

- EP Examination Process Guide
- latest guidance explaining retirement plan law
- details on EP programs and services

■ **Two Newsletters:**

- *Retirement Plans News* – for benefits practitioners
- *Retirement News for Employers* – for small business owners and other employers

Subscribe online for these free, quarterly newsletters available electronically at www.irs.gov/ep

■ **Benefit conferences** – Check the *Employee Plans News* for the dates of conferences in your area.

■ **Speakers** – Go online to find how organizations can request an educational speaker.

■ **IRS forms and publications** – Ask for your free copy of an IRS publication or form when you call (800) 829-3676 or download these publications and forms from our Web site.

These retirement plan-related publications include:

- Publication 4460, *The Retirement Plan Products Navigator*
- Publication 3998, *Choosing a Retirement Solution for Your Small Business*
- Publication 4484, *Choose a Retirement Plan for Employees of Tax Exempt and Government Entities*
- Publication 4224, *Retirement Plan Correction Programs*
- Publication 560, *Retirement Plans for Small Business (SEP, SIMPLE, and Qualified Plans)*
- Publication 571, *Tax-Sheltered Annuity Plans (403(b) Plans) For Employees of Public Schools and Certain Tax-Exempt Organizations*
- Publication 575, *Pension and Annuity Income*
- Publication 590, *Individual Retirement Arrangements (IRAs)*

Employee Plans

Michael D. Julianelle (202) 283-2100
Director michael.d.julianelle@irs.gov

Monika A. Templeman (410) 962-4092
Director, monika.a.templeman@irs.gov
Examinations

Andrew E. Zuckerman (202) 283-9660
Director, andrew.e.zuckerman@irs.gov
Rulings and Agreements

– **Joyce Kahn** (614) 280-8737
Manager, joyce.i.kahn@irs.gov
Voluntary Compliance

– **Robert P. Bell** (513) 263-3610
Manager, robert.p.bell@irs.gov
Determinations

Mark O'Donnell (202) 283-9532
Director, mark.f.odonnell@irs.gov
Customer Education and Outreach

EMPLOYEE PLANS

Examinations/Enforcement

Determinations

Voluntary Correction

Technical Rulings/Guidance

Customer Education & Outreach

Customer Services

TE/GE CUSTOMER SERVICES

Call (877) 829-5500 toll-free with retirement plan-related questions, such as technical issues and questions dealing with the completion of applications and returns



Department of the Treasury
Internal Revenue Service

www.irs.gov

Publication 3636 (Rev. 10-2007)
Catalog Number 30288U

EMPLOYEE PLANS

The office of Employee Plans (EP) under the Tax Exempt & Government Entities (TE/GE) operating division of the Internal Revenue Service conducts examinations as part of an ongoing, robust enforcement program. EP also offers various programs (such as the determination letter program and voluntary correction program) and services to help the retirement plans community comply with applicable law. The retirement plans community includes plan sponsors/employers, plan participants/employees and benefits practitioners.

Retirement plan law provides significant tax benefits for sponsors of certain retirement plans (such as 401(k) plans) and the employees that participate in them. EP's programs and services help conserve plan benefits until an employee's retirement, and help preserve the tax benefits associated with these plans.

This brochure highlights EP's unique programs and services of:

Examinations

Rulings and Agreements – voluntary compliance, determination letter program, and technical guidance (IRS regulations, revenue rulings, revenue procedures, notices, announcements, private letter rulings).

Customer Education & Outreach

TE/GE Customer Services

EXAMINATIONS

EP has a strong and effective Examinations program which is vital in combating noncompliance in retirement plans. This prominent enforcement presence in the retirement plans community encourages voluntary compliance in plan operations. Examinations uses a centralized case selection process to identify plans for analysis of their books and records relating to the plans' operational features. If plan mistakes are identified during an examination, help may be available through the Audit Closing Agreement Program. Examples of EP Examinations' critical areas of focus include:

- **Shutting down abusive transactions or schemes** involving retirement plans. Such abuses usually involve ways to shelter all or most of the employer's business income from tax or take excessively large deductions.
- **Examining plans with the highest risk** for noncompliance. Risk assessments are conducted to determine the level of risk of specific plan types involving various business/industry groups.
- **Monitoring pension funding** in conjunction with the U.S. Department of Labor and the Pension Benefit Guaranty Corporation.
- **Increasing compliance contacts** via specialized initiatives and through the Employee Plans Compliance Unit (EPCU). EPCU identifies returns for compliance activities and uses soft contact approaches to question return items, which may resolve issues without a full examination.

You can access information on EP's examination/enforcement results at www.irs.gov/ep. Plus the web page has an Examination Process Guide that gives plan sponsors/employers and benefits practitioners a better understanding of our examination process from start to finish. This guide includes sections on resolving issues, communications, and the appeals process.

RULINGS AND AGREEMENTS

EP's Rulings and Agreements offers three types of services to help you understand retirement plan law: voluntary compliance; determination letters; and technical guidance.

- **Voluntary compliance** - If you sponsor a qualified retirement plan and you fail to satisfy the requirements of applicable law, our system of correction programs – the Employee Plans Compliance Resolution System (EPCRS) – may enable you to correct a problem, ensure that proper benefits are provided to your employees, and preserve the tax benefits of your plan.

EPCRS includes:

1. a self-correction program, under which you may self-correct a failure to satisfy the pension law without pre-approval from the IRS and without paying the government any fee or sanction;

2. a program that provides correction with IRS approval, under which an employer pays a limited fee, and
3. a program that applies on audit, under which an employer corrects and pays a reasonable sanction.

You can access a detailed description of these programs at www.irs.gov/ep.

- **Determination letters** - Through our determination letter program, you may get advance assurance that the terms of your retirement plan satisfy the qualification requirements of applicable law. Instructions for filing a determination letter application are found on the Forms 5300, 5307 and 5310. You can avoid the need to file for a determination letter if you use a pre-approved plan (standardized master or prototype plan). A description of our master and prototype programs and determination letter procedures can be accessed at www.irs.gov/ep.

- **Technical guidance** - EP provides guidance that explains how applicable law may apply to you. Guidance items of general application are published in the weekly *Internal Revenue Bulletin*, such as regulations, revenue rulings, revenue procedures, notices and announcements. Please go to www.irs.gov/ep for useful guidance and access to the *Internal Revenue Bulletin*.

CUSTOMER EDUCATION & OUTREACH

Through our partnership efforts with government and private industry, EP works to meet your changing needs. We want to keep you informed and promote a better understanding of retirement plans for easier compliance with applicable law. Use the following customer education and outreach information and services that are available at www.irs.gov/ep.

- **IRS Retirement Plans Community web page** – www.irs.gov/ep includes information on:

- specific customer segments (plan sponsors/employers, plan participants/employees and benefits practitioners)
- frequently asked questions
- correcting plan errors