



## Blogs / Qualified Retirement Plans

Toggle  
Navigation

### RECORDED WEBINARS

- [Effects of Recent Legislation on Employee Benefit Plans](#)
- [Distribution and Withdrawal Basics](#)
- [The Brave New Fiduciary World](#)
- [IRS Curtailment of Determination Letter Program: What Does it Mean for Your Company's Retirement Plan?](#)
- [Restating Pre-approved \(Prototype/Volume Submitter\) Plan Documents](#)
- [Deciphering the ACA Reporting Rules](#)
- [Roth Conversions: Are They Right for Your Plan and Your Participants?](#)
- [The ACA's Employer "Play-Or-Pay" and 90-Day Waiting Period Provisions](#)

### BLOG TOPICS

- [401\(k\) Plans](#) (15)
- [403\(b\) Plans](#) (9)
- [Beneficiaries](#) (1)
- [Cafeteria Plans](#) (2)
- [Claims & Appeals](#) (4)
- [Deferred Compensation](#) (5)
- [Determination Letters](#) (1)
- [Discrimination](#) (4)
- [Distributions](#) (3)
- [Dollar Limits](#) (2)
- [ERISA Litigation](#) (5)
- [Executive Compensation](#) (2)
- [Fiduciary Duties](#) (20)
- [Fringe Benefits](#) (5)
- [Governmental Plans](#) (1)
- [Group Health Plans](#) (7)
- [Health Care Reform](#) (15)
- [Health Plans](#) (21)
- [HIPAA Privacy and Security](#) (7)
- [Investment Adviser](#) (11)
- [Legislation](#) (9)
- [Multiemployer Plans](#) (2)
- [Mutual Funds](#) (4)
- [Nonqualified Plans](#) (3)
- [Participant Communications](#) (2)
- [Pension Plans](#) (4)
- [Plan Administration](#) (19)
- [Plan Investments](#) (5)
- [Qualified Retirement Plans](#) (6)
- [Reporting and Disclosure](#) (6)
- [Roth Contributions](#) (2)
- [Subrogation and Reimbursement](#) (1)
- [Tax Cuts and Jobs Act](#) (6)

- [Voluntary Correction Programs](#) (1)
- [Wellness Programs](#) (4)

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### Latest Posts

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#### 08.26.2019 [An Uncashed Check is Taxable](#)

By Beth Miller

The IRS issued Revenue Ruling 2019-19 to describe the tax and reporting treatment of uncashed distribution checks from tax-qualified retirement plans. The ruling describes a situation in which a plan is required to make a distribution and the participant receives the distribution check, but does not cash it. The ruling makes clear that, regardless of why the participant does not cash the check (or even if the participant cashes the check in a later year), the distribution is subject to applicable tax withholding and reporting in the year in which the distribution is made. In addition, the participant must include the distribution in his or her gross income for that same year.

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#### 02.19.2018 [Congress Eases Restrictions on Hardship Withdrawals](#)

By Kenneth A. (Ken) Mason

Buried in Sections 41113 and 41114 of the recent Bipartisan Budget Act of 2018 are provisions designed to facilitate hardship withdrawals from 401(k) and 403(b) plans. Because these provisions take effect for plan years beginning after December 31, 2018, sponsors of these plans will want to consider whether to broaden their hardship withdrawal provisions – or even *add* such provisions.

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#### 01.29.2018 [Tax Cuts and Jobs Act – New Rules for Retirement Plans and IRAs](#)

By Robert A. Browning

Although the main feature of the Tax Cuts and Jobs Act is a significant reduction in the corporate federal income tax rate, the Act also makes a number of significant changes to the rules governing employer-sponsored retirement plans and individual retirement accounts. From plan loans to hardship withdrawals and Roth recharacterizations, employers should make sure that they understand how these new rules might affect them.

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#### 05.22.2017 [Treatment of “Collateral” Employees Under Retirement Plans](#)

By Stephen Rickles

It is common for employers to contract with one or more third parties (sometimes referred to as “leasing companies”) to provide individuals to perform services for the employer. Various issues may arise regarding the treatment of such individuals under a retirement plan maintained by the employer.

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#### 06.29.2015 [Same-Sex Marriage Ruling Impacts Benefit Plans \(Again\)](#)

By Robert A. Browning

On Friday, June 26, 2015, the Supreme Court published its ruling in [Obergefell v. Hodges](#), holding (by a 5 to 4 margin) that the Fourteenth Amendment requires a state to license marriages between two people of the same sex, and to recognize any such marriage that is lawfully licensed and performed out-of-state. As a result, all (remaining) state laws or constitutional amendments banning same-sex marriage are now invalid.

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#### 02.02.2015 [IRS Now Accepting “Cycle E” Determination-Letter Applications](#)

By Lawrence Jenab

The IRS is now accepting applications for updated determination letters on behalf of individually designed retirement plans falling within “Cycle E” of the determination-letter program. These include plans sponsored by employers having either a “5” or “0” as the last digit of their employer identification number, as well as governmental plans that elected not to file during Cycle C.

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