

## Employee Plans News

**Issue 2014-19, November 24, 2014**

[Modified 403\(b\) plan Listing of Required Modifications coming soon](#) – to help pre-approved sponsors draft plans

[Plans may file for determination letters](#) – Cycle D ends January 31, 2015, for individually designed plan sponsors whose EIN ends in 4 or 9 and multiemployer plans

[Rollover chart](#) – summary of allowable transfers to and from plans and IRAs

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### Modified 403(b) Plan Listing of Required Modifications Coming Soon

In conjunction with establishing the [403\(b\) pre-approved plan program](#) in 2013, the IRS issued sample plan language - [403\(b\) Plans Listing of Required Modifications](#) (LRMs) - that sponsors of 403(b) pre-approved plans may use to draft their plans. We're preparing a number of clarifications and corrections to these LRMs.

The modified 403(b) LRMs will be available before the April 30, 2015, deadline to submit a 403(b) pre-approved plan under the program. Section 403(b) pre-approved plan sponsors will have an opportunity to make changes to reflect the modified 403(b) LRMs.

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## Submission Procedures for Individually Designed Plans - 5-Year Remedial Amendment Cycle

Last digit of plan sponsor's EIN	Exceptions to EIN rule for	Cycle	Submission period opens and ends	Cumulative List	Second 5-year cycle began
1 or 6	Controlled group or affiliated service group	A	02/01/2011 - 01/31/2012	<a href="#">Notice 2010-90</a> (2010 CL)	02/01/2007
2 or 7	Multiple employer plans	B	02/01/2012 - 01/31/2013	<a href="#">Notice 2011-97</a> (2011 CL)	02/01/2008
3 or 8	Governmental plans	C	02/01/2013 - 01/31/2014	<a href="#">Notice 2012-76</a> (2012 CL)	02/01/2009
4 or 9	Multi-employer plans	D	02/01/2014 - 01/31/2015	<a href="#">Notice 2013-84</a> (2013 CL)	02/01/2010
5 or 0	Governmental Plans	E	02/01/2015 - 01/31/2016	2014 CL	02/01/2011

See [Revenue Procedure 2007-44](#) for details on the cycle system.

See [Initial Five-Year Cycles \(EGTRRA\)](#) for the remedial amendment cycles that began 2/1/2001- 2/1/2006 and ended 1/31/2007 - 1/31/2011.

### New plans

A new individually designed plan will be treated as filing an on-cycle application if their on-cycle submission period ends at least two years after the end of the off-cycle period in which the application is received. A plan will be treated as a new plan if it is submitted by the due date of the employer's tax return (with extensions).

## Groups, mergers and other transactions

Groups generally file using the parent's EIN. The highest level entity in the U.S. that has an EIN will be used for making alternative elections.

See Revenue Procedure 2007-44, [Section 11](#), for details on determining a plan's cycle in cases of mergers, acquisitions, changes in plan sponsorship, plan spin-off, or other events. In general:

**Controlled group election** - Controlled or affiliated service group (including parent/subsidiary) that maintains more than 1 plan – can make a [Cycle A Controlled Group Election](#).

**Merger** – Use the EIN of employer maintaining the merged plan.

**Acquisition** – Use the EIN of employer that acquired the plan.

**Spin off** – Use the EIN of the employer that maintains the spun off plan.

## Governmental plans

Sponsors of individually designed Internal Revenue Code Section 401(a) governmental plans may elect Cycle E (instead of Cycle C) as their second remedial amendment cycle (Revenue Procedure 2012-50). See [Governmental Plans Can Elect Second Cycle E](#).

## Jointly trustee single employer collectively bargained plan

If the plan sponsor is the Joint Board of Trustees, use the EIN on the Form 5500.

## Centralized organizations

Submission may use the EIN of the centralized organization if the organization handles the administration and operation of the plans.

## Additional resources

- [Determination, Opinion and Advisory Letters](#)