



# PENSION & BENEFITS QUARTERLY

## President's Letter



We survived the fiscal cliff but the 2013 budget sequestration debate continues. Hopefully the budget spending cuts will not have a dire effect on benefit plans.

While the WP&BC is all about education, my hope is that the impact of sequestration on benefit plans will be minimal enough to not warrant being among our future topics. Especially, since we have already had an exceptional February session on the impact of the 2012 Presidential election on employee benefit, health and retirement plans. I have no idea how Julie Burbank, from Trucker♦Huss, could impart so much detailed information on PPACA in 30 minutes, but she did. Great job Julie – who knew you could talk so fast! And Bob Holcomb, from JPMorgan, was excellent on the retirement forecast. If you ever wanted an ERISA license plate, you may just need to take a picture of his. And it was great getting to spend time catching up with so many members during the reception following the session! I hope to see you at our upcoming sessions!

### Looking forward...

We are delighted to have so many terrific upcoming sessions. Here are a few:

- **March 13 in San Francisco – Pension Nuggets: A Quick Glance at Risk, Inflation & Audits** – three great topics and three great speakers! What could be better?
- **March 27 in Silicon Valley – Adding More Light to Your Benefits World** – a half day with 4 great topics and 4 great speakers! Guess we found what could be better than 3 great topics and 3 great speakers.

- **April 18 in San Francisco – The VFCA Do's and Don'ts of Self Correction** – You won't want to miss this valuable presentation by our guest speaker from the U.S. DOL on the Voluntary Fiduciary Correction Program.
- **May 2 in San Francisco – Remember to save the date for our half-day SF Spring conference!** Brad Wall from Moss Adams and his committee are busy planning with a variety of concurrent sessions. More details soon!
- **July 21-24 – Are you ready for San Diego?** Our annual Western Benefits Conference, which we host jointly with ASPPA, will be at the Hilton San Diego Bayfront. So many great sessions to attend! And this year a special registration for Plan Sponsors at 50% of the attendee price.

### Got a great idea?

Yes? Please share. We are a group that always values receiving suggestions. Many of our programs are shaped based on your feedback, so please keep your suggestions coming!

And thank you for being a member of the Western Pension and Benefits Council. I look forward to seeing you at many of our upcoming programs.

Warm regards,  
Jill

### IN THE SPRING 2013 ISSUE:

President's Letter - page 1  
Quarterly Regulatory Updates - page 2  
Annual Conference & Chapter Sponsors - page 8

Chapter Meeting Notes & Upcoming Events - page 9  
Member Updates and Chapter Information - page 10





## Qualified Retirement Plans

*PBGC Amends Terminated Single Employer Plans Retirement Rate Table:* On November 30, 2012, the Pension Benefit Guaranty Corporation (“PBGC”) published final rules that amend its regulation on Allocation of Assets in Single Employer Plans. These amendments contain a new table for determining expected retirement ages for participants in pension plans that are undergoing distress or involuntary termination. Guaranteed benefits and benefit liabilities under a pension plan that is undergoing a distress termination must be valued in accordance with the PBGC regulations. In addition, when the PBGC terminates an underfunded pension plan involuntarily pursuant to Section 4042(a) of the Employee Retirement Income Security Act of 1974, as amended (“ERISA”), it uses the PBGC valuation regulations to determine the amount of the pension plan’s underfunding.

Under Section 4044.51(b) of the PBGC asset allocation regulations, early retirement benefits are valued based on the annuity starting date, if a retirement date has been selected, or the expected retirement age, if the annuity starting date is not known on the valuation date. Sections 4044.55 through 4044.57 of the PBGC asset allocation regulations set forth rules for determining the expected retirement ages for pension plan participants entitled to early retirement benefits, and Appendix D of Part 4044 of the PBGC asset allocation regulations contains tables to be used in determining the expected early retirement ages. Under the new final rules, the PBGC has established a new table that is to be used by any single employer pension plan being terminated by the PBGC with a valuation date falling in 2013. The table is applicable for computing the value of early retirement benefits, and thus the total value of benefits under a pension plan, effective January 1, 2013.

<http://www.pbgc.gov>

*EBSA Releases 2010 Private Pension Plan Bulletin:* On November 30, 2012, the Department of Labor’s Employee Benefits Security Administration (“EBSA”) published its annual Private Pension Plan Bulletin (the “Bulletin”). The Bulletin contains abstracts of the 2010 Form 5500 Annual Reports and the EBSA’s findings from Form 5500 series reports that were filed for the 2010 plan year. Some of the highlights of the Bulletin include the following:

- The total amount of assets held by pension plans increased 14% to \$6.3 trillion in 2010. Defined benefit pension plan assets increased 12% to \$2.4 trillion, while

defined contribution plan assets increased by 16% to \$3.8 trillion.

- The total number of pension plans decreased in 2010 to approximately 701,000 plans, a 0.8% decrease over 2009. The number of defined contribution plans declined by 0.8%, and the number of defined benefit pension plans decreased by 1.2%.
- In 2010, the total active participant count increased from 90.1 million to 90.6 million. The number of active participants in defined benefit pension plans decreased for the eleventh straight year, by 5.1% in 2010. The number of active participants in defined contribution plans increased to 73.4 million in 2010, up 2.0% from 72.0 million in 2009.
- The number of 401(k) type plans increased from 512,000 to 519,000 in 2010. The number of active participants in 401(k) type plans grew by 0.4%.
- The number of defined benefit pension plans that report being fully frozen increased again in 2010 to 10,500 from 9,600 in 2009. In 2010, 870 defined benefit pension plans having 50-99 participants reported being frozen, decreasing from 900 in 2009. The share of defined benefit pension plan assets in plans that were frozen jumped from 10.5% in 2009 to 11.3% in 2010.

Summaries of the EBSA’s findings, including charts, balance sheets and statistical data can be located on the EBSA website. <http://www.dol.gov/ebsa>

*Advance Informational Copies of 2012 Form 5500 Released:* On December 5, 2012, the Internal Revenue Service (the “Service”), EBSA and PBGC released advance informational copies of the 2012 Form 5500 Annual Return/Report and applicable instructions. The release of these advance copies are for informational purposes only and cannot be used to file a 2012 Form 5500. In addition, the applicable instructions contain descriptions of the modifications to the Form 5500 and Form 5500-SF for the 2012 plan year. Such modifications include the following:

- **Signature and Date.** The instructions for “Signature and Date” have been updated to make clearer that when the plan administrator is an entity, the electronic signature must be the name of a person authorized to sign on behalf of the plan administrator.
- **Optional Paid Preparer Information.** The instructions have been updated to include optional preparer’s information.

*continued on page 3*



# QUARTERLY LEGISLATIVE & REGULATORY UPDATE

(continued from page 2)



Filers may enter the preparer's name and address. Although the preparer's information is optional at this time, the Service encourages filers to provide preparer information, including name and address on the new lines.

- **Optional Trust Information.** The instructions have been updated to include optional trust information in Schedule H and Schedule I. Filers may enter the trust's name and trust's Employer Identification Number (EIN). Although the trust's information is optional, the Service encourages filers to provide such information on the new lines.
- **Schedule MB.** Reporting is clarified for changes in adjustable benefits. Reporting is also clarified for amortization charges under the funding standard account statement for this plan year.
- **Schedule SB.** Additional detail is requested for the prior year's excess contributions to be added to the prefunding balance.
- **One-Participant Plans.** The information on Form 5500-SF will not be subject to publication on the internet for a "one participant plan" that is electronically filed using a Form 5500-SF with EFAST2 in lieu of filing a Form 5500-EZ on paper with the Service.

Effective January 1, 2010, generally all Form 5500s and all Form 5500-SFs for small employee benefit plans and any required schedules and attachments must be completed and filed electronically using EFAST2 or IFILE. The Form 5500 filing copies and the informational copies of the 2012 Form 5500 can be located on the EBSA's website.

<http://www.dol.gov/ebsa>

**2012 Cumulative List Released:** On December 9, 2012, the Service issued Notice 2012-76, which contains the 2012 Cumulative List for plan sponsors and practitioners submitting applications for favorable determination letters during the period of February 1, 2013 through January 31, 2014 ("Cycle C"). Generally, the 2012 Cumulative List should be primarily used by any single employer individually-designed defined contribution plan and single employer individually-designed defined benefit plan in Cycle C and governmental plans under Section 414(d) of the Internal Revenue Code of 1986, as amended (the "Code") that choose to file for a favorable determination letter during Cycle C. An individually-designed defined contribution or defined benefit plan is a Cycle C filer if the last digit of the employer identification number of the applicable plan sponsor is 3 or 8. The 2012 Cumulative List should also be

used by plan sponsors of defined benefit pre-approved plans (defined benefit plans that are master and prototype or volume submitter plans) for the second submission under the remedial amendment cycle described in Revenue Procedures 2007-44.

The 2012 Cumulative List identifies certain issues that the Service will be reviewing in determining whether a Cycle C filer has been properly updated and reflects changes under the following laws:

- The Pension Protection Act of 2006;
- The U.S. Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act of 2007;
- The Heroes Earnings Assistance and Relief Tax Act of 2008;
- The Worker, Retiree, and Employer Recovery Act of 2008;
- The Small Business Jobs Act of 2010;
- The Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010; and
- Moving Ahead for Progress in the 21st Century Act.

In addition, the 2012 Cumulative List provides that except as provided in Notice 2012-76, the Service will not consider during its review of determination letter applications under Cycle C any:

- Guidance issued after October 1, 2012;
- Statutes enacted after October 1, 2012;
- Qualification requirements first effective in 2014 or later; or
- Statutory provisions that are first effective in 2013, for which there is no guidance identified in Notice 2012-76.

However, in order to be qualified, a retirement plan must comply with all relevant requirements, not only the ones identified in the 2012 Cumulative List. The Service held a free phone forum on February 28, 2012, where Donald Kieffer, Service's Employee Plans Senior Tax Law Specialist, discussed the 2012 Cumulative List. Information about the phone forum may be found on the Service's website under "Retirement Plans."

<http://www.irs.gov>

**EPCRS Update Released:** On January 4, 2013, the Service released Revenue Procedure 2013-12, which updates and expands the Employee Plans Compliance Resolution System

continued on page 4



# QUARTERLY LEGISLATIVE & REGULATORY UPDATE

(continued from page 3)



("EPCRS"). EPCRS is the comprehensive system of correction programs for sponsors of retirement plans that are intended to satisfy the requirements of Code Sections 401(a), 403(a), 403(b), 408(k) or 408(p), but have not met these requirements for a period of time. EPCRS permits plan sponsors to correct certain failures and thereby continue to provide their employees with retirement benefits on a tax-favored basis. The components of EPCRS are the Self-Correction Program ("SCP"), the Voluntary Correction Program ("VCP"), and the Audit Closing Agreement Program ("Audit CAP"). Revenue Procedure 2013-12 modifies and supersedes Revenue Procedure 2008-50, which is the prior consolidated statement of the correction programs under EPCRS.

Modifications to Revenue Procedure 2008-50 that are reflected in Revenue Procedure 2013-12, include the following:

- Expanded corrections for Code Section 403(b) plans: Plan sponsors of Code Section 403(b) plans are now generally permitted to correct failures in the same manner that the same failures could be corrected under a qualified plan; provided that EPCRS is available to correct failures that occur in years prior to 2009 in violation of Code Section 403(b) with respect to a plan's operation other than a failure to operate in accordance with the plan document, because there is no document requirement applicable to Code Section 403(b) plans prior to this date.
- Revised submission procedures for VCPs: All VCP submissions made on or after April 1, 2013, are required to include a new completed Form 8950 (Application for VCP under EPCRS), and a new completed Form 8951 (Compliance Fee for Application for VCP Submission under EPCRS). In addition, Section 11.12 of Revenue Procedure 2013-12 provides new addresses that must be used when mailing VCP submissions to the Service. Also, all references to "VCP application procedures" have been replaced with "VCP submission procedures." Further, Section 11.09 was revised to eliminate the requirement to submit an Appendix C Checklist and to refer to the Procedural Requirements Checklist on Form 8950.
- Revised missing participant procedures: Section 6.02(5)(d) of EPCRS has been revised to reflect that the Service's Letter Forwarding Program is no longer available as a method for locating lost plan participants who are owed additional retirement benefits, to clarify the actions that must be taken to locate those participants, and to provide for a limited extension of the VCP 150-day correction

period and the SCP correction period set forth in Sections 10.07(9) and 9.02(1) of Revenue Procedure 2013-12, respectively, for plan sponsors taking action to locate lost participants.

- VCP fees: EPCRS has been modified to add a new Section 12.03(3) to provide that the VCP compliance fee is \$500 if: (a) the sole failure is the failure to adopt an amendment (upon which the favorable determination letter is conditioned) within the applicable remedial amendment period, and (b) the required amendment is adopted within three months of the expiration of the remedial amendment period for adopting the proposed amendment. In addition, a new Section 12.04 has been added to provide that if a VCP submission includes multiple failures, each of which is subject to a reduced fee, then the fee for the submission will be the lesser of the sum of the reduced fees or the fee determined pursuant to the schedule under Section 12.02(1) of Revenue Procedure 2013-12. Also, Section 10.12(2) has been revised to clarify that the VCP compliance fee or sanction imposed with respect to multiemployer and multiple employer plans is based on participants rather than assets. Further, Section 11.05 has been updated to provide that a photocopy of the check for the VCP compliance fee must be included with the submission. Plus, a new Section 12.01(2) has been added which provides notice that VCP compliance fee checks may be converted into an electronic fund transfer. Finally, under Sections 14.04(1) and (2) the fee schedule has been updated for nonamenders discovered during the determination letter application process not related to a VCP submission, and new Sections 14.04(3) and (4) have been added to provide for reduced sanctions for certain nonamender failures discovered during the determination letter application process that were not related to a VCP submission.

Revenue Procedure 2013-12 is generally effective April 1, 2013. In addition, the Service has provided fillable VCP application forms and model VCP submission documents that should be used by plan sponsors; provided that a plan sponsor may not modify the format and content of these forms in any way.

<http://www.irs.gov>

*Service Corrects Address for Interested Parties Comments for Determination Letter Applications:* On January 28, 2013, the Service issued Announcement 2013-12 which amended the

*continued on page 5*



# QUARTERLY LEGISLATIVE & REGULATORY UPDATE

(continued from page 4)



procedures for a plan sponsor to request a favorable determination letter on the qualified status of its pension, profit-sharing, stock bonus, annuity or employee stock ownership plan under Revenue Procedure 2013-6. Under Announcement 2013-13, the Service clarifies that applications for determination letters should continue to be submitted to the following address located in Section 6.15 of Revenue Procedure 2013-6:

Internal Revenue Service  
EP Determinations  
P.O. Box 12192  
Covington, KY 41012-0192

In addition, under Announcement 2013-13 the Service provides that comments submitted by interested parties in connection with the determination letter process should be sent to a different address in Section 17.02 of Revenue Procedure 2013-6, which is as follows:

Internal Revenue Service  
EP Determinations  
Attn: Customer Service Manager  
P.O. Box 2508  
Cincinnati, OH 45202

<http://www.irs.gov>

*Delinquent Filer Voluntary Compliance Program Updated and Restated:* On January 29, 2013, the DOL published an update and restatement to its Delinquent Filer Voluntary Compliance (“DFVC”) Program. The DFVC Program is intended to encourage delinquent plan administrators to comply with their annual Form 5500 reporting obligations under ERISA through the assessment of reduced civil penalties. The DFVC Program was initially adopted in 1995 and last updated on March 28, 2002. This latest update incorporates all changes to the DFVC Program since 2002, including changes to the DFVC Program website to reflect mandatory electronic filing of Form 5500s. The update and restatement of the DFVC Program is effective immediately.

<http://www.dol.gov>

## Health and Welfare Plans

*Final Regulations on Comparative Effectiveness Research Fees to Fund Patient-Centered Outcomes Research Trust Fees Issued:* On December 6, 2012, the Service issued final regulations that implement and provide guidance on the fees imposed by the Patient Protection and Affordable Care Act (the “Affordable Care Act”) on issuers of certain health insurance policies and

plan sponsors of certain self-insured health plans to fund the Patient-Centered Outcomes Research Trust Fund. The Affordable Care Act provides for the establishment of the Patient-Centered Outcomes Research Institute, a private nonprofit corporation (the “Institute”). The goal of the Institute is to assist patients, clinicians, purchasers, and policy-makers in making informed health decisions by advancing the quality and relevance of evidence-based medicine through the synthesis and dissemination of comparative clinical effectiveness research findings. The Affordable Care also created the Patient-Centered Outcomes Research Trust Fund, which is the funding source for the Institute (the “Trust Fund”).

In addition, the Affordable Care Act added new Code Sections 4375, 4376 and 4377 that provide a funding source for the Trust Fund, which is to be financed, in part, by fees to be paid by issuers of certain health insurance policies and sponsors of certain self-insured health plans. These final regulations provide guidance to the issuers and plan sponsors that are directed to pay those “comparative effectiveness research” fees. In addition, the final regulations clarify that the comparative effectiveness research fees do apply to retiree health plans, retiree policies, and former group plan enrollees who are using federal continuation coverage under the Consolidated Omnibus Budget Reconciliation Act of 1985 (“COBRA”) or benefits continuation coverage under state programs. The final rules also address the application of the comparative effectiveness research fees to plan sponsors who offer health reimbursement arrangements.

The final regulations were effective December 6, 2012 and apply to policy and plan years ending on or after October 1, 2012, and before October 1, 2019.

<http://www.irs.gov>

*HHS Issues Additional FAQs on the Affordable Care Act:* On December 10, 2012, the Department of Health and Human Services’ Centers for Medicare & Medicaid Services (“CMS”) released a series of frequently-asked-questions (“FAQs”) on the Affordable Care Act. There are thirty-nine FAQs in total, which address areas of health exchanges and market reforms, consumers, Medicaid and coordination between exchanges and other programs. Included in the FAQs were answers to the following questions involving health insurance exchanges (“Exchanges”):

*continued on page 6*



# QUARTERLY LEGISLATIVE & REGULATORY UPDATE

(continued from page 5)



## *State-Based Exchanges and State Partnership Exchanges*

- Whether the Department of Health and Human Services (“HHS”) plans to further extend deadlines for States to decide on their level of involvement in Exchanges;
- Whether any Federal funding is available to assist a State in creating and maintaining a State-based Exchange and whether a State will have to return Federal funding if it decides not to implement a State-based Exchange;
- Whether HHS will charge fees to a State that utilizes Federal data in connection with its State-based Exchange; and
- How the approval process for a State that would like to participate in a State-partnership Exchange will look like.

## *Federally-Facilitated Exchange*

- How will HHS work with State policymakers to make sure that the Federally-facilitated Exchange accounts for the needs of a particular State, and how will the Federally-facilitated Exchange for each State ensure that it accurately incorporates State-specific laws and procedures into its business processes;
- Whether Federally-facilitated Exchange customer support personnel will be familiar with State rules so that they can advise consumers adequately;
- What restrictions if any, will be place on a State regulator’s authority to enforce State laws when consumers purchase coverage through a Federally-facilitated Exchange and whether States will retain their ability to protect consumers;
- What the funding of Federally-facilitated Exchanges will look like; and
- Whether a State will be reimbursed for its costs if it chooses to provide some services to a Federally-facilitated Exchange.

## *Coordination between Exchanges and Other Programs*

- Whether States will have the ability to use premium assistance to help families that are split among the Exchange, Medicaid coverage, and the Children’s Health Insurance Program (“CHIP”) enroll in the same plans; and
- Whether States use premium assistance to promote continuity of care when individuals move between an Exchange, CHIP, and Medicaid coverage.

<http://www.cciio.cms.gov>

*EBSA Provides Status of MEWA 2012 Form M-1:* On December 31, 2012, the EBSA announced that the 2012 Form M-1 Annual Report for multiple welfare arrangements (“MEWAs”) will be available shortly. The Affordable Care Act made substantial changes to the Form M-1 for MEWAs, or any arrangement that offers medical benefits to employees of two or more employers or to their beneficiaries. The EBSA has made updates to its online filing system for MEWAs and anticipates that plan administrators of MEWAs will soon be able to use EBSA’s expanded online filing system for all 2012 filings and beyond.

<http://www.askebsa.dol.gov/mewa>

## *Additional FAQs on Implementation of Health Care Reform Released:*

On January 24, 2013, the DOL, HHS and the Department of Treasury (collectively, the “Departments”) released additional FAQs relating to the implementation of the Affordable Care Act. This is the eleventh set of FAQs released by the Departments relating to the Affordable Care Act. This set of FAQs addresses the employer notice of coverage options, health reimbursement arrangements, disclosure of information related to firearms, employer group waiver plans supplementing Medicare Part D, fixed indemnity insurance and payment of Institute fees.

The previous four sets of FAQs, released on August 8, 2012, May 13, 2012, March 20, 2012 and November 17, 2012, respectively, addressed the implementation of the summary of benefits and coverage (“SBC”). The sixth set of FAQs was released on April 4, 2011 and it dealt with the grandfathered plan provisions. The fifth set of FAQs was released on December 27, 2010 and provided information on value-based insurance design, automatic enrollment, dependent coverage, preexisting condition exclusions, grandfathered plans, and mental health parity and nondiscrimination issues. The fourth set of FAQs was released on November 1, 2010 and addressed grandfather disclosure statements, cost sharing provisions, grandfathered plans, and lifetime limits. The third set of FAQs was released on October 13, 2010 and addressed group health plan exemptions. The second set of FAQs was released on October 11, 2010 and addressed grandfather rules, dental and vision benefits, rescissions, preventive health services, and clarification of policy year. The first set of FAQs was released on September 22, 2010 and addressed the grandfather rules, adult dependents, claims, appeals and external review, and additional compliance.

*continued on page 7*



# QUARTERLY LEGISLATIVE & REGULATORY UPDATE

(continued from page 6)



The entire set of FAQs on the Patient Protection Act can be found on the EBSA's website under "Frequently Asked Questions."

<http://www.dol.gov/ebsa>

## Joint Guidance

Department of Treasury and the Service Release 2012-2013 Priority Guidance Plan: On November 19, 2012, the Department of Treasury (the "Treasury") and the Service released their 2012-2013 Priority Guidance Plan (the "Guidance Plan"), which lists the issues that will be the subject of formal guidance from July 2012 through June 2013. The Guidance Plan includes pending items addressing the following areas:

### Qualified Retirement Plans

- Guidance on exceptions to additional tax under Code Section 72(t) on early distributions from retirement plans and Individual Retirement Accounts ("IRAs").
- Revenue Procedure under Code Sections 401(a) and 403(a) updating interim amendment procedures in Revenue Procedure 2007-44.
- Final regulations under Code Section 401(a)(9) on deferred annuities.
- Final regulations on suspension or reduction of safe harbor contributions under Code Sections 401(k) and (m).
- Revenue Procedure on Code Section 403(b) plans.
- Guidance updating regulations for service credit and vesting under Code Section 411.
- Final regulations relating to hybrid plans under Code Sections 411(a)(13) and 411(b)(5), as added by the Pension Protection Act of 2006 (the "PPA").
- Regulations on eligible combined plans under Code Section 414(x), as added by the PPA.
- Final regulations on determination of minimum required contributions under Code Section 430, as added by the PPA.
- Guidance on funding rules for multiemployer plans under Code Section 432, as added by the PPA.
- Final regulations to designate the Form 8955-SSA as the form to satisfy the Code Section 6057 reporting requirements.
- Guidance under Code Sections 6057, 6058, and 6059 for late filers of Form 5500 series.

### Executive Compensation

- Final regulations under Code Section 83 to incorporate the holding in Revenue Ruling 2005-48.
- Final regulations under Code Section 162(m) on the stock-based compensation aggregate limit rule under Treasury Regulations Section 1.162-27(e)(2), and the transition relief under Treasury Regulations Section 1.162-27(f)(1).
- Guidance under Code Sections 280G and 4999(a) on change in ownership.
- Revenue Ruling under Code Section 424(c)(1)(B) on whether there is a disposition of Incentive Stock Option or Employee Stock Purchase Plan shares when boot is received by a target shareholder in a Code Section 368(a)(1) reorganization.

### Health and Welfare

- Final regulations under Code Section 125 for cafeteria plans.
- Guidance under Code Section 132(f) on the use of electronic forms of fare media to distribute qualified transportation fringe benefits.
- Guidance under Code Section 223(c)(2)(c) on Health Savings Accounts ("HSAs") regarding certain services required to be provided without cost sharing under Code Section 9815.
- Revenue Ruling under Code Section 419A on the definition of post-retirement medical benefits.
- Final regulations under Code Sections 4375 through 4377 to fund the Patient-Centered Outcomes Research Trust Fund.
- Regulations under Code Section 4980G on the interaction of Code Sections 4980G and 125 with respect to comparable employer contributions to employees' HSAs.
- Regulations on shared responsibility for employers regarding health coverage under Code Section 4980H.

Status updates for the various projects can be found on the Service's and Treasury's websites.

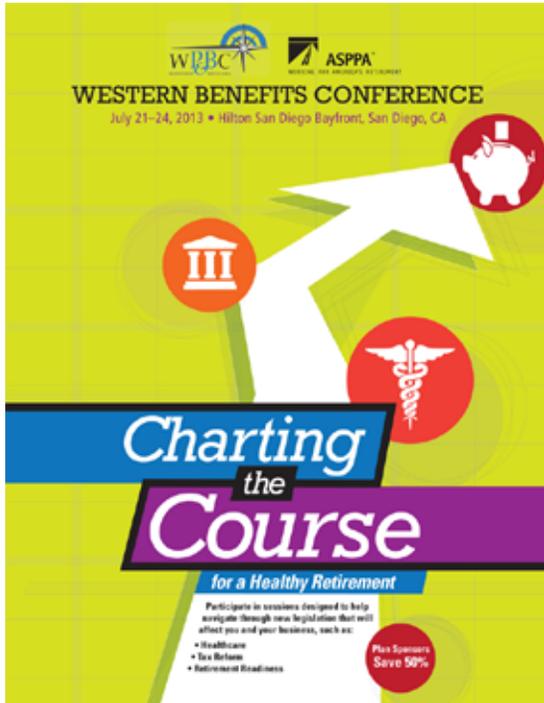
<http://www.irs.gov>

<http://www.treasury.gov>

**As always, our deepest thanks to Katuri Kaye of Trucker♦Huss for her dedicated work on the Quarterly Regulatory Updates.**



# 2013 ANNUAL CONFERENCE AND CHAPTER SPONSORS



## HIGHLIGHTS INCLUDE:

- Sessions tailored for Plan Sponsors, Attorneys, Consultants, Health & Welfare Professionals, Actuaries, Investment Advisors and TPAs
- Up to 20.5 ASPPA CE Credits and 18.5 ERPA and JBEA Credits
- Informal roundtable discussions with leading experts on the latest hot topics
- IRS Question and Answer Sessions for Defined Contribution and Defined Benefit Plans
- Exhibit Hall Filled with Vendors Showcasing the Latest Products and Services
- Many Networking Opportunities

REGISTRATION DETAILS WILL BE POSTED SOON.

## MANY THANKS TO OUR 2012-13 CHAPTER SPONSORS

### *Platinum*

JP Morgan  
Towers Watson

### *Gold*

Bank of America Merrill Lynch  
Moss Adams  
T. Rowe Price Retirement Plan Services, Inc.  
Trucker♦Huss  
The Vanguard Group  
Wells Fargo Institutional Retirement and Trust

### *Silver*

Buck Consultants, LLC  
Charles Schwab  
Fidelity Investments  
Hanson Bridgett LLP  
Lindquist LLP  
Mohler, Nixon & Williams  
Morrison & Foerster LLP  
Orrick, Herrington & Sutcliffe LLP  
Prudential Retirement  
Schultz Collins Lawson Chambers, Inc.

### *Bronze*

Altman & Cronin Benefit Consultants, LLC  
Baker & McKenzie  
Bechtel Corporation  
Diversified Investment Advisors  
GCA Law Partners LLP  
Greenberg Traurig LLP  
Mercer  
Principal Financial Group  
The Wagner Law Group



# CHAPTER MEETING NOTES UPCOMING EVENTS



Our Chapter was pleased to present the following meetings and events:

February 7, 2013

S.F. Chapter Meeting

## THE IMPACT OF THE 2012 ELECTIONS ON EMPLOYEE BENEFIT AND RETIREMENT PLANS

Speakers:

**Robert A. Holcomb**, JP Morgan

**Julie Burbank**, Trucker♦Huss

- Mar 13** **S.F. Chapter Meeting**  
***Pension Nuggets: A Quick Glance at Risk, Inflation & Audits***  
Location: The Palace Hotel, San Francisco, CA  
*Speakers:*  
*Laura Dalzell, Towers Watson*  
*Linda Ruiz-Zaiko, Bridgebay Financial, Inc.*  
*Bertha Minnihan, Moss Adams*
- Mar 27** **Silicon Valley Spring Conference**  
***Adding More Light to Your Benefits World***  
Location: Cadence Design, San Jose, CA (8:30 AM – Noon)  
*Speakers:*  
*Karen Ng, Sedgwick, LLP*  
*Dick Hinman, Aon Hewitt (Legal Consulting & Compliance)*  
*Michael Naki, Principal, Financial Associates*  
*Nadya O'Connell, Mercer*
- Apr 18** **S.F. Chapter Meeting**  
***The Voluntary Fiduciary Correction Program - Do's and Don'ts of Self-Correction***  
Location: The Palace Hotel, San Francisco, CA  
*Speaker: Audrey W. Chan, U.S. Department of Labor*
- April** **Brown Bag Lunch - (Date TBD)**  
***Health Care Reform Act of 2013***
- May 2** **San Francisco Spring Conference**  
Location: The Palace Hotel, San Francisco, CA (8:30 AM – Noon)  
*Keynote Speaker:*  
*Lisa Coutts, director, savings & retirement plans,*  
*Starbucks Coffee Company*  
Through a series of stories, Lisa will take us through the processes they employ and the innovative approaches utilized to involve and communicate to their diverse employee population. From social media to gamification, Starbucks is committed to improve employee outcomes and connect with customers, partners, and community.  
Lisa's keynote presentation will be followed by the usual collection of topical programs and speakers – don't miss this year's San Francisco Spring Conference.

*The Newsletter is always looking for contributors. If you would like to write a topical benefits-related article or compile the quarterly regulatory update for an upcoming issue, please contact Melissa Mayhew at [Melissa.Mayhew@buckconsultants.com](mailto:Melissa.Mayhew@buckconsultants.com)*



# CHAPTER INFO MEMBER MOVES/UPDATES BOARD OF DIRECTORS



**WESTERN PENSION & BENEFITS COUNCIL  
SAN FRANCISCO CHAPTER**  
PO Box 29920  
San Francisco, CA 94129-0920  
(415) 561-6274 Fax: (415) 561-6120  
email: [info@wpbcsf.org](mailto:info@wpbcsf.org)  
<http://www.westernpension.org>

## New To the Chapter

### Jake Bowers

Wells Fargo

### Adam Chen-Ok

University of California

### Esther Chung-Hill

University of California

### Laura Dalzell

Towers Watson

### Mike Filbin

Charles Schwab

### Amanda Hines

Morrison & Foerster

### Christy Thompson

University of California

### Emma Elizabeth Tookey

Principal Financial Group

## EMPLOYMENT OPPORTUNITIES

*This service is provided quarterly to our readers. If you wish to post an employment opportunity, please read the following note.*

We do not warrant or claim that listings are accurate as written, and we cannot guarantee their timeliness. Listings must comply with applicable regulations for employment advertising.

Email all listings to [info@wpbcsf.com](mailto:info@wpbcsf.com) for a price quote. Ad cost is \$50 for every 25-word segment. The next deadline for submission is June 1 for the Summer 2013 issue. Call Michael LoBue at the Chapter office for more information, (415) 561-6274.

### WP&BC San Francisco Chapter

#### OFFICERS

##### Jill Kleiner, President

Towers Watson

[Jill.Kleiner@towerswatson.com](mailto:Jill.Kleiner@towerswatson.com)

##### Andrew Ferguson, Vice President

Altman & Cronin Benefit Consultants, LLC

[aferguson@altmancronin.com](mailto:aferguson@altmancronin.com)

##### Tina Chambers, Treasurer

Schultz Collins Lawson Chambers

[tina@schultzcollins.com](mailto:tina@schultzcollins.com)

##### Michon Caton, Secretary

Gap, Inc.

[Michon\\_Caton@gap.com](mailto:Michon_Caton@gap.com)

#### BOARD MEMBERS

##### William Berry

Orrick, Herrington & Sutcliffe LLP

[wberry@orrick.com](mailto:wberry@orrick.com)

##### Lori McKenzie

Charles Schwab & Co., Inc.

[Lori.McKenzie@schwab.com](mailto:Lori.McKenzie@schwab.com)

##### Kevin Nolt

Trucker♦Huss, APC

[KNolt@truckerhuss.com](mailto:KNolt@truckerhuss.com)

##### George Pinto

Silicon Valley Accountancy Corp.

[gpinto@cpas-svac.com](mailto:gpinto@cpas-svac.com)

##### Karen Mack

Altman & Cronin Benefit Consultants, LLC

[kmack@altmancronin.com](mailto:kmack@altmancronin.com)

#### COMMITTEE CHAIRS

##### Brad Wall, Spring Conference

Mohler, Nixon & Williams

[brad@mohlernixon.com](mailto:brad@mohlernixon.com)

##### Steve Kjar, S.F. Program Committee

Lockton Financial Advisors, LLC

[skjar@lockton.com](mailto:skjar@lockton.com)

##### Alison Wright, Brown Bag

Baker & McKenzie

[Alison.Wright@bakermckenzie.com](mailto:Alison.Wright@bakermckenzie.com)

##### Amiram Givon, Silicon Valley Program

GCA Law Partners LLP

[agivon@gcalaw.com](mailto:agivon@gcalaw.com)

##### Matt Gouaux, Membership Committee

Trucker♦Huss, APC

[MGouaux@truckerhuss.com](mailto:MGouaux@truckerhuss.com)

##### Melissa Mayhew, Newsletter Editor

Buck Consultants

[Melissa.Mayhew@buckconsultants.com](mailto:Melissa.Mayhew@buckconsultants.com)

##### Timothy G. Shortt, Immediate Past President

Wells Fargo Bank, N.A.

[Tim.G.Shortt@wellsfargo.com](mailto:Tim.G.Shortt@wellsfargo.com)

##### Michael LoBue, Executive Director

WP&BC San Francisco Chapter

[lobue@wpbcsf.org](mailto:lobue@wpbcsf.org)

### DISCLAIMER

While the Western Pension & Benefits Council seeks to include accurate and up-to-date information in the Newsletter, the Western Pension & Benefits Council makes no warranties or representations as to the accuracy of the material included in the Newsletter and assumes no responsibility for any errors or omissions in the content. Information contained in the Newsletter is believed to be correct as of the date of submission; however, the accuracy of the information may be affected by subsequent developments.

The Newsletter is provided on the understanding that the Western Pension & Benefits Council is not engaged in rendering legal, accounting or other professional advice. If legal advice or professional assistance is required, the services of an appropriate professional should be sought.

Membership in the WP&BC San Francisco Chapter is open to individuals who are productively, substantially and continuously engaged in work in the field of employee benefits. Any individual who has been engaged in work in the field of employee benefits may become a member upon submission of a completed membership application, payment of dues, and approval by the Chapter Board of Directors. To join, visit <http://www.westernpension.org>.

