



BENEFIT NEWS BRIEFS

IRS Publishes 2015 Reference List of Changes in Qualification Requirements for Retirement Plans

The IRS recently posted the [2015 Reference List of Changes in Qualification Requirements for Retirement Plans](#) ("Reference List"). Reference Lists are tools to help ensure that a pension plan document incorporates all relevant mandatory changes in plan qualification requirements in light of the end of the IRS individually-designed Employee Plans Determination Letter Program. In general, multiemployer pension plans are considered individually-designed plans.

As noted in prior newsletters, in [Announcement 2015-19](#) the IRS made some drastic changes to the Determination Letter Program. Effective January 1, 2017, the staggered 5-year determination letter remedial amendment cycles for *individually designed* plans will be eliminated. Furthermore, the scope of the determination letter program for individually designed plans will be limited to *initial plan qualification*, qualification upon *plan termination*, and certain *other limited circumstances* that will be determined by the IRS.

The good news is that, in light of the gutting of the determination letter program described in this Announcement, the IRS is considering ways to make it easier for plan sponsors to comply with the qualified plan document requirements, such as providing model amendments, not requiring certain plan provisions or amendments to be adopted if, and for so long as, they are not relevant to a particular plan (for example, because of the type of plan, employer or benefits offered), or expanding plan sponsors' options to document qualification requirements through incorporation by reference. One of the aids to monitoring compliance is the annual Cumulative List and Reference List. We reported on the 2015 Cumulative List in [Benefit News Briefs 2016-01](#).

How to Use the Reference List

With the end of the five-year remedial amendment cycle, multiemployer pension plans should monitor IRS guidance on required plan amendments in order to timely make such amendments. One step multiemployer pension plans can take is to

review the Cumulative List and Reference List each year, fill out the Reference List and maintain copies of this self-compliance effort.

The IRS notes that each Reference List contains items that are new to the [Cumulative List](#) for that year. For example, the 2015 Reference List includes those items that first appeared on the 2015 Cumulative List of Changes in Plan Qualification Requirements. If a plan misses any relevant amendments, the plan may have a qualification failure and must [correct this error](#).

How to Complete the Reference List

The IRS gave the following instructions on filling out the Reference List.

(1) If your plan document reflects a listed provision:

- Enter a checkmark in the "√" column.
- In the "Plan Section Reference" column, enter the specific numbered section(s) of your plan document that reflect the provision.
- In the "Date Amendment Signed" column, enter the date that the amendment implementing the plan change was signed. Include the adoption dates for all relevant amendments.

(2) If the provision doesn't require a plan amendment or isn't relevant to your plan type:

- Enter a checkmark in the "N/A" column.
- *Example:* an item relating to plan administration doesn't have to be reflected in the plan document.
- *Example:* an item pertaining solely to defined benefit plans will not be applicable to a profit-sharing plan.

We will report on future IRS guidance or self-compliance aids to maintain a pension plan's "qualified status" whenever such guidance or aids are issued.

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