



## IRS Determination Letter Programs Open

Employment, Labor & Benefits Practice Group

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### **PRACTICE AREAS**

Employee Benefits

#### **CYCLE D PLANS**

The IRS opened its determination letter program for all qualified retirement plans that are categorized as "Cycle D Plans." Cycle D plans are individually designed plans that are either: (1) sponsored by employers whose taxpayer identification numbers end with a 4 or 9; or (2) classified as multiemployer plans. In general, all Cycle D plans must be restated and submitted to the IRS for approval on or before January 31, 2010. However, an extended deadline of April 30, 2010 is available for adopters of pre-approved plans. Therefore, if the sponsor of a Cycle D single employer plan wants to restate the plan via adoption of a pre-approved plan (such as the Foster, Swift, Collins & Smith, P.C. profit sharing / 401(k) volume submitter plan), IRS Form 8905, *Certification of Intent to Adopt Pre-approved Plan*, must be signed by both the plan sponsor and the sponsor of the pre-approved plan by January 31, 2010.

#### **PRE-APPROVED PLANS**

The IRS determination letter program remains open for all qualified retirement plans that are categorized as "pre-approved plans" (such as the Foster, Swift, Collins & Smith, P.C. profit sharing / 401(k) volume submitter plan and prototype plans). All pre-approved plans must be restated on or before April 30, 2010. Any sponsor of a preapproved plan that is unable to rely on the IRS opinion letter issued to the volume submitter or prototype sponsor must also submit its plan to the IRS for approval on or before April 30, 2010.

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