This course syllabus and reading list is based on utilizing Pension and Employee Benefit Law, Fifth Edition, by Langbein Pratt and Stabile (the “Text”), as the primary resource. The Text is a relatively new edition, so in spite of the frequency of statutory and regulatory changes in this area, the Text is generally up to date, with only a short 2013 Update Memo (which I will provide) as a Supplement. The Internal Revenue Code, Employee Retirement Income Security Act of 1974 (“ERISA”) and Treasury and Department of Labor Regulations are noted as assigned where they are first relevant to the Text. Because of the interplay of sections, however, these sections may be mentioned in the materials other than where specifically noted as assigned. I would encourage you to review these statutory and regulatory materials whenever mentioned in the Text or lecture.

Most of the relevant Internal Revenue Code and ERISA Sections and Regulations are included in Selected Sections – Pension and Employee Benefit Statutes and Regulations 2013 Edition, by Pratt (“Selected Sections”). This volume is supplemented by a short 2014 Update Memo (which I will provide) as a Supplement. I have tried to mark those IRC and ERISA sections not found in Selected Sections with an asterisk (*) below. All IRC and ERISA Sections and relevant Treasury and DOL Regulations can also be found in a three or four volume set entitled CCH Pension and Employee Benefits set. ERISA is codified at 29 U.S.C. If a cite is not in Selected Sections, and you do not have access to the CCH set, you can find it in 29 U.S.C. but note that the section numbers for the codified sections in the U.S. Code are different than the ERISA section numbers. In addition, I will periodically provide handouts of relevant and recent case, regulations and rulings.

We are currently scheduled to meet in Room 117 two days per week, Tuesdays and Wednesdays, from 7:25 p.m. - 8:45 p.m., commencing January 7, 2014. The syllabus as outlined provides for meeting 19 of the 20 sessions, with no class Wednesday, March 12. These dates are a bit tentative, as I may need to be out of town one week in late January or in early February but the date is not yet set. The class schedule is also subject to the need to cancel and/or reschedule class in the event of a currently unforeseen event (weather, illness, etc.). The provision for no class on March 12 is intended to build a buffer in for these events. Specific weekly assignments will also be subject to minor changes and may be modified somewhat as we spend extra time on particularly important substantive issues, or if we need to cancel a class.

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Class

1  Tuesday, January 7, 2014 (7:25 p.m. - 8:45 p.m.)
   
   FUNDAMENTALS OF PENSION SYSTEM (POLICY AND DEFINITIONS)

   Skim Text Chapter 1; Chapter 2, Part C; Chapter 3, Part A.
   Read Text Chapter 2, Parts A, B & D.
   Read ERISA Sections 2 - 4
   Read DOL Regulations 2510.3-1, -2, -3
   Read Internal Revenue Code Sections 219, 401(a)
   Read Treasury Regulation 1.401-1

2  Wednesday, January 8, 2014 (7:25 p.m. - 8:45 p.m.)
   
   FUNDAMENTALS OF PENSION SYSTEM (PLAN REQUIREMENTS AND BASIC TAXATION)
   Read Text Chapter 3, Parts B & C; Chapter 8, Parts B & C subparts 1 & 2
   Read Internal Revenue Code Section 402(a),(b); 404(a)
   Read Treas. Reg. Sections 1.402(a)-1; 1.404(a)-1*
   Read ERISA Sections 201(2); 301(a)(3); 401(a)(1)

3  Tuesday, January 14, 2014 (7:25 p.m. - 8:45 p.m.)
   
   BASIC COVERAGE AND PARTICIPATION REQUIREMENTS
   Read Text Chapter 9, Parts A & B
   Read IRC Sections 401(a)(3); 401(a)(4); 401(a)(26); 410
   Read Treas. Reg. Sections 1.401-3*; 1.401(a)(4); 1.410(a)-1*; 1.410(b)
   Read ERISA Sections 201 - 204

4  Wednesday, January 15, 2014 (7:25 p.m. - 8:45 p.m.)
   
   DISCRIMINATION IN COVERAGE AND PARTICIPATION
   (Same reading assignments as 3 above)

5  Tuesday, January 21, 2014 (7:25 p.m. - 8:45 p.m.)
   
   DISCRIMINATION IN CONTRIBUTIONS AND BENEFITS
   Read Text Chapter 9, Part C
   Read IRC Sections 401(a)(4); 401(a)(5); 401(a)(17); 401(l)
   Read Treas. Reg. Sections 1.401(a)(4)-2 through -13*; 1.401(a)(5)*; 1.401(a)(17)

6  Wednesday, January 22, 2014 (7:25 p.m. - 8:45 p.m.)
DISCRIMINATION IN CONTRIBUTION AND BENEFITS (CONTINUED)
Read Text Chapter 9, Parts C & D
Read IRC Sections 401(a)(4); 401(a)(5); 401(a)(17); 401(l); 401(k); 401(m); 416
Read Treas. Reg. Sections 1.401(a)(4)-2 through -13*; 1.401(a)(5)*; 1.401(a)(17);
1.401(k)*; 1.401(l)*; 1.401(m)*; 1.416*

7  Tuesday, January 28, 2014 (7:25 p.m. - 8:45 p.m.)
DISCRIMINATION IN CONTRIBUTION AND BENEFITS (CONTINUED)
Read Text Chapter 9, Part E; Chapter 10, Part A & C
Read IRC Sections 401(k); 401(m); 415; 416
Read Treas. Reg. Sections 1.401(k)*; 1.401(l)*; 1.401(m)*; 1.415*; 1.416*

8  Wednesday, January 29, 2014 (7:25 p.m. - 8:45 p.m.)
VESTING
Read Text Chapter 4
Read IRC Section 411
Read ERISA Sections 203; 204; 510
Read Treas. Reg. Sections 1.411(a)*; 1.411(b)*; 1.411(d)-4
Read Department of Labor Regulations Section 2530.203-3(b)*

9  Tuesday, February 4, 2014 (7:25 p.m. - 8:45 p.m.)
BENEFIT ACCRUAL
Read Text Chapter 6, Part A
Read IRC Section 411
Read ERISA Sections 203; 204; 510
Read Treas. Reg. Sections 1.411(a)*; 1.411(b)*; 1.411(d)-4
Read Department of Labor Regulations Section 2530.203-3(b)*

10 Wednesday, February 5, 2014 (7:25 p.m. - 8:45 p.m.)
ANTI-ALIENATION OF BENEFITS
Read Text Chapter 7
Read IRC Sections 401(a)(11); 401(a)(13); 414(p); 417
Read ERISA Sections 205; 206(d)
Read Treas. Reg. Sections 1.401(a)-20; 1.417(e)*
Tuesday, February 11, 2014 (7:25 p.m. - 8:45 p.m.)
*TAXATION OF EMPLOYERS, PLANS AND BENEFICIARIES*

Read Text Chapter 8 A & B; Chapter 10, Part B, Chapter 11
Read IRC Sections 219; 402; 403(b); 404(a)(1), (2), (3); 408
Read Treas. Reg. Section 1.404(a)*

Wednesday, February 12, 2014 (7:25 p.m. - 8:45 p.m.)
*PLAN AMENDMENT AND TERMINATION*

Read Text Chapter 5; Chapter 6, Parts B & C
Read IRC Section 411(d)(3)
Read ERISA Sections 4021; 4022; 4041-4071*
Read Treas. Reg. Section 1.411(d)-2

Tuesday, February 18, 2014 (7:25 p.m. - 8:45 p.m.)
*FIDUCIARY STATUS & LIABILITIES*

Read Text Chapters 12 & 13
Read ERISA Sections 3(21)(A); 401-414*; 503
Read DOL Reg. Sections 2550.403*; 2550.404b-1*; 2550.404c

Wednesday, February 19, 2014 (7:25 p.m. - 8:45 p.m.)
*FIDUCIARY LIABILITIES -- PROHIBITED TRANSACTIONS & INVESTMENTS*

Read Text Chapter 14
Read ERISA Section 404; 406; 408
Read DOL Reg. Sections 2550.404a-1; 2550.404c-1

Tuesday, February 25, 2014 (7:25 p.m. - 8:45 p.m.)
*PREEMPTION OF OTHER LAWS*

Read Text Chapter 17
Read ERISA Section 514

Wednesday, February 26, 2014 (7:25 p.m. - 8:45 p.m.)
*REPORTING AND DISCLOSURE; IRS PROGRAMS*

Read Text Chapters 8 C subparts 3-5 & 13 B
17  Tuesday, March 4, 2014 (7:25 p.m. - 8:45 p.m.)
ERISA ENFORCEMENT AND LITIGATION

Read Text Chapters 15 and 16

18  Wednesday, March 5, 2014 (7:25 p.m. - 8:45 p.m.)
NONQUALIFIED PLANS

Read Text Chapter 8 D

19  Tuesday, March 11, 2014 (7:25 p.m. - 8:45 p.m.)
REVIEW

20  Wednesday, March 12, 2014 -- NO CLASS (Probably)