

Chapter 4

Form 5500

Annual Return/Report of Employee Benefit Plan

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4.01 General Information

This chapter helps in interpreting the instructions and completing the Form 5500 line by line. To obtain a full understanding of various reporting and compliance issues, follow cross-references to other sections of the manual where specific topics are explained in detail.

Simplified Reporting Option for Certain Small Plans. Small plan filers have an alternative reporting option—the Form 5500-SF (see chapter 3).

Who is eligible to file Form 5500-SF? For the 2010 plan year, a single-employer plan with fewer than 100 participants as of the first day of the plan year—including those filing as a small plan under the 80-120 participant rule (see chapter 1)—may choose to file the simplified annual report if it meets the following criteria:

1. The plan is eligible for the small-plan audit waiver but not because of enhanced fidelity bonding (see line 4k of Schedule I);
2. The plan holds no employer securities;
3. The plan is not a multiemployer plan; and
4. At *all* times during the plan year, the plan has 100 percent of its assets in investments that have a readily ascertainable fair market value, which includes participant loans and investment products issued by banks and licensed insurance companies that provide valuation information to the plan administrator at least once per year. Investments in pooled separate accounts and common/collective trust vehicles are intended to satisfy this requirement.



Practice Pointer. If the plan must answer “Yes” and enter an amount on line 3a, 3b, 3c, 3d, 3f, or 3g of Schedule I, it does not meet the requirements for the simplified filing.

The sponsor of an eligible small plan may choose to continue filing Form 5500 as it has in the past, including all schedules, without regard to the simplified reporting option. It should be noted that one-participant plans are not permitted to file Form 5500 but, instead, must file either Form 5500-SF or Form 5500-EZ (see chapter 13).

Before You Begin

Use common sense when completing the forms and schedules. The official instructions are still unclear in some areas.

For more information about EFAST2 processing, look at the following Web sites:

- <http://www.efast.dol.gov>

This is the best source of information about filing Form 5500 under the ERISA Filing Acceptance System (EFAST) program. The site lists telephone numbers for both the IRS and the DOL for help in completing the forms. There are also FAQs relating to the new processing system and forms that may be helpful.

- <http://www.dol.gov/ebsa/5500main.html#section1>
The DOL's Web site is probably the easiest place from which to download copies of the instructions and forms. These copies of the forms may not be used for filing purposes.
- <http://www.irs.gov>
The IRS routinely posts forms for download on its Web site.
- Forms 5330, 5558, and 990 continue to be filed with the IRS. Follow instructions for those forms. Do not send to EFAST.
- There are common items not readily available to preparers. Ask plan sponsors to solicit the following data just after the end of the plan year:
 - Information from direct filing entities (DFEs) to be reported on Schedule D, and whether or not the DFE will file its own Form 5500 (see chapter 7)
 - The EIN(s) to be reported at line 2 of Schedule R (see chapter 11)
- There are character limitations on the forms, so consider what you want to see on the printed forms and use the space to report as fully as possible. Under the new EFAST2 processing system, it is important to use the same name or abbreviation that was used on the prior filings. Once you use an abbreviation, continue to use it for that plan on all future annual reports filed with the IRS, the DOL, and the PBGC.
- Official sources to contact for assistance in preparing the forms include:
 - DOL Help Desk, staffed out of Lawrence, KS and Washington, D.C. Tel: (866) 463-3278. Hours: 8:00 a.m. to 8:00 p.m. EST, Monday to Friday.
 - Questions regarding the Form 5500 instructions, press 1
 - Questions regarding error or acknowledgement messages, press 2
 - Inquiries about your filing status, press 3
 - Questions regarding EFAST2 Web site, press 4
 - For third-party software and development questions or certification, press 5
 - To check EFAST2 availability, troubleshoot submission problems, or report system downtime, press 6

Attachments that are permitted for certain lines and schedules must have appropriate identifying information (plan sponsor, employer identification number (EIN), plan name, plan number) on each page. The EFAST2 system requires that the attachment must be in one of two acceptable formats: PDF or "text only" (i.e., ASCII). See the EFAST Web site (<http://www.efast.dol.gov>) for more information. See also chapter 2.

Who Must File? Form 5500 must be filed with the DOL by:

- Any administrator or sponsor of any employee pension benefit or welfare benefit plan subject to the Employee Retirement Income Security Act of 1974 (ERISA)
- Certain nonqualified plans
- DFEs, either on a mandatory or voluntary basis
(See chapter 1 for information about plans/entities that must file an annual return/report.)

4.02 Part I—Annual Report Identification Information

4.02[A] Plan Year

The 2010 reports are for plan years that *begin* in 2010 or for DFEs with a fiscal year that ends in 2010. Generally, the plan/entity year is the same as that shown on the prior filing. If the plan/entity year is the calendar year, no entry is required. If the plan/entity year is different from the calendar year or is a short year (less than 12 months), enter the first day and month of the beginning of the plan year that begins in 2010 and the last day, month, and year of the end of the plan/entity year. (The plan year may end in 2010 or 2011.) A plan may not file a return for a time period longer than 12 months, even if the short plan year is only one month long.

Make sure there is no gap between the ending date of the prior year's Form 5500 and the beginning date of the current year's form. For example, take special care filing a Form 5500 for a short plan year (shorter than 12 months) when the plan or DFE changes its fiscal year from the calendar year to a non-calendar year. In that case, the beginning date for the short plan year entered on Form 5500 should be one day after the ending date entered on the prior year's Form 5500, and the ending date should be one day before the beginning date entered on the next year's Form 5500.

The beginning and ending dates of the plan year entered on all attached schedules must match the beginning and ending dates of the plan year entered on Part I of Form 5500.



Note. DFEs other than group insurance arrangements (GIAs) report fiscal years that end in 2010 on the 2010 Form 5500, so their fiscal year may start in either 2009 or 2010.

If a welfare plan does not have a written plan document, except for the insurance policy that provides the benefits, the plan year is automatically deemed to be the policy year. The result is that if the policy year changes, the plan year changes.



EFAST2 Edit Check. P-209 - Error - Fail when the Form 5500, Plan Year End date is earlier than the Form 5500, Plan Year Begin date, or when the difference exceeds 371 days.



Practice Pointer. Be careful with plan year changes to welfare plans relying on the policy to define the plan year. The DOL points out that where an employee continues to have an enforceable right to benefits under the old policy during a runoff period, two plans may exist for reporting purposes. Also refer to the example on page 6 of the official instructions.

Example 1. Tracker, Inc. provides a medical indemnity plan through ABC Insurance Company. Tracker uses the contract, or policy, year as the reporting year for Form 5500 purposes. In June 2009, Tracker switches to DEF Insurance Company to provide those same benefits; however, participants had 12 months after the change in carriers to process all claims for services incurred but not reported to ABC on or before May 31, 2009. The DOL considers Tracker to have *two* medical indemnity plans in effect. The Form 5500 series report for the benefits provided under the ABC Insurance Company contract should continue to report on a calendar year for 2009 and will have a short plan year (January 1 to May 31) for 2010.

Example 2. Glow Worm Corp. provides a medical indemnity plan through ABC Insurance Company with a calendar-year contract. In June 2009, Glow Worm switches to DEF Insurance Company to provide the same benefits, and there was *no* runoff period with ABC Insurance Company. In this case, Glow Worm will file a final return for the plan through ABC showing a January 1 to May 31, 2009, plan year; a second filing will be required for the *new* plan (with a new three-digit plan number on line 1b) for the plan year that *begins* June 1, 2009.



Practice Pointer. An employer can eliminate this confusion by consolidating its welfare benefit programs under a single umbrella plan. The umbrella plan reports on its designated plan year and not on the policy year of the different component benefits.

A plan year for a retirement plan may not be changed unless the plan meets the conditions required for automatic IRS approval or the IRS grants approval for such change. A plan that is seeking approval to change its plan year should file Form 5308, *Request for Change in Plan/Trust Year*, before the end of the short plan year that is created by the change in plan year. A plan or trust year may be changed without filing Form 5308 if the following conditions are met:

- No plan year is longer than 12 months.
- The change will not delay the time by which the plan would otherwise have been required to comply with any statute, regulation, or published position of the IRS.
- The trust, if any, retains its exempt status for the short period required to effect the change as well as for the taxable year immediately preceding the short period.
- The trust, if any, has no taxable unrelated business income under Code Section 511 for the short period.
- All actions necessary to implement the change of plan year, including plan amendment and a resolution of the board of directors (if applicable), have been taken on or before the last day of the short period.

- No change of plan year has been made for any of the four preceding plan years.
- In case of a defined benefit plan, the deductible limit under Code Section 404(a)(1) is limited by the requirements of Revenue Procedure 87-27, § 5. [1987-1 C.B. 769] [I.R.C. §§ 412(c)(5), 6047; ERISA §§ 103, 3(39)]



Practice Pointer. Very few lines on Form 5500 or its schedules permit “NA” as the response. Yes-or-no questions must be marked either “Yes” or “No,” not both. “NA” cannot be used to respond to a question that is required to be completed by the filer.



Note. Throughout this chapter, the term *direct filing entity* (DFE)—or the term for the entity that constitutes the DFE, such as a common/collective trust (CCT), pooled separate account (PSA), master trust investment account (MTIA), 103-12 investment entity (103-12 IE), or group insurance arrangement (GIA)—may be substituted for the word *plan* on the Form 5500 and in the instructions to Form 5500.

4.02[B] Completing Lines A–D

Line A: Type of Filer

On this line, check the box in Table 4.1 that best defines the type of entity for which you are filing.

Table 4.1 Type of Entity

<i>Description</i>
Multiemployer plan
Single-employer plan, which includes a plan of a controlled group of corporations or common control employers
Multiple-employer plan, including a multiple-employer collectively bargained plan
DFE, including group insurance arrangements (of welfare plans)



EFAST2 Edit Check. P-210 - Error - Fail when the Entity Type on Form 5500, Line A is blank. The Entity Type must be checked.

Multiemployer Plan:

A multiemployer plan is a plan:

- To which more than one employer is *required* to contribute;
- Maintained pursuant to one or more collective bargaining agreements; and that
- Has made no election under Code Section 414(f)(5) *not* to be treated as a multiemployer plan.

[ERISA §§ 3(37)(E), 4001(a)(3)]

Like a controlled group plan, this type of plan files only one Form 5500; each contributing employer does not file a separate annual report. (See chapter 1, section 1.03, *Kinds of Filers*.)



EFAST2 Edit Check. I-144 - Warning - Fail when Schedule R, Line 16a is greater than zero and Line 16b is blank and Form 5500, Line A (Multiemployer Plan) is checked and Line 8a contains "1x" (Defined Benefit).

I-145 - Warning - Fail when Schedule R, Line 17 is checked and Asset Liabilities Transfer (Attachment/SchRASSETLiabTransfer) is not attached and Form 5500, Line A (Multiemployer Plan) is checked and Line 8a contains "1x" (Defined Benefit).

I-151 - Warning - Fail when Schedule R, Line 13a is not blank, and Lines 13b, 13c, 13d, 13e(1), or 13e(2) is blank and Form 5500, Line A (Multiemployer Plan) is checked and Line 8a contains "1x" (Defined Benefit).

Single-Employer Plan:

A single-employer plan is a plan sponsored by a single corporation, partnership, or sole proprietorship and that covers only employees of that single employer. A plan covering employees of one employer in a controlled group or group of employers under common control is still a single-employer plan for which a single annual filing is made. A single-employer plan also defines a situation in which several employers contribute to a plan and funds are pooled for investment purposes, but only the funds contributed by each employer are used to pay benefits to employees of each respective employer. In this case, each employer is a single employer, and each employer must file a separate Form 5500 series report. (See chapter 1, section 1.03, *Kinds of Filers*.)

Example. Dark Horse Systems, Inc., JVJ Consulting, Inc., and Dray Executive Search, Inc. are members of a controlled group. Dark Horse Systems, Inc. has a 401(k) plan for its employees. The other members of the group do not have retirement plans. Dark Horse files its annual return/report as a single employer.

Controlled Group Plan:

Plans of controlled groups are marked as *single-employer* plans. A plan of a controlled group of employers, a group of trades and businesses under common control, or an affiliated service group is a plan that covers some or all of the members of the controlled or affiliated service group. All contributions of all employers are pooled for the benefit of all participants, regardless of the contributions by each participant's employer. Only one Form 5500 is filed for this type of plan; each employer does not file a separate Form 5500. (See chapter 1, section 1.03, *Kinds of Filers*.)



EFAST2 Edit Check. B-607SB - Warning - Fail when (Schedule SB, Line E, Single Employer is checked and Form 5500, Line A, Single Employer is not checked) or (Schedule SB, Line E, Multiple A or Multiple B is checked and Form 5500, Line A, Multiple Employer is not checked).



Practice Pointer. Also refer to instructions for Line 8a. Code 3H is used to identify situations where the *plan sponsor* is a member of a controlled group. [I.R.C. § 414(b), (c), or (m)]

Example. Dark Horse Systems, Inc., JVJ Consulting, Inc., and Dray Executive Search, Inc. are members of a controlled group. All members participate in a profit sharing plan. All contributions from all employers are pooled for investment purposes and are used to pay benefits for all employees of all employers. The plan files a single annual return/report as a controlled group plan and checks the single-employer box.

Multiple-Employer Plan:

A *multiple-employer plan* is a plan that is maintained by more than one employer and fits the descriptions shown below:

- There is more than one employer contributing to the plan.
- The contributions of each employer are pooled and made available to pay benefits to all participants. (**Note:** Participant direction of investments in individual account plans may blur the practitioner's ability to determine the applicability of this factor. Plan documents should be scrutinized with regard to this issue in situations where plan operation is not clear on this point.)
- The plan may be a collectively bargained plan and may be either a pension benefit or welfare benefit plan.

Usually the types of employers in a multiple-employer plan are related but do not strictly meet the definition of a controlled or affiliated service group. One Form 5500 is filed for the plan.

Participating employers do not separately file Form 5500. The multiple-employer box should *not* be checked if all the employers involved in maintaining the plan are members of the same controlled group.



Practice Pointer. Multiple-employer retirement plans covering more than 100 participants at the beginning of the year must attach the report of an independent qualified public accountant. The determination of the need for an audit is made based on total plan count rather than the count for any participating employer. (See chapter 1.)



Note. Professional employer organizations (PEOs) generally sponsor plans that fall into the category of multiple-employer plans. The IRS issued Revenue Procedure 2002-21 [2002-1 C.B. 911] to provide relief to certain defined contribution plans sponsored by PEOs. In Revenue Procedure 2003-86 [2003-50

C.B. 1211], the IRS issued guidance that contains answers to questions raised by practitioners as plans transitioned to a new format (e.g., from single-employer to multiple-employer) as a result of the earlier revenue procedure.

Multiple-Employer Collectively Bargained Plan:

A multiple-employer collectively bargained plan is just like a multiemployer plan, except that it must be (1) a defined benefit plan covered by the Pension Benefit Guaranty Corporation (PBGC) termination insurance and (2) a plan that *has* properly elected before September 27, 1981, not to be treated as a multiemployer plan. [I.R.C. § 414(f)(5); ERISA §§ 3(37)(e), 4001(a)(3)] This type of plan files one return; each contributing employer does not file a separate annual report. (See chapter 1, section 1.03, *Kinds of Filers*.)

Direct Filing Entity (DFE):

Check the box and enter the correct letter code from Table 4.2 to indicate the type of entity that is reporting.

The descriptions of DFEs and filing requirements for DFEs appear in chapter 7. For reporting purposes, entities are treated as DFEs only when Form 5500 and all required attachments are filed in accordance with DFE instructions. Only one Form 5500 is filed for each DFE, which covers all plans participating in that DFE. The information attached to a Form 5500 filed for a DFE varies according to the type of DFE.

Table 4.2 DFE Identification Codes

<i>Code</i>	<i>Type of Entity</i>
C	Common/Collective Trust (CCT)
E	103-12 Investment Entity (103-12 IE)
G	Group Insurance Arrangement (GIA)
M	Master Trust Investment Account (MTIA)
P	Pooled Separate Account (PSA)



EFAST2 Edit Check. P-360 - Error - Fail when Schedule H, Line 3d(1) is checked, but Form 5500, Part I, Line A (DFE Specified) does not contain "C", "M", or "P".

P-202B - Error - Fail if Schedule D Part II is missing or incomplete and Schedule H indicates DFE assets or income, and Form 5500 line A indicates a DFE.

A Form 5500 filed for an MTIA, CCT, PSA, or 103-12 IE must comply with the Form 5500 instructions for large pension plans. No Schedules SB, MB, or R should be attached. Lines C, D, 1c, 2d, and 5 through 9 on Form 5500 should be left blank.

A Form 5500 filed for a GIA should follow the instructions for large welfare plans, except that Part I, line C, and Part II, line 2d, of Form 5500 should be left blank. A GIA provides benefits to the employees of two or more unaffiliated employers, fully insures one or more welfare plans of each participating employer, and uses a trust or other entity, such as a trade

association, to hold the insurance contracts and act as a conduit for the payment of premiums to the insurance company.



EFAST2 Edit Check. “P-202B - ERROR - Fail if Schedule D Part II is missing or incomplete and Schedule H indicates DFE assets or income, and Form 5500 line A indicates a DFE.”

P-211A - Error - Form 5500, Line A (DFE) was checked, however, type of DFE was blank or invalid.

P-211B - Error - Fail when Form 5500, Part I, Line A (DFE-Specify) is not blank, but Form 5500, Line A (DFE) is not checked.

P-212 - Error - Fail when Form 5500, Line A (DFE) is checked, but neither Schedule H, BOY Total Assets (Line 1f) nor EOY Total Assets (Line 1f) nor Total Income (Line 2d) indicate an amount.

P-212A - Error - If Form 5500, Line A (DFE) is checked, a Schedule H must be attached.

P-212B - Error - If Form 5500, Line A (DFE) is checked, a Schedule D must be attached.

P-214 - Error - Accountant’s Opinion must be attached when Form 5500, Line A (DFE-Specify) equals “E” (103-12IE) or “G” (GIA).



Practice Pointer. Special requirements apply to Schedules D, H, and I attached to the Form 5500 filed by *plans* that *participate in* the DFE. All MTIAs, 103-12 IEs, and GIAs are required to file Form 5500. CCTs and PSAs are not required to file Form 5500; however, there is some reporting relief for the participating plans when these DFEs voluntarily file Form 5500.



Practice Pointer. Only one box may be checked at line A. The entity code may change in a year when there have been changes in the plan or the plan sponsor. The most common change is to or from controlled group status. The shift from controlled group status to multiple-employer plan status can be difficult to detect, but the reporting and nondiscrimination testing differences can be enormous.

Line B: Type of Filing

Mark the box(es) that apply to the plan being reported. Check the “first return/report” box if this filing is for the first plan year (plan was first effective in 2010). Also check the “first return/report” box if an annual return/report was not previously filed for this plan or DFE.



Practice Pointer. Form 5500-EZ is not considered an annual return/report for purposes of completing this line. For example, a sole proprietor has filed Form 5500-EZ for many years. In 2010, an individual who is not the spouse of the proprietor joins the plan. The employer is required to file Form 5500 for 2010 because of the nonspouse participant becoming eligible under the plan in 2010, and the “first return/report” box on Form 5500 should be checked.

See also chapter 3, as the plan may be eligible to file Form 5500-SF instead of Form 5500.

Check the amended return/report box if the filing is being amended for the current or a prior plan year. Amended Form 5500 reports for 2010 and all prior years must be submitted electronically beginning January 1, 2010. Such amended reports must include *all* pages and attachments related to the filing. Amended filings must be submitted electronically and must include the entire filing, not just the pages or schedules being amended. To correct errors or omissions in a previously filed 2010 Form 5500, you may use the Form 5500-SF, if eligible, even if the original filing was a Form 5500. If Form 5500-SF was filed, but you conclude you were not eligible to file the simplified report, you must use the Form 5500 or Form 5500-EZ to amend the return/report. For more information, visit the EFAST2 Web site at <http://www.efast.dol.gov>.



Common Questions. *Should late filings be sent to the IRS or to the EFAST center in Kansas?*

Neither. Beginning January 1, 2010, all late filings must be filed electronically using the EFAST2 system.



Common Questions. *Must a reasonable cause explanation be attached to a late filing?*

It is always prudent to include an explanation why the filing is being submitted to the agency past the original filing due date. The IRS has traditionally worked with plan sponsors to avoid late filing penalties when there is a valid business reason for late filing. The DOL has a delinquent filer program. See the DOL's Web site for more information about submitting late filings of Form 5500 to the DOL. (See also chapter 2.)

Check the final return/report box if the plan was terminated and assets were distributed in the 2010 plan year. Do *not* mark this box if a plan is terminated but the assets are not fully distributed by the end of the plan year.

Form 5500 and all necessary schedules are required to be filed until all assets have been distributed to the participants, legally transferred to the control of another plan, or reverted to the employer, and all liabilities for which benefits may be paid under a welfare benefit plan have been satisfied. Except as noted below for certain defined benefit pension plans, a plan should not check the final return/report box on line B if the report shows participants at year-end on line 6 or has net assets and liabilities at the end of the year greater than \$0 on either Schedule H or Schedule I.

If the PBGC appoints a trustee for a terminated defined benefit plan subject to ERISA Section 4042, the last year for which a return must be filed is the year in which the trustee is appointed. For the final reporting year, place a check mark in the final return/report box on line B of the Form 5500, report the number of participants at year-end on line 6, enter code 1H on line

8a, and report the value of the assets and liabilities at the end of the year on Schedule H or Schedule I, as applicable.

Check the box for a short plan year of less than 12 months. Obviously, if none of these situations applies, do not mark any box. You may, however, mark more than one box. For example, the first plan year could be a short plan year and so could the last plan year.



EFAST2 Edit Check. P-215 - Warning - Fail when Form 5500, Line B (Final Return) is checked, unless “termination” criteria (Bypass-T) is set or (Form 5500, Lines 9a(2) and 9b(2) are checked and Line 6f equals zero) or (Form 5500, Line 8a contains “1H”).

P-362 - Error - Fail when Accountant’s Opinion (Attachments/Accountant Opinion) is not attached and Schedule H, Lines 1f(b) and 1k(b) are zero or blank and Line 2(k) is not blank and Form 5500, Line B (final filing) is checked, unless the Accountant Opinion exemption on Schedule H, Line 3d (1) is checked.

X-034 - Error - Fail when either Form 5500, Line B (short plan year filing) is checked and the Plan Year End minus the Plan Year Begin date is not less than 364 days or Line B (short plan year filing) is not checked and the Plan Year End minus the Plan Year Begin date is less than 364 days.



Practice Pointer. When completing the Form 5500 series, remember that a certain level of computerized review will occur. A marked box alerts the processing system to expect certain other responses. For example, if the *final return* box is checked, the computer expects the participant counts in lines 6 through 6f to be zero and the total assets reported on Schedule H (large plan) or Schedule I (small plan) as of the end of the year to be zero.



Note. A welfare plan may not be required to file a Form 5500 for the 2010 plan year if, for example, the number of participants covered as of the beginning of the 2010 plan year falls below 100. The 2010 instructions direct those welfare plans reporting code 4R on line 8b of Part II to leave the box at B(3) unchecked. This makes sense because there will be a participant count at line 6 for these plans, and the plan itself is not terminated.

Line C

Check this box if the contributions to or benefits paid from the plan are for employees whose employment is subject to the collective bargaining process, without regard to whether the plan is a single-employer plan, a multiple-employer plan, or a multiemployer plan. All DFEs leave this line blank.



EFAST2 Edit Check. B-671 - Error - The plan has been identified in Form 5500, Line A as multiemployer, but the collective bargaining indicator in Line C has not been checked.

Line D

This section has been formatted to allow the plan to specify the nature of the extension of time to file that applies. Check the appropriate box if you have requested an extension of time to file Form 5500 using either Form 5558, *Application for Extension of Time to File Certain Employee Plan Returns* (see chapter 14); or the fiscal year of the sponsor and the plan year are the same, and the employer filed the applicable extension to file the tax return of the corporation, partnership, or sole proprietorship. Such income tax extensions are granted for six months following the due date of the income tax return.



Note. Beginning with 2009 plan year filings, do not attach a copy of the Form 5558 or the business extension of the plan sponsor. However, a copy must be retained with the plan sponsor's records. The IRS is implementing a correspondence system to acknowledge receipt of Form 5558.

GIAAs are the only DFEs that may request an extension of time to file. Note that any extension of time to file granted by filing Form 8736, *Application for Automatic Extension of Time to File U.S. Return for a Partnership, REMIC, or for Certain Trusts*, may not be used to extend the due date for filing Form 5500 beyond the time the filing would be due if Form 5558 had been filed.



Practice Pointer. If a corporation's fiscal year ends December 31, the income tax return that is normally due the following March 15 could receive an automatic extension to September 15. The annual return/report for the plan year ending December 31 then may also receive an automatic extension to September 15. However, the plan is not required to wait until September 15 to file. It is permitted to file by the normal due date, which is the last day of the seventh month after the close of the plan year.

Special Rule.

Do not file Form 5558 for a DFE. File 2010 return/reports no later than 9½ months after the end of the DFE year.

Other Extensions of Time.

The special extension box should be checked if a plan sponsor qualifies for special extensions of time provided under Presidentially-declared disasters or for service in, or in support of, the Armed Forces of the United States in a combat zone. If one of these extensions applies, check the box and enter a description citing the authority for the extension. Check <http://www.irs.gov> and <http://www.efast.dol.gov> for announcements regarding such special extensions.



Practice Pointer. Filing deadlines may be extended by the DOL, the IRS, and the PBGC when the President of the United States declares areas of the country are disaster areas. The extensions generally apply to plan administrators, employers, and other entities located in designated regions; they also may apply to firms outside the affected areas that are unable to obtain necessary information from service providers, insurance companies, and others who are within the designated areas. Up-to-date information is most easily

accessed via the DOL's Web site, <http://www.dol.gov/ebsa/disasterrelief.html> and the PBGC's Web site, <http://www.pbgc.gov/practitioners/law-regulations-informal-guidance/disaster-relief-announcements/page14055.html>.

Delinquent Filer Voluntary Compliance (DFVC) Program.

Check the DFVC program box if Form 5500 is being filed under the DFVC Program. DFVC penalty payments should be made payable to the U.S. Department of Labor and submitted to the program's processing center in Charlotte, North Carolina. Penalty payments should *not* be submitted to EFAST2. See also chapter 2.



EFAST2 Edit Check. I-101 - Warning - Fail when ((the Submitted Date is greater than the original due date, unless Form 5500, Part I, Line D Form 5558, automatic extension, DFVC, or special extension is checked) or (when the Submitted Date is greater than the original due date+78 days and Form 5500, Part I, Line D Form 5558 is checked unless Form 5500, Part I Line D DFVC or special extension is checked)) and the filing is not an amended filing and reasonable cause is not attached.

4.03 Part II—Basic Plan and Sponsor Information (Lines 1a–4c)

4.03[A] Plan Identification (Lines 1a–1c)

Line 1a

Enter as much of the complete legal name of the plan or DFE as will fit into the space provided. If the name is longer than the space provided, abbreviate it enough to identify it. If the plan is, for example, a welfare plan that has no formal name, provide enough information to identify the plan.



Note. Under the EFAST2 processing system, it is important to use the same name or abbreviation that was used on the prior filings. Once you use an abbreviation, continue to use it for that plan on all future annual reports filed with the IRS, the DOL, and the PBGC.

Line 1b

Enter the three-digit plan number assigned by the plan administrator. This three-digit number, in conjunction with the employer identification number (EIN) entered on line 2b, is used by the IRS, the DOL, and the PBGC as a unique 12-digit number to identify the plan or DFE.

For a pension benefit plan or DFE (other than a GIA), the first plan or entity in effect for a given plan (or DFE) sponsor will be number 001. Subsequent plans or DFEs are numbers 002, 003, and so forth.