



# THURSDAY

## APRIL 27, 2017

7:00 a.m. – 8:00 a.m.

### Registration and Breakfast

8:00 a.m. – 8:15 a.m.

### Welcome & Introductions

8:15 a.m. – 9:55 a.m.

### Session 1: Washington Update and Late-Breaking Regulatory Developments

ERPA, Non-Core JBEA

With a new administration and a new Congress, there is no doubt that developments in Washington will have a significant impact on qualified retirement plans. Once again, tax reform is front and center with the potential to dramatically reduce tax incentives for qualified plans. Other legislative proposals are sure to be woven into the fabric of a comprehensive tax bill, including bipartisan efforts to encourage the use of MEPs. Recent regulatory initiatives, such as the conflicted advice regulation, are sure to be up for review as a result of new leadership taking office at the relevant federal agencies. After attending this session, attendees will be able to:

1. Understand how tax reform proposals will impact qualified retirement plans;
2. Identify how MEPs will be encouraged under new legislative proposals;
3. Prepare for forthcoming changes in the regulatory landscape.

*Craig P. Hoffman, Esq., APM, General Counsel, American Retirement Association*

9:55 a.m. – 10:10 a.m.

### Break

10:10 a.m. – 11:25 a.m.

### Session 2: IRS Update

ERPA, Non-Core JBEA

The IRS and Treasury Department are expected to continue their guidance and enforcement efforts in 2017. A new and improved program for pre-approved plan documents is expected to be announced at any time. In addition, the updating cycle for 403(b) plans has begun. And, audits and examinations continue to focus on areas of concern to the

IRS. Attendees will:

1. Identify IRS examination priorities;
2. Hear about the new pre-approved plan program; and
3. Learn about new IRS guidance.

*Don Kieffer, Jr., Tax Law Specialist, Internal Revenue Service, TE/GE, Morningside, NJ*

11:25 a.m. – 1:00 p.m.

### Luncheon with Speaker: Future Tense?

Change – sometimes massive change – has long been the norm in designing, managing and administering employee benefit plans. And just when you may have thought things might settle down, election 2016 swept in a new Congress, a new President, and a whole new regulatory regime. Long-time industry veteran Nevin Adams, former editor-in-chief of PLANSPONSOR and PLANADVISER, and now Chief of Marketing and Communications at the American Retirement Association will share insights on the trends, trials, and potential tribulations ahead – what it all means for our industry, and the future of America's retirement security.

*Nevin Adams, Chief of Marketing and Communications, American Retirement Association*

1:05 p.m. – 2:20 p.m.

### Session 3: DOL Update

ERPA, Non-Core JBEA

Along with a new President and a new Congress, there is new leadership at the Department of Labor. This session will provide an update on the latest developments affecting retirement plans, including what to expect with respect to enforcement and regulatory initiatives. After attending this session, attendees will:

1. Understand the priorities for the new administration;
2. Learn about current enforcement initiatives; and
3. Hear about recent and expected guidance.

*David Levine*

2:20 p.m. – 2:35 p.m.

### Break

2:35 p.m. – 3:50 p.m.

### Concurrent Workshops

ERPA, Non-Core JBEA

#### Workshop 1: Plan Documents Now – In the Dawn of a New Era

With the end of the 5-year Determination Letter cycle for individually-designed plans, the IRS is expanding the pre-ap-



proved plan document program. Many individually-designed plan sponsors may be eligible and interested in converting to a pre-approved plan document. Attendees will learn:

1. What plans can (or will “soon”) fit on a pre-approved document;
2. Pros and cons of an individually-designed vs pre-approved document;
3. When can a submission for a Determination Letter be made; and
4. What amendments and restatements are needed (and when) to maintain a plan.

*Donald J. Kieffer, Jr., Tax Law Specialist, Internal Revenue Service, TE/GE, Morningside, NJ*  
*Richard A. Hochman, JD, APM, GFS, President & Chief Operating Officer, Dover, NJ*

## **Workshop 2: The Complex World of Hardship Distributions**

Although hardship distributions have been a popular feature in 401(k) plans for more than thirty years, they remain a continuing source of aggravation for service providers. This session will take a deep dive into the complexities of drafting and administering appropriate policies, including issues such as self-certification or other acceptable standards of proof, whether to follow the “safe harbor” definition of hardship or recommend the facts and circumstances approach, and the pros and cons of expanding the sources available for hardship distributions beyond 401(k) deferrals. Learning objectives:

1. To recognize what constitutes a legitimate hardship eligible for a distribution under the plan.
2. To understand what sufficient proof of hardship will withstand scrutiny in the event of an audit.
3. To be able to evaluate what hardship distribution provisions are suitable for a particular plan.

*Robert M. Kaplan, CPC, QPA, CFP®, APA, VP and National Training Consultant, Voya Financial, Thornwood, NY*

3:50 p.m. – 4:00 p.m.

### **Break**

4:00 p.m. – 5:15 p.m.

### **Concurrent Workshops**

ERPA, Non-Core JBEA

## **Workshop 3: Form 5500 Errors – Common Mistakes and How Avoid IRS Scrutiny**

The IRS has stated that many sponsors caught up in Em-

ployee Plans Compliance Unit (EPCU) projects are there because of incorrect information on their Form 5500 series returns. The IRS uses information on these returns to select cases for compliance checks. This session will discuss the common mistakes and how to avoid them. Also to be discussed is the fate of the new compliance questions proposed with the DOL “modernization” initiative. Attendees will:

1. Learn about the most common 5500 errors;
2. Be able to determine the best methods to prevent mistakes; and
3. Discuss how to answer the new compliance questions.
4. What amendments and restatements are needed (and when) to maintain a plan.

*S. Derrin Watson, JD, APM, Attorney, Goleta, CA*

## **Workshop 4: Co-Fiduciary Liability with 3(16) Services and Their Implications**

Many third party administration firms now include as part of their service options taking on the role of ERISA 3(16) “Plan Administrator.” The decision to offer this service should include consideration of factors beyond the plan administrator duties themselves. Learn about the co-fiduciary issues, how the law is interpreted and ethical dilemmas that you could find yourself addressing. Attendees will understand:

1. 3(16) service responsibilities;
2. Co-fiduciary issues related to 3(16) services; and
3. “Landmines” with respect to the service offering.

*Ilene H. Ferenczy, Esq., CPC, APA, Managing Partner, Ferenczy Benefits Law Center LLP, Atlanta, GA*

5:15 p.m. – 6:15 p.m.

### **Networking Reception**



# FRIDAY

## APRIL 28, 2017

7:30 a.m. – 8:15 a.m.

### Breakfast

8:15 a.m. – 9:30 a.m.

### Session 4: Ask the Experts

ERPA, Non-Core JBEA

*Ilene H. Ferenczy, Esq., CPC, APA, Managing Partner, Ferenczy Benefits Law Center LLP, Atlanta, GA*  
*Thomas J. Finnegan, FSPA, CPC, QPA, FCA, Executive Vice President, CBIZ Savitz, Philadelphia, PA*  
*Richard A. Hochman, Esq., APM, Director, Retirement Plan Consulting Services, Actuarial Systems Corporation, Dover, NJ*  
*Robert M. Kaplan, CPC, QPA, CFP®, APA, VP and National Training Consultant, Voya Financial, Thornwood, NY*  
*S. Derrin Watson, JD, APM, Attorney, Goleta, CA*

9:30 a.m. – 9:40 a.m.

### Transit Time

9:40 a.m. – 10:55 a.m.

### Concurrent Workshops

ERPA, Non-Core JBEA

#### Workshop 5: Defective Plans and How to Cure Them

It has been said that the only plans that run perfectly are those that have not yet been looked at by the IRS, DOL or a competent TPA. This session will explore the myriad ways in which plans can become non-compliant, both in documentation and in operation, and the practical steps that can be taken to resolve problems, including self-correction and application under the various programs available to remediate various plan failures, including the Voluntary Corrections Program, Voluntary Fiduciary Compliance Program and Delinquent Filers Voluntary Correction Program. Learning objectives:

1. To recognize common plan problems and to understand the steps that may be taken to correct them.
2. To become familiar with the various government programs available to remediate plan failures.
3. To be able to communicate effectively with your client and government representatives to reach the optimum and most cost-effective results.

*Ilene H. Ferenczy, Esq., CPC, APA, Managing Partner, Ferenczy Benefits Law Center LLP, Atlanta, GA*

#### Workshop 6: Talking To Your Clients About Compliance Testing

One of the more difficult conversations to have with a plan sponsor is explaining that “your plan failed testing this year” and that steps will have to be taken to remediate the problem. To your client, all of this is complex and confusing at best; but to those charged with keeping a plan in compliance, communicating all testing issues is critical to the proper functioning of your client’s plan. This session will focus on how to communicate testing failures, retain your client’s confidence, and make sure your client understands the issues. Learning objectives:

1. How to avoid surprising clients with testing result by recognizing and anticipating testing problems that may affect the smooth operation of your clients’ plans.
2. How to convey to your client the importance of accurate, timely data, and how to educate your client in making difficult decisions when testing results are not favorable.
3. How to communicate complicated tests and testing failures in a manner which maintains a good client relationship and expresses the value and significance of the work involved.

*Robert M. Kaplan, CPC, QPA, CFP®, APA, VP and National Training Consultant, Voya Financial, Thornwood, NY*

10:55 a.m. – 11:10 a.m.

### Break

11:10 a.m. – 12:25 p.m.

### Concurrent Workshops

ERPA, Non-Core JBEA

#### Workshop 7: Compensation

For many plan sponsors and administrators, plan compensation is the bane of their existence. This is because compensation is used for many different purposes and often, the compensation used in the course of the operation of the plan does not match the terms of the plan document. This session will review the various definitions that are required or permitted as well as examples of how mistakes can be avoided. After this session, attendees will be able to:

1. Identify the different types of compensation that can be utilized and examples of each kind of compensation
2. Understand how the different definitions of plan compensation can cause plan operation issues
3. Distinguish what plan correction options are available when plan operation failures occur.

*Martha M. Sadler, ERPA, CPC, QPA, Executive Vice President, Newport Group, New Bern, NC*



### Workshop 8: Defined Benefit Regulatory Update

We can't know what new regulations will be out in advance of this conference, but we do know that there will be concerns and questions about guidance that has been issued. This session will provide an overview of recent IRS/Treasury guidance impacting defined benefit plans and highlight areas of concern. Upon completion of the session, the attendee will be able to:

1. Summarize key elements of the guidance that has been released by the IRS and Treasury in the last year.
2. Identify the situations in which the recent changes in the guidance may affect their clients.
3. Describe the effects changes in the guidance may have to their clients.

*Thomas J. Finnegan, FSPA, CPC, QPA, FCA, Executive Vice President, CBIZ Savitz, Philadelphia, PA*

12:25 p.m. – 1:45 p.m.

### Buffet Lunch

1:50 p.m. – 3:05 p.m.

### Concurrent Workshops

ERPA, Non-Core JBEA

### Workshop 9: Benefit Consulting for the Tax-Exempt Organizations, Governmental Employers and Church Plans

Tax-exempt organizations can use a wide variety of qualified and nonqualified retirement vehicles including 401(a), 403(b) and 457(b) and (f) plans. Governmental employers, including public schools and state universities, have similar options. Even more unique are the options that are available to churches. This session will discuss the advantages and disadvantages of each type of plan and how a consultant might present these alternatives to a tax-exempt organization, governmental employer or a church organization. Included in the session will be a discussion of the new RAP period associated with the new pre-approved 403(b) plans.

1. Understand the different types of 403(b) plans and employers that can adopt these plans.
2. Learn how to distinguish an ERISA plan from a non-ERISA plan.
3. Learn how the TPA or consulting firm can discuss the multiple options available to these employers. Distinguish what plan correction options are available when plan operation failures occur.
4. Understand the significance of the first RAP period

for 403(b) plans.

*Susan D. Diehl, QKA, CPC, ERPA, President, PenServ Plan Services, Inc., Horsham, PA*

### Workshop 10: Controlled and Affiliated Service Groups – Advanced Issues

RELATED EMPLOYERS NEED MORE THAN A GROUP HUG. Controlled and affiliated service groups provide unique challenges in how to design a plan to be adopted by one or more group members. Year-to-year compliance testing and plan administration is also complicated in these circumstances. This session will use case studies and analysis to help you come to grips with these challenges. Attendees will:

1. Understand the complications inherent in controlled and affiliated service groups;
2. Analyze plan design and compliance testing options; and
3. Recognize traps for the unwary in this area of law.

*S. Derrin Watson, JD, APM, Attorney, Goleta, CA*

3:05 p.m. – 3:20 p.m.

### Break

3:20 p.m. – 5:00 p.m.

### Session 5: Ethics

This session will provide a brief overview of the principles contained in the American Retirement Association Code of Professional Conduct and the duties and responsibilities of practitioners under Circular 230. This will be followed by roundtable discussions of case studies, using actual facts to highlight the types of ethical dilemmas we face every day. Each roundtable will be moderated by an experienced practitioner who will facilitate the discussion and help the participants reach an appropriate resolution. Materials, including the facts of the case studies, will be available and should be reviewed prior to the conference. Attendees will learn about:

1. How the American Retirement Association's Code of Professional Conduct and Circular 230 apply to common ethical dilemmas.
2. Recognizing your own personal ethics.
3. Ethical considerations of social media in the workplace

*Charles M. Lax, Esq., Attorney, Maddin, Hauser, Roth & Heller, PC, Southfield, MI*

5:00 p.m.

### Conference Adjourns