

M I L B E R G
C O N S U L T I N G L L C

September 19, 2001

Form 5500/5500EZ Extension

The IRS, DOL and PBGC announced an extension of the deadline for filing Forms 5500/5500EZ. The extension applies only to employers sponsoring employee benefit plans affected by the September 11, 2001 national disaster as discussed below.

For Filers with an Original Deadline between September 11, 2001 and November 30, 2001 located within an area designated as a federal disaster area, *the deadline is extended for an additional six months plus 120 days*. This extension also applies to filers outside the disaster areas unable to obtain relevant information from financial institutions and service providers directly affected by the disaster.

For Filers with an Extension Expiring between September 11, 2001 and November 30, 2001 affected by the disaster, *the deadline is extended an additional 120 days*.

Extensions for Other Affected Filers. If a filer does not qualify for one of the extensions described above but that has difficulty in satisfying the deadline because of a disruption in the delivery of documents due to the disaster, *the extended deadline is November 15, 2001*.

Filing Procedure for Extension. Employers that qualify for any of the above described extensions must check Box D in Part 1 of the Form 5500 and attach the following statement: "September 11, 2001 Terrorist Attack."

Fiduciary Issues Related to the National Disaster. The DOL recognizes that plan fiduciaries may encounter a variety of issues in dealing with the disruption of the financial markets and that they may deem it necessary and prudent to take extraordinary steps to safeguard plan assets. If a fiduciary adopts temporary procedures to address these concerns be mindful that: (a) the procedures must protect the interests of the plan, its participants and beneficiaries, and (b) the procedures must be documented.

Other Extensions Pending. Relief is expected for contributions that were not funded by September 15, 2001 to satisfy the law's minimum funding requirement (IRC Section 412) for Money Purchase Pension and Defined Benefit Pension Plans.

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