



Executive Compensation Briefing: 409A Audits

Friday, September 25, 2:00-3:00 p.m. ET

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EXECUTIVE COMPENSATION BRIEFING WEBINAR: 409A Audits

Friday, September 25, 2:00 - 3:00 p.m. ET

This is a reminder that the American Benefits Council will host an **Executive Compensation Briefing** on **Friday, September 25, at 2:00 p.m. Eastern Time** to discuss the Internal Revenue Service's (IRS) limited audit initiative, intended to gauge how well non-qualified deferred compensation plans are complying with Internal Revenue Code Section 409A. This program will cover limited 409A audits and, more relevant, how to prepare for a full 409A inquiry from a prospective buyer or lender.

Lynn Dudley, senior vice president, global retirement and compensation policy, will moderate the discussion and will be joined by *Michael Falk*, partner, *Winston & Strawn LLP*, who will provide insight on how to avoid an audit and how to prepare if your organization is audited.

We will take questions from webinar participants throughout the session and attempt to answer as many as possible. Members are encouraged to [submit questions for the webinar in advance](#).

A recording of this session will be sent to all registrants. Even if you will not be able to attend in person, please register to receive a digital playback of the webinar automatically.

NOTE: Participation in Council webinars may be used toward continuing education/renewal requirements for many professional accreditation programs, but only by means of self-certification. Descriptions of past programs are available by [clicking here](#). Please retain your registration confirmation for your verification records.

Background:

The IRS recently launched a limited audit initiative to gauge how well non-qualified deferred compensation plans are complying with tax code Section 409A. The IRS has stated it will send Information Document Requests to a limited number of companies, purportedly fewer than 50, from a group of large employers that it already has selected for employment tax audits. The IRS hopes this initiative will help the agency refine its audit techniques and test compliance in three particular areas: (1) initial elections to defer compensation; (2) subsequent elections to re-defer deferred compensation; and (3) plan distributions in compliance with Section 409A, including the requirement that distributions to "specified employees" of public companies be delayed for at least six months. Additionally, the audit initiative will focus on the top 10 highest paid employees only.

By focusing on those three areas, it appears the initiative is targeted primarily at traditional non-qualified deferred compensation plans, or "top hat" plans, which are common among large and mid-sized employers. The IRS will presumably review plan documents and election forms and conduct participant sampling to match

For questions related to registration – If you have colleagues at your organization who would like to participate in this session, but do not regularly receive Council materials, please contact [Deanna Johnson](#), director, membership, or [Sondra Williams](#), manager, member and staff engagement, at (202) 289-6700.



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