



SUNGARD RELIUS EDUCATION

7 Cities
September 2008

Code Section 409A Workshop
Nonqualified Plan Design and Administration

CODE SECTION 409A WORKSHOP

Nonqualified Plan Design and Administration

After delaying the effective date of the final 409A regulations and also the deadline to amend plans to comply with the regulations, the IRS is finally bringing the gavel down. The final regulations are lengthy and complex. They will require rethinking – and almost surely rewriting – every nonqualified plan, including many arrangements which the parties did not view as deferred compensation plans. The deadline for plan amendments is December 31, 2008.

This must-attend program addresses the final 409A regulations, including 409A exemptions, deferral timing, payment elections and changes, reporting, and documentation. We'll discuss practical design, drafting, and administration for the changes. Don't miss this chance to learn what you must do to maintain tax benefits and avoid penalties under nonqualified plans.



TOPICS INCLUDE:

Final Regulations and Latest Guidance

Timing of Deferral Elections

Payment Restrictions

Reporting Rules

Penalties for Noncompliance

Plan Amendment Deadlines and Transition Rules

457(f) Plans

OBJECTIVES

1. Recognize which deferred compensation, severance, stock, and other plans are subject to the 409A rules.
2. Understand the significant exemptions to the application of Code Section 409A.
3. Know the deadline for document compliance and operational compliance.
4. Know what is required for a compliant plan document.
5. Understand the deferral timing rules and the payment election and payment change rules.
6. Understand the transition rules.
7. Be able to explain the violation sanctions.
8. Understand reporting for compliant plans and for plans which violate the 409A rules.
9. Understand the impact of 409A on Code 457(f) plans.

WHO SHOULD ATTEND

This program is recommended for attorneys, accountants, insurance professionals, trust officers, human resources and payroll personnel, compensation committee members, plan administrators, and others involved in the design or operation of nonqualified deferred compensation plans.

SPEAKERS

Each program will be conducted by one of our nationally known and knowledgeable speakers:

Stephen W. Forbes, J.D., LL.M.
S. Derrin Watson, J.D., APM
William D. Whitman, J.D., LL.M.

For complete speaker bios, visit:
www.relius.net/products/seminarspension.aspx



AGENDA

8:00 a.m. Registration/Coffee and Danish

8:30 a.m. Overview of Nonqualified Deferred Compensation – Legislative and regulatory history, constructive receipt, economic benefit doctrine, Code Section 83, top-hat exemption, funding.

Code Section 409A Plans – Covered and exempt plans, SARs, phantom stock, stock options, restricted stock, SERPs, severance and employment agreements, 457(f) plans, new plan aggregation rules.

409A Exemptions – Short-term deferrals, substantial risk of forfeiture, nondiscounted stock plans, severance plans, reimbursement arrangements.

Separation Pay Plans – Voluntary, involuntary, and “with cause” terminations, window programs, renegotiations, reimbursement arrangements, covenants not to compete.

Elective Deferral Requirements – Initial deferral election, new participant, performance-based compensation, special rules, irrevocability deadline, employer elections.

Payment Timing – Change elections, permitted and prohibited accelerations, disputes, substitutions, loans, 401(k) wrap-arounds.

12:00 p.m. Lunch (provided)

1:00 p.m. Distribution Requirements – Distribution events, specified employee, unforeseeable emergency, change of control, specified time (date vs. event), disability, plan termination, multiple distribution events or timing, adding distribution events.

Funding Requirements – Vested deferred compensation, rabbi trusts, offshore funding, exceptions, employer’s financial health, application to grandfathered amounts.

Withholding and Reporting Requirements – W-2 and 1099-R reporting of deferrals, distributions, timing of taxation.

Penalty Provisions – Current year taxation, interest, 20% additional tax, employer sanctions, plan document failure, correction under Notice 2007-100.

Written Document Requirement – Mandatory provisions, optional provisions, deadlines, strategies, amendments.

Effective Date/Grandfather Rules/Transitional Rules – Effective dates of statute and regulations, grandfather rule, material modifications, amendment deadline, good-faith compliance, special transition rules for final regulations.

457(f) (Ineligible) Plans – Code Section 409A requirements, substantial risk of forfeiture.

4:00 p.m. Adjournment

MORE PROGRAMS FROM SUNGARD’S RELIUS EDUCATION IN 2008

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Cash Balance Plans

ERISA Workshop

401(k) Plans: Beyond the Basics

Plus ...

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Advanced Pension Conference

Chicago – September 3-5, 2008

For information about all of SunGard Relius educational programs, go to www.relius.net/products/seminarspension.aspx.

DATES AND LOCATIONS**

SEATTLE • September 12

Silver Cloud Hotel Seattle-Broadway
1100 Broadway
Seattle, WA
206-325-1400 or 800-590-1801

KANSAS CITY • September 18

Embassy Suites Hotel Kansas City Plaza
220 W. 43rd Street
Kansas City, MO
816-756-1720

BOSTON • September 19

Radisson Hotel Boston
200 Stuart Street
Boston, MA
617-482-1800 or 800-333-3333

DALLAS • September 19

Crowne Plaza Suites – Dallas*
7800 Alpha Road
Dallas, TX
972-233-7600
Ask for Windsor rate.

CHICAGO • September 24

European Crystal Banquet &
Conference Center*
519 W. Algonquin Road
Arlington Heights, IL
847-437-5590

Accommodations:
DoubleTree Chicago –
*Arlington Heights**
75 West Algonquin Road
Arlington Heights, IL
847-364-7600

Ask for SunGard rate, based on
availability.

MINNEAPOLIS • September 25

Marriott Minneapolis Airport
2020 East American Blvd.
Bloomington, MN
952-854-7441 or 800-228-9290

ATLANTA • September 26

Cobb Galleria Centre*
Two Galleria Parkway
Atlanta, GA
770-955-8000

Accommodations:
*Sheraton Suites Galleria**
2844 Cobb Parkway S.E.
Atlanta, GA
770-955-3900 or 888-627-7047
Ask for SunGard rate, based on
availability.

** Dates are subject to change. Please visit
our Web site to verify that dates have been
finalized before making travel arrangements.
www.relius.net/products/seminarspension.aspx



ACCOMMODATIONS

Hotels have reserved a limited number of accommodations for seminar registrants until four weeks prior to the program. Hotels with no room block are indicated by (*). Registrants needing overnight accommodations must make room reservations directly with the hotel unless specified otherwise. Be sure to mention the SunGard program to obtain the group rate, if available. For other accommodations in the vicinity, please contact the host hotel guest services desk or your travel agent.



SEMINAR INFORMATION DELIVERY GOES GREEN

We are pleased to announce that we are moving from paper to electronic delivery of our seminar and conference announcements. All the information you need – from agendas to registration is now available online.

Register for this program today
at www.relius.net/products/seminarspension.aspx.

 **Think before you print**

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CONTINUING EDUCATION

Code Section 409A Workshop

7.0 hours CPE credit* based on a 50-minute credit hour

6.0 hours CE/CLE credit* based on a 60-minute credit hour

*** Actual credit hours granted may vary. Final decision rests with the governing body. There are no prerequisites or other advance preparation for this intermediate-level course.**

SunGard's pension seminars and conferences are generally accepted by most professional organizations for continuing professional education credit, including the Joint Board for the Enrollment of Actuaries, ASPPA, NIPA, IRS Enrolled Agents Program, CFP, the ICB (for CRSP and CFTA), state bar associations, CPA boards, InFRE, HRCI for SHRM professionals, and PACE. Generally, programs will be submitted for CLE credit in the states where they are being conducted. Credit must be requested at least six weeks prior to the program and is subject to approval by the appropriate jurisdiction. Attendees will bear CE approval fees in those jurisdictions imposing per attendee fees. Because of the administrative requirements of state insurance accrediting agencies, we will not be able to obtain CE approval for insurance professionals.



SunGard is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors, 150 Fourth Avenue North, Suite 700, Nashville, TN 37219-2417. Web site: www.nasba.org.



This program has been approved for 6 recertification credit hours toward PHR or SPHR recertification through the Human Resource Certification Institute (HRCI). For more information about certification or recertification, please visit the HRCI homepage at www.hrci.org.

For more information about Continuing Education, call 800-326-7235, Ext. 4031.



RAVE REVIEWS

"It gave me an overall clearer picture of our 409A plans."

TPA, Austin, TX

"Timely and understandable, which is saying a lot regarding 409A."

Attorney, Seattle, WA

"Good basic coverage of new complete regulations."

Actuary, Richardson, TX

"Broke the regulations into clear categories that I could visually see (i.e., PowerPoint/booklet) and then described in detail the rules behind these legal concepts."

Attorney, Toledo, OH

"Increased knowledge. Brought up points to consider."

Corporate HR, El Dorado, AR

CODE SECTION 409A WORKSHOP REGISTRATION

Early Fee \$395

(payment received at least 21 days prior to program date)

Standard Fee \$420

(payment received less than 21 days prior to program date)

THREE WAYS to REGISTER TODAY!



Online: www.relius.net/products/seminarspension.aspx – Fastest way to register!



Fax: SunGard, ATTN: Order Processing-Accounting,
904-399-0519 (24 hours a day)



Mail: SunGard, ATTN: Order Processing-Accounting,
P.O. Box 47470, Jacksonville, FL 32247

Note: Online registration will not be accessible within three (3) business days of program date.

Volume Registration Discounts are available for 6 or more registrants from the same firm attending the same program and location. For more information, send an e-mail to webtechsem@relius.net or call 800-326-7235, Ext. 5963.

The registration fee includes all seminar materials and food and beverage as stated in program agenda. The registration fee does not include other meals, lodging, transportation, or parking. Registrations are confirmed by e-mail. Please note: While walk-in registrations are accepted, be sure to call before the program to confirm that space and course materials are available. Recording of the program is NOT permitted. If you have questions or require special assistance, send an e-mail to webtechsem@relius.net.

Registration Form (Please copy as needed to register additional persons.)

[] **Code Section 409A Workshop** (\$395 early; \$420 standard)

City: _____ Date: _____ \$ _____
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Payment Method (Check or credit card information must accompany this form.)

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Enclosed is check payable to SunGard Corbel LLC. \$ _____

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CANCELLATION/TRANSFER POLICY

All requests must be in writing. A \$50 administrative fee will be made for cancellations received at least 10 business days prior to the program selected. No refund for cancellations received later than 10 business days prior to the program. Transfers are permitted within the same program only. Transfer requests must be received not less than 10 business days prior to program date and will result in a \$25 administrative fee. Substitutions may be allowed with at least 5 business days notice. Seminar requests, questions, or concerns may be faxed to SunGard, Attn: Order Processing - Accounting, 904-399-0519, or e-mailed to webtechsem@relius.net.