (a) plans that have been established via adoption of a pre-approved plan (such as the Foster Swift profit sharing/401(k) volume submitter plan); and (b) plans for which IRS Form 8905, *Certification of Intent to Adopt Pre-approved Plan*, has been timely signed by both the plan sponsor and the sponsor of the pre-approved plan.
