

QUALIFIED RETIREMENT PLAN

COMPLIANCE CHECKLIST

Documents

Plan Document

Type of plan - if ESOP, target benefit, cash balance, cross tested or age weighted plan, special compliance rules will apply
GUST amendment?
Determination letter/filing?

Trust Agreement

Updated for current trustees and funding arrangement?

Summary Plan Description

Readable?
Current?
Suitable disclaimers?
Summary of Material Modifications required for plan changes?

Forms

Enrollment

Joint and survivor - applicable?
! Preretirement notice and election notice
! Waiver and spousal consent

Distribution

! Lump sum consent by participant
QDRO Procedure
Loan Procedure (if applicable)
Participant benefit statements

Operations

Plan status -- terminated or "frozen"?
Identify any control group/affiliated service group members

Identify all qualified retirement plans

Collectively bargained (union) plan?

Proper admission of eligible employees?

Contributions

- ! Permitted disparity (integration)?
- ! \$150,000 (indexed) compensation limit
- ! 415 limits
- ! Allocation per plan formula
- ! Substantial, recurring contributions to profit sharing plans?

Coverage/participation

- ! 401(a)(26) (defined benefit only)
- ! 410(b)
- ! Separate line of business?

Top-heavy

- ! Identify key employees
- ! Apply 60% test including distributions to key employees for past 5 years
- ! Minimum benefits
- ! Minimum vesting

Section 401(k) anti-discrimination testing (if applicable)

Section 401(m) anti-discrimination testing (if applicable)

Compensation discrimination testing (if applicable)

Suspension of benefits for reemployed participants (if applicable)

PBGC Annual Filing and Actuarial Reports (defined benefit only)

Participant Loans (if applicable)

Repayment history

Documentation of loans

Interest rate

Term

Amortization

Quarterly payments

Assignment of **2** of account

Trustee Matters

Investment practices/procedures

Documented trustee meetings?

Written allocation of duties to investment advisors?

Reporting and Disclosure

Annual Reports
Summary Annual Reports
Audit required (over 100 participants)?
Real estate or limited partnership investments?
ERISA bond?

Prohibited Transactions

Identify parties in interest
Review any plan transactions involving parties in interest

Plan Compliance Procedure

Master or Prototype plan?
Who is to prepare future plan amendments?

Section 404(c) Compliance for Participant Directed Investments (if applicable)

Government Audit History

Recent IRS/DOL audits?
Follow up on known compliance issues
Obtain "close out" letter for audits during the year
Any pending disputes over benefits?

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