

CYCLE E

Form 6040 (March-2010)	Department of the Treasury – Internal Revenue Service Employee Plan Deficiency Checksheet Attachment #1 Minimum Participation Standards	Date
<i>For IRS Use</i>	Please furnish the amendment(s) requested in the section(s) checked below.	
140	Section _____ of the plan should be amended to comply with the minimum age and service requirements of IRC section 410(a)(1) and Regs. sections 1.410(a)-3, 1.410(a)-3T and 1.410(a)-7(c).	
I.b.		
104	Section _____ of the plan should be amended to provide that once an employee, otherwise eligible, meets the statutory age and service requirements, the employee will participate in the plan not later the earlier of the first day of the first plan year after such employee has met the statutory requirements, or 6 months after the day such requirements are met. IRC section 410(a)(4) and Regs. sections 1.410(a)-4(b) and 1.410(a)-7(c)(3).	
I.c.		
105, 106	For plan years beginning on or after January 1, 1988, a plan may not exclude from participation on account of maximum age any employee with an hour of service on or after that date. For purposes of determining when such an employee (who is not otherwise ineligible to participate) must become eligible to participate, service credited to the employee in plan years beginning before January 1, 1988 must be taken into account. An employee who would be eligible to participate taking such service into account and whose entry date would be before the first day of the first plan year beginning in 1988 must participate in the plan as of the first day of such plan year. Section _____ of the plan should be amended accordingly. IRC section 410(a)(2) as amended by section 9203(a)(2) of Pub. L. 99-509 and Proposed Regs. section 1.410(a)-4A.	
I.d.		
111	For purposes of eligibility to participate, section _____ of the plan should be amended to specify the computation period to be used for determining years of eligibility service. DOL Regs. section 2530.200b-1 (a) and 2530.202-2.	
II.a.		
112	Section _____ of the plan should be amended to credit an employee with a year of service for eligibility purposes if the employee completes at least 1000 (870 or 750) hours of service in an eligibility computation period. IRC section 410(a)(3)(A) and DOL Regs. sections 2530.200b-1 and 2530.202.	
II.b.		
113	Section _____ of the plan should be amended to define the term hour of service to comply with DOL regulations. Such definition should include a statement regarding the computation period to which hours of service will be credited. DOL Regs. sections 2530.200b-1, 2530.200b-2 and 2530.200b-3.	
II.c.		
114	Section _____ of the plan should be amended to provide, either in its own words or by reference to appropriate DOL regulations, credit for hours of service for periods of time during which no duties are performed. DOL Regs. sections 2530.200b-2 and 2530.200b-3.	
II.d.		
115	For purposes of eligibility to participate, section _____ of the plan should be amended to provide that the initial eligibility computation period used to determine whether an employee completes a year of service will be a 12-consecutive month period beginning with the employment commencement date. DOL Regs. sections 2530.202-2(a) and (e).	
II.e		

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116	<p>If the eligibility computation periods after the initial eligibility computation period are to be based on other than anniversaries of employment, section _____ of the plan should be amended to provide that such succeeding computation periods will begin with the plan year which includes the first anniversary of an employee's employment commencement date, in which case an employee will be credited with a year of eligibility service in each computation period that the employee completes at least 1000 (870 or 750) hours of service. IRC section 410(a)(3)(A).</p>
II.f.	
117	<p>For purposes of eligibility to participate, section _____ of the plan should be amended to define a break in service as the eligibility computation period during which the employee fails to complete more than 500 (435 or 375) hours of service. DOL Regs. section 2530.200b-(a)(1).</p>
II.g.	
118	<p>To apply the break in service rules, section _____ of the plan should be amended to provide that the computation period used for measuring eligibility service will also be used to measure breaks in service. DOL Regs. section 2530.200b-4(a)(2).</p>
II.h.	
119	<p>Section _____ of the plan should be amended to provide that an individual shall be credited with certain hours of service during the appropriate computation period to avoid a break in service if such individual is absent from work for any period by reason of:</p> <ol style="list-style-type: none"> 1) pregnancy of the individual, 2) birth of a child of the individual, 3) placement of a child with the individual in connection with an adoption, or 4) caring for a child described in (2) or (3) immediately following such birth or placement. <p>IRC section 410(a)(5)(E).</p>
II.i.	
120	<p>Section _____ of the plan should be amended to provide that a vested participant, or a nonvested participant whose prior service cannot be disregarded under IRC 410(a)(5), who is reemployed after a break in service (period of severance), will either participate immediately on his or her reemployment commencement date or retroactively as of his or her date of reemployment upon completion of a year of service measured by his or her reemployment commencement date. IRC sections 410(a)(5)(C) and (D) and Regs. sections 1.410(a)(5) and 1.410(a)-7(c)(5).</p>
II.j.	
121	<p>Section _____ of the plan should be amended to provide that a vested participant, or a nonvested participant whose prior service cannot be disregarded under IRC 410(a)(5), who is reemployed after a break in service (period of severance), will either participate immediately on his or her reemployment or retroactively, as of his or her date of reemployment, upon completion of a year of service measured by his or her reemployment commencement date. IRC sections 410(a)(5)(C) and (D) and Regs. section 1.410(a)-4.</p>
II.k.	
131	<p>Section _____ of the plan should be amended to credit an employee with a period of service, commencing no later than the employee's employment commencement date and ending no earlier than the severance from service date. Regs. section 1.410(a)-7(c).</p>
III.a..	
132	<p>Section of the plan should be amended so that an employee's total period of service is determined by aggregating all individual periods of service, unless such periods of service may be disregarded under the rule of parity. Regs. sections 1.410(a)-7(b)(6)(ii) and 1.410(a)-7(c)(2)(iv).</p>
III.b.	
133	<p>Section _____ of the plan should be amended so that, in determining an employee's period of service, the plan takes into account the service spanning rules. Regs. section 1.410(a)-7(c)(2)(iii).</p>
III.c.	

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134	<p>When a plan has a service requirement and uses the elapsed time method of crediting service, an employee must be considered to have satisfied that requirement as of the date he or she has credit for a period of service equal to the requirement. Section _____ of the plan should be amended accordingly. See Regs. section 1.410(a)-7(c)(2).</p>
III.d.	
135	<p>Section _____ of the plan should be amended to define a one year period of severance as a 12-consecutive month period beginning on the severance from service date during which the employee did not perform an hour of service for the employer. Regs. section 1.410(a)-7(c)(4).</p>
III.e.	
141	<p>Section _____ of the plan should be amended to provide that an individual should not incur the first 12 month period of severance that would otherwise be counted if said period is attributable to maternity or paternity leave. IRC section 410(a)(5)(E) and Regs. section 1.410(a)-9.</p>
III.f.	
137	<p>Section _____ of the plan should be amended to provide that a vested participant, or a nonvested participant whose prior service cannot be disregarded under IRC 410(a)(5) who is reemployed after a break-in-service (period of severance), will either participate immediately on his or her reemployment commencement date or retroactively as of his or her date of reemployment upon completion of a year of service measured by his or her reemployment commencement date. IRC sections 410(a)(5)(C) and (D) and Regs. sections 1.410(a)-4, 1.410(a)-7(c)(5), and (6).</p>
III.g.	
138	<p>Section _____ of the plan should be amended to provide that a vested participant, or a nonvested participant whose prior service cannot be disregarded under IRC 410(a)(5), who is reemployed after a break-in-service (period of severance), will either participate immediately on his or her reemployment commencement date or retroactively as of his or her date of reemployment upon completion of a year of service measured by his or her reemployment commencement date. IRC sections 410(a)(5)(C) and (D) and Regs. sections 1.410(a)-4, 1.410(a)-7(c)(5), and (6).</p>
III.h.	