

## CYCLE E

Form <b>6045</b> (March 2010)	Department of the Treasury – Internal Revenue Service <b>Employee Plan Deficiency Checklist</b> <b>Attachment Number 5</b> <b>Coverage and Nondiscrimination Requirements:</b> <b>Defined Contribution Plans</b>	Date
<i>For IRS Use</i>	Please furnish the amendment(s) requested in the section(s) checked below.	
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I.	Please submit a completed Schedule Q (Form 5300), including all required attachments.	
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II.a.	Please submit the demonstration that the plan satisfies the nondiscriminatory classification requirement on an employer-wide basis. IRC section 410(b)(5)(B) and Regs. section 1.414(r)-8(b)(2).	
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II.b.	Please submit the demonstration that the plan satisfies the special testing rule for employer-wide plans where the requirements of section 410(b) of the Code are applied on an employer-wide basis. Regs. sections 1.414(r)-1(c)(2)(ii) and 1.414(r)-1(c)(3)(ii).	
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III.a.	Please submit the information required by Schedule Q (Form 5300) regarding plans that are disaggregated, permissively aggregated, or restructured.	
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III.b.	Your application requests a determination regarding the plan being (a) permissively aggregated with another plan (b) mandatorily disaggregated, or (c) restructured into component plans. Therefore, you must submit information concerning coverage and nondiscrimination on the basis of the aggregated plan, if applicable, or separately with respect to the separate disaggregated plans or restructured component plans. Please submit the information in accordance with the instructions for Schedule Q (Form 5300). Regulations sections 1.410(b)-7 and 1.401(a)(4)-1(c)(4).	
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IV.a.	Please submit the information that demonstrates the plan satisfies the "ratio-percentage test" described in section 410(b)(1)(B) of the Code with respect to employees. Alternatively, please tell us if you would like our determination to take in account whether the plan satisfies the average benefit test in section 410(b)(2) of the Code. If so, submit a demonstration that the plan satisfies this test. Refer to the guidelines concerning a demonstration of the average benefit test in the instructions for Schedule Q (Form 5300). IRC sections 410(b)(1), and 7701(a)(46), and Regs. sections 1.410(b)-2 through 1.410(b)-10.	
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IV.b.	Please submit a demonstration that the plan satisfies the average benefit test in section 410(b)(2) of the Code. Refer to the guidelines concerning a demonstration of the average benefit test in the instructions for Schedule Q (Form 5300). IRC section 410(b)(2).	
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IV.b.(i)	Please submit a demonstration that the plan satisfies the nondiscriminatory classification test described in section 1.410(b)-4 of the regulations. IRC section 410(b)(2)(A)(i) and Reg. section 1.410(b)-2(b)(3).	
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IV.b.(ii)	Please submit a demonstration that the plan satisfies the average benefit percentage test described in section 1.410(b)-5 of the regulations. Refer to the guidelines concerning a demonstration of the average benefit test in the instructions for Schedule Q (Form 5300). IRC section 410(b)(2)(A)(ii) and Reg. section 1.410(b)-2(b)(3).	

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513	V.b.	You have requested a determination of whether benefits, rights, or features satisfy the nondiscriminatory current availability requirement under section 1.401(a)(4)-4(b) of the regulations. Please identify each specific benefit, right, or feature you wish considered. Reg. section 1.401(a)(4)-4(b).
514	V.c.	Please submit a demonstration that the benefit, right, or feature described in section _____ of the plan meets the nondiscriminatory current availability requirement under section 1.401(a)(4)-4(b) of the regulations. Reg. section 1.401(a)(4)-4(b).
515	VI.	Please submit a demonstration in accordance with the instructions for Schedule Q (Form 5300) that the manner in which service is credited under section _____ of the plan is nondiscriminatory. Regs. section 1.401(a)(4)-11(d).
516	VII.a.	Section _____ of the plan should be amended so that the manner in which employees vest in their benefits under the plan is nondiscriminatory. Regs. section 1.401(a)(4)-11(c).
517	VII.b.	Please demonstrate, with respect to section _____ of the plan, that the plan satisfies the requirement that it be nondiscriminatory with respect to the availability of benefits, rights, or features provided to former employees. Regs. section 1.401(a)(4)-10(c).
518	VIII.b..	Please submit a demonstration that the plan satisfies a general test for nondiscrimination in the amounts of contributions or benefits under the plan. IRC section 401(a)(4); and Reg. sections 1.401(a)(4)-2(c), 1.401(a)(4)-3(c), 1.401(a)(4)-8(b)(2), 1.401(a)(4)-8(c)(2), and 1.401(a)(4)-8(c)(3)(iii)(C).
519	VIII.c.	Please submit a demonstration that the plan satisfies the safe harbor for plans with uniform points allocation formulas. IRC section 401(a)(4) and Reg. section 1.401(a)(4)-2(b)(3).
520	IX.a.	Section _____ of the plan should be amended to provide a uniform allocation formula that will satisfy the safe harbor described in section 1.401(a)(4)-2(b)(2) of the regulations. IRC section 401(a)(4) and Regs. section 1.401(a)(4)-2(b)(2).
521	IX.b.	Section _____ of the plan should be amended to satisfy the target benefit plan safe harbor described in section 1.401(a)(4)-8(b)(3) of the regulations. IRC section 401(a)(4) and Regs. section 1.401(a)(4)-8(b)(3).
522	X.a.	The definition of compensation contained in section _____ of the plan should be amended to conform to one of the definitions described in sections 1.414(s)-1(c)(2) and 1.414(s)-1(c)(3) of the regulations. Alternatively, submit a demonstration that the plan's definition of compensation is nondiscriminatory. IRC section 414(s) and Regs. section 1.414(s)-1.
523	III.e.	Section _____ of the plan should be amended to define compensation for self-employed individuals in the manner described in section 1.414(s)-1(g)(1) of the regulations. IRC section 414(s) and Reg. section 1.414(s)-1(g)(1).