

**Employee Benefit Plan
Coverage and Nondiscrimination Requirements: Defined Contribution Plans
(Worksheet Number 5 – Determination of Qualification)**

INSTRUCTIONS – All items must be completed. A “Yes” answer generally indicates a favorable conclusion is warranted, while a “No” answer indicates a problem exists. Please use the space on the worksheet to explain any “No” answer. If the employer has not requested a determination as to a particular item, and is not required to address a particular item, the question related to that item should be answered "N/A". See Publication 6393, Explanation Number 5, for guidance in completing this form.

The technical principles in this worksheet may be changed by future regulations or guidelines

Name of Plan

I. GENERAL REQUIREMENTS	Plan Reference	Yes	No	N/A
Does the application include Schedule Q (Form 5300) and required attachments? [0501]				
II. QUALIFIED SEPARATE LINES OF BUSINESS (QSLOB)				
a. Does the plan satisfy the nondiscriminatory classification gateway requirement on an employer-wide basis? [0502]				
b. If the coverage or minimum participation requirements are applied on an employer-wide basis (in the case of an employer-wide plan), does the plan satisfy the special testing rule? [0503]				
III. DISAGGREGATION, PERMISSIVE AGGREGATION, AND RESTRUCTURING				
a. Has the employer provided the required demonstration pertaining to aggregation, disaggregation, and restructuring? [0504]				
b. Has the employer provided required information separately with respect to each separate disaggregated plan, permissively aggregated plan, or restructured component plan? [0506]				
IV. COVERAGE				
a. Does the plan satisfy the ratio percentage test or one of the special requirements of 1.410(b)-2(b)(5), (6), or (7)? (If “Yes,” skip line “b.”) [0508]				
b. If the employer has requested a determination that the plan satisfies the average benefit test, does the plan satisfy: [0510]				
(i) the nondiscriminatory classification test, and [0511]				
(ii) the average benefit percentage test? [0512]				
V. BENEFITS, RIGHTS, AND FEATURES (BRFs)				
a. Has the employer requested a determination regarding current availability of BRFs?				
b. Has the employer specified each BRF for which a determination is requested? [0513]				

	Plan Reference	Yes	No	N/A
c. Has the employer demonstrated that the current availability requirement is satisfied for each specific BRF for which a determination is requested? [0514]				
VI. SERVICE-CREDITING				
a. Has the employer established that the plan credits service in a nondiscriminatory manner?				
b. Has the employer established that the timing of the plan amendment providing a period of past service does not significantly discriminate in favor of the highly compensated employees?				
VII. OTHER NONDISCRIMINATION REQUIREMENTS				
a. Is the manner in which employees vest in their benefits under the plan nondiscriminatory? [0516]				
b. Is the plan nondiscriminatory with respect to former employees? [0517]				
VIII. NONDISCRIMINATORY CONTRIBUTIONS OR BENEFITS				
a. Has the employer indicated that the plan is intended to satisfy a design-based safe harbor? (If "Yes," skip to Part IX; if "No," continue with line b.)				
b. If the employer has requested a determination regarding a general test, has the employer demonstrated that the test is satisfied? [0518]				
c. If the employer has requested a determination regarding a nondesign-based safe harbor, has the employer demonstrated that the plan satisfies the safe harbor for plans with uniform points allocation formulas? [0519]				
IX. DESIGN-BASED SAFE HARBORS				
a. If this is a plan (other than a target benefit) that provides for nonelective employer contributions, does it have a uniform allocation formula that satisfies the safe harbor in the final regulations? [0520]				
b. If this is a target benefit plan, does it satisfy the target benefit plan safe harbor? [0521]				
X. NONDISCRIMINATORY COMPENSATION				
a. Does this design-based safe harbor plan use a nondiscriminatory definition of compensation for purposes of computing contributions? [0522]				
b. In the case of a plan that covers self-employed individuals, does the plan define compensation for these individuals in a manner that satisfies section 414(s)? [0523]				

Comments