

Press Contact:

NEWS RELEASE

[Mark Carrington](#)

[\(703\) 341.5880](#)

mcarrington@bna.com

New BNA Analysis Clarifies Employers' Retirement-Plan Obligations

Arlington, VA (May 4, 2009) While many retirement-ready Americans struggle to overcome lost retirement savings and dreadful stock values, private employers continue to juggle their own financial concerns with their federal obligations for providing retirement benefits to employees. BNA's latest analysis, *Plan Qualification—Pension and Profit-Sharing Plans*, written by attorneys Felicia A. Finston of Baker Botts, L.L.P. in Dallas, TX, and Carol Jewett, examines the rules governing the tax qualification of pension and profit-sharing plans under Code Section 401(a) and identifies the criteria by which the government determines if employers have met the federal requirements.

The Portfolio's detailed analysis breaks down the barriers between employers and their compliance, offering an historical look at the conflict between private and government responsibility for providing income protection to older Americans.

In addition to identifying what qualifies as a retirement plan, the new Portfolio, #351-5 in BNA's Tax Management Portfolio Series, explains who qualifies for coverage and how participation should be handled. The authors discuss adherence to the Minimum Participation Rule of Section 401(a)(26), satisfaction of Sections 410(b) and 401(a)(26) based on qualified second lines of business (QSLOBs), and a special penalty applicable to failure to satisfy Sections 401(a)(26) or 410(b). The authors also answer questions regarding discrimination, Section 411(b) benefit accrual rules, and Section 415 limits on benefits.

Plan Qualification—Pension and Profit-Sharing Plans examines the requirements of the Employee Retirement Income Security Act of 1974 (ERISA), the Internal Revenue Code of 1986 as amended, and the requirements carried over from the pre-ERISA law and practices.

A Special Consultant to BNA Tax & Accounting, Felicia A. Finston, Esquire, holds degrees in law, personnel management, and human resource management. She is a member of the American Bar Association, State Bar of Texas, Dallas Bar Association, State Bar of Arizona, Maricopa County Bar Association, and SouthWest Benefits Association.

About BNA Tax & Accounting

BNA Tax & Accounting is the foremost source of news, analysis, and practice tools for tax attorneys, estate planners, accountants, and corporate tax and financial accounting professionals. For more than 50 years, BNA Tax & Accounting has offered practitioners expert insights and guidance on every significant issue in tax planning and financial accounting. Written by practitioners for practitioners, BNA's award-winning Portfolios offer topic-driven, in-depth guidance on transactions designed to help tax professionals achieve new levels of excellence and client service. Visit BNA Tax & Accounting online at www.bnatax.com.