



## LOREN D. STARK COMPANY

RETIREMENT PLAN CONSULTANTS & ADMINISTRATORS

### OCTOBER NEWSLETTER

#### **Form 5500 Filing Deadline**

The extended filing deadline for the 2010 Forms 5500 and 5500-EZ is fast approaching. October 15, 2011 is the EBSA's official date for having the Form 5500 filed on time for 2010. This year the 15th falls on a weekend; therefore, the filing deadline is October 17, 2011. Because the electronic filing system, EFAST 2, has had issues in the past from a rush of last minute filing, the Department of Labor (DOL) has stated that all Forms 5500 must be filed electronically 48 hours prior to the October 17th deadline. To allow time for review and any resolution of any issues prior to mailing the form by the filing deadline, clients using the Form 5500-EZ will need to send us these forms no later than October 13, 2011.

With the advent of Hurricane Irene and the wildfires in Texas, the IRS is providing tax relief to individual and business taxpayers impacted by these events. Certain taxpayers affected by Hurricane Irene in North Carolina, New Jersey, New York, Vermont, and Puerto Rico will receive this tax relief. For those business taxpayers affected by the Texas wildfires, the IRS is providing tax relief for the following counties only:

Harrison, Smith, Upshur, Cass, Marion, Gregg, Grimes, Montgomery, Walker, Waller, Colorado, Houston, Leon, Travis and Williamson.

The tax relief postpones certain tax filing, such as the Form 5500, and payment deadlines to October 31, 2011. This includes corporations and businesses that obtained an extension to file their 2010 returns until October 17, 2011. Those states and counties not named above do not qualify for the extension, and those businesses will have to file by the October 17, 2011 deadline.



#### **Release of the Form 8955-SSA**

The IRS has released the Form 8955-SSA (Annual Registration Statement Identifying Separated participants with Deferred Vested Benefits). This form replaces the Schedule SSA of the Form 5500 beginning with the 2009 plan year.

As with the previous Schedule SSA, the Form 8955-SSA cannot be filed through the EFAST2 filing system but filed in paper format with the IRS. The IRS is currently working to provide plan administrations with the option to file electronically via the IRS's FIRE system; however, this option has not yet been made available.

The general filing due date for the 8955-SSA is the last day of the seventh month following the last day of the plan year, plus extensions. Because the IRS did not issue the new form until mid-year 2011, the

filing deadline for the 2009 and 2010 filings has been extended from August 1, 2011 to January 17, 2012. Even though Part 1, Section C of the form offers the option to check Form 5558 (Application for Extension of Time to File), this option cannot be used to extend the filing deadline past January 17, 2012.

The Form 8955-SSA for 2010 is not yet available. The IRS has stated that information for 2009 and 2010 can be combined on a single 2009 form.

Detailed instructions regarding who must file, when to file, when to report a separated participant or not report a participant, and where to file are on the 2009 Instructions for Form 8955-SSA located at the IRS's website – <http://www.irs.gov/pub/irs-pdf/f8955ssa.pdf>

Please note that Line 8 of the form requires plan sponsors to certify they have notified participants listed on the form that they have a deferred vested benefit. LDSCO will provide language for a letter that our plan sponsors may copy to their letterhead and use as notification to these participants.

Save As	Blank Form 8955-SSA	Form 8955-SSA Instructions	Clear All Form Fields	Print Form with Data
Form <b>8955-SSA</b>	<b>Annual Registration Statement Identifying Separated Participants With Deferred Vested Benefits</b>			OMB No. 1545-2187 <b>2009</b> This Form is NOT Open to Public Inspection
Department of the Treasury Internal Revenue Service Under Section 6057 of the Internal Revenue Code				
<b>PART I Annual Statement Identification Information</b>				
For the plan year beginning _____, and ending _____				
A <input type="checkbox"/> Check here if plan is a government, church, or other plan that elects to voluntarily file Form 8955-SSA. (See instructions.)				
B <input type="checkbox"/> Check here if this is an amended registration statement.				
C Check the appropriate box if filing under: <input type="checkbox"/> Form 5558 <input type="checkbox"/> Automatic extension				
<input type="checkbox"/> Special extension (enter description)				
<b>PART II Basic Plan Information - enter all requested information</b>				
1a Name of plan		1b Three-digit Plan Number (PN)		
<b>Plan Sponsor Information</b>				
2a Plan sponsor's name		2b Employer Identification Number (EIN)		
2c Trade name (if different from plan sponsor name)		2d Plan sponsor's phone number		
2e In care of name				
2f Mailing address (room, apt., suite no. and street, or P.O. Box)		2g City	2h State	2i ZIP code
2j Foreign province (or state)		2k Foreign country	2l Foreign postal code	
<b>Plan Administrator Information</b>				
3a Plan administrator's name (if other than plan sponsor)		3b Employer Identification Number (EIN)		
3c In care of name		3d Plan administrator's phone number		
3e Mailing address (room, apt., suite no. and street, or P.O. Box)		3f City	3g State	3h ZIP code
3i Foreign province (or state)		3j Foreign country	3k Foreign postal code	
4 If the name or EIN of the <b>plan administrator</b> has changed since the last return filed for this plan, enter the name and EIN from the last filed return:				
Plan administrator's name		EIN		
5 If the name or EIN of the <b>plan sponsor</b> has changed since the last return filed for this plan, enter the name, EIN, and plan number from that return:				
Plan sponsor's name		EIN	Plan Number (PN)	

## Rule of Compensation

As a general rule, compensation for plan purposes must reflect what has been actually paid during the plan year. That is, accrued bonuses must be included in compensation for the plan year during which they were paid. As such, for the purposes of determining a participant's maximum benefit for a plan year, accrued bonuses paid in late 2010 must be reflected as part of the participant's compensation for 2010, not 2011. This accrued bonus issue affects only those clients that are off-calendar year.

