

Certified Pension Consultant (CPC) Proctored Exam 2010 Syllabus

Course Overview

As the culminating designation for the nonactuary ASPPA member, the Certified Pension Consultant (CPC) credential is intended as an opportunity for a successful candidate to demonstrate an ability to draw from his or her accumulated retirement plan knowledge and experience.

To earn the CPC credential, candidates build upon a foundation of knowledge acquired by passing the examinations required for the QKA and QPA credentials. CPC candidates will demonstrate their knowledge and experience through the completion of specific core and elective online modules as well as a single comprehensive proctored CPC essay examination.

The modules and proctored exam will provide opportunities for analyzing and solving consulting problems that might be encountered in real-life client situations. In professional practice, more than one statutory provision or retirement plan consideration often applies, and the pension consultant must be able to recognize and evaluate in depth each potential issue for his or her client.

Additionally, because ASPPA members are required to comply with ASPPA's Code of Professional Conduct, the topic of ethical performance in one's professional capacity forms an important part of the CPC course of study and ethics questions will be a part of each core module and the proctored exam.

Required Reading

CPC Study Guide: Advanced Retirement Plan Consulting, 2009 Edition. Arlington, VA: ASPPA, 2009.

Exam

One comprehensive, proctored four and a half hour examination will be required for the CPC credential - in addition to successful completion of the online modules.

This exam will remain challenging, but efforts will be made to test the knowledge that the majority of CPCs need to know in practice on a frequent basis and to avoid testing truly obscure information.

The exam will consist of eight multi-part essay questions covering the following topics:

- Business Entities and Related Groups
- Coverage and Nondiscrimination
- 401(k) Plans
- Defined Benefit Plans
- Distributions and Loans
- Fiduciary Responsibilities, Including ERISA §404(c)
- Correction Programs and Ethics
- Plan Design

Please note: the topics presented in the syllabi may not appear in the *exact* order during the actual proctored examination.

Additional Information

All candidates are encouraged to visit ASPPA's Candidate Corner (www.asppa.org/candidate-corner) for additional information. It is the candidate's responsibility to check the ASPPA Web site for the most current information on examinations and publications. The Candidate Corner includes instructions for locating Prometric test centers to schedule examinations, exam windows and dates, study tips, current information on regulatory limits and other helpful information. You may also contact ASPPA with questions at education@asppa.org.

Topic 1: Business Entities and Related Groups

Overview

The rules of common control have far reaching effects on many aspects of qualified retirement plans. For this reason, determining whether an employer is a part of a controlled group or an affiliated service group is critical to ensuring continued qualified status for retirement plans. This topic examines various types of these arrangements, and the integral rules of attribution are examined. Also included is a review of the effect of business transactions such as mergers and acquisitions on groups under common control and the retirement plans sponsored by these entities.

Learning Objectives

The successful candidate will be able to:

- 1.01 Analyze a fact pattern and conclude whether common control exists under IRC §§414(b) and (c).
- 1.02 Explain the impact of controlled group status on qualified plan requirements.
- 1.03 Identify situations where an affiliated service group may exist and the information needed to make an ASG determination.
- 1.04 Explain the impact of ASG status on qualified plan provisions.

- 1.05 Discuss the consequences of leased employees on the recipient client organization's plan.
- 1.06 Analyze a fact pattern and conclude whether a multiple employer plan exists.
- 1.07 Discuss the advantages and disadvantages of establishing a multiple employer plan versus several single employer plans.
- 1.08 Discuss the effect an operational failure with one member of a multiple employer plan has on the plan as a whole.
- 1.09 Discuss the plan requirements for which members of a multiple employer plan are treated as a single employer and those for which they are treated as separate employers.
- 1.10 Apply the rules for a multiple employer plan to a PEO relationship.

Exam Weighting

This topic will comprise approximately 10 percent of the examination.

Required Reading

Chapter 1: *CPC Study Guide: Advanced Retirement Plan Consulting, 2009 Edition*.
Arlington, VA: ASPPA, 2009.

Topic 2: Coverage & Nondiscrimination

Overview

A qualified retirement plan must benefit a minimum number of employees and may not be designed or operated in favor of highly compensated employees (HCEs). This topic reviews the coverage and participation tests under IRC §§410(b) and 401(a)(26) incorporating testing methodology as well as procedures for correcting violations and the special exceptions accorded to qualified separate lines of business (QSLOBs) under IRC §414(r). In addition, the nondiscrimination rules of IRC §401(a)(4) which prohibit favoring HCEs in the amount of benefit or contribution provided and prohibit favoring HCEs in the availability of benefits, rights or features are outlined. A qualified retirement plan also must ensure that the effect of any plan amendment or termination is not discriminatory. Therefore, details of various options available to prove nondiscrimination in these areas are included under this topic.

The following learning objectives assume that the candidate has a complete knowledge of basic coverage and nondiscrimination testing concepts including identifying HCEs and performing nondiscrimination and coverage tests under IRC §§410(b), 401(a)(4) and 401(a)(26).

Learning Objectives

The successful candidate will be able to:

- 2.01 Analyze a fact pattern and apply the minimum participation rules of IRC §401(a)(26).
- 2.02 Analyze a fact pattern, apply the coverage rules of IRC §410(b), discuss the consequences of a failed coverage test and recommend methods of correction.
- 2.03 Discuss the requirements that must be met by defined contribution plans in order to satisfy IRC §401(a)(4) safe harbor designs.
- 2.04 Analyze a fact pattern, apply the nondiscrimination rules of IRC §401(a)(4), discuss the consequences of a failed test and recommend correction alternatives.
- 2.05 Analyze a fact pattern and illustrate a rate group test on a defined contribution plan.
- 2.06 Illustrate cross-testing given a specific fact pattern, including use of the gateway test
- 2.07 Illustrate the effect of allocation conditions on a cross-tested plan.
- 2.08 Determine a plan's top-heavy status and discuss the issues that arise when a plan is top-heavy.
- 2.09 Analyze whether aggregation can be applied for testing a benefit, right or feature for nondiscrimination, including where at least one plan is a defined contribution plan and at least one is a defined benefit plan.
- 2.10 Analyze a fact pattern and identify which plans or components of a plan may or must be aggregated or disaggregated in testing plan coverage.
- 2.11 Explain when plans must be aggregated, and how they may be aggregated or disaggregated for purposes of IRC §§410(b), 401(a)(4) and 401(a)(26).
- 2.12 Analyze the effect of a merger, acquisition or disposition on qualified plan provisions under the transition rule of IRC §410(b)(6).
- 2.13 Evaluate whether a compensation definition is discriminatory under IRC §414(s).

Exam Weighting

This topic will comprise approximately 15 percent of the examination.

Required Reading

Chapter 2: *CPC Study Guide: Advanced Retirement Plan Consulting, 2009 Edition*.
Arlington, VA: ASPPA, 2009.

Topic 3: 401(k) Plans

Overview

Qualified plans that contain elective salary deferral or cash-or-deferred arrangements are commonly called 401(k) plans after the Internal Revenue Code section that governs these arrangements. The deferral arrangement actually is a special provision added to a qualified profit sharing or stock bonus plan. In addition to being subject to the requirements of a profit sharing plan or stock bonus plan, 401(k) plans must satisfy special qualification requirements. This topic addresses these qualification requirements within the context of the specific testing required of 401(k) plans to demonstrate compliance. Particular time and attention will be dedicated to plan design and testing techniques that improve ADP and ACP testing results and best meet the needs of the employer.

Learning Objectives

The successful candidate will be able to:

- 3.01 Calculate the ADP and ACP for a given fact pattern, assess possible correction methods for a failed ADP or ACP test, recommend a solution and support your recommendation.
- 3.02 Analyze a fact pattern and demonstrate 401(k) plan design alternatives that will improve nondiscrimination test results.
- 3.03 Discuss the requirements for a safe harbor 401(k)(12) (traditional) plan and assess whether a given plan design satisfies the requirements.
- 3.04 Discuss the requirements for a safe harbor 401(k)(13) (QACA safe harbor) plan and assess whether a given plan design satisfies the requirements.
- 3.05 Demonstrate how exceeding an applicable limit (*e.g.*, catch-up, IRC §415, IRC §402(g)) affects related limits, tests and determinations in a plan with a 401(k) feature.
- 3.06 Identify all compliance issues in noncalendar year 401(k) plans.
- 3.07 Describe the advantages and disadvantages of adding a designated Roth feature to a 401(k) plan.
- 3.08 Discuss permissible ADP/ACP testing alternatives when related employers maintain 401(k) plans.
- 3.09 Explain the issues involved relative to mergers, acquisitions and spin-offs on ADP and ACP testing.

Exam Weighting

This topic will comprise approximately 15 percent of the examination.

Required Reading

Chapter 3, *CPC Study Guide: Advanced Retirement Plan Consulting, 2009 Edition*.
Arlington, VA: ASPPA, 2009.

Topic 4: Defined Benefit Plans

Overview

This topic covers issues dealing with defined benefit plans and reviews the safe harbors available to simplify defined benefit design and administration. Non-traditional defined benefit plans such as cash balance plans, floor-offset arrangements, and fully insured plans are reviewed. Time will also be spent on plan design objectives that can be achieved through defined benefit plans. In addition, the topic's material discusses funding requirements, benefit limitations, and the role of the Pension Benefit Guaranty Corporation (PBGC).

Learning Objectives

The successful candidate will be able to:

- 4.01 Discuss the requirements that must be met by defined benefit plans in order to satisfy IRC §401(a)(4) safe harbor designs.
- 4.02 Describe the three permissible accrual rules of IRC §411(b).
- 4.03 Calculate the maximum IRC §415 limit for a participant, including the dollar and percentage limits below age 62 and above age 65.
- 4.04 Describe the impact that actuarial assumptions have on plan liabilities and contributions.
- 4.05 Analyze the application of the deduction limits on overlapping defined benefit/defined contribution plans.
- 4.06 Identify and discuss the legal issues that should be considered before converting a traditional defined benefit plan to a cash balance plan.
- 4.07 Discuss the requirements for pension plans that reduce or cease future benefit accruals.
- 4.08 Explain when an IRC §412(e)(3) fully insured defined benefit plan would be better suited for a client than a traditional defined benefit plan.
- 4.09 Discuss the special nondiscrimination rules that a safe harbor floor offset plan must satisfy.

Exam Weighting

This topic will comprise approximately 13 percent of the examination.

Required Reading

Chapter 4: *CPC Study Guide: Advanced Retirement Plan Consulting, 2009 Edition*.
Arlington, VA: ASPPA, 2009.

Topic 5: Distributions & Loans

Overview

The financial lifecycle of a retirement plan is a reflection of funds flowing into and out of the plan over time, a lifecycle that is governed by the myriad rules surrounding and supporting beneficial tax qualification. The material for this topic requires a candidate to delve into the more complicated taxation and timing issues of distributions from qualified plans, whether these distributions take the form of loans, required minimum distributions, release of employer stock and the like or are the result of domestic relations proceedings, retirement, termination of employment or in-service events.

Learning Objectives

The successful candidate will be able to:

- 5.01 Explain the rules governing the form, amount and timing of distributions.
- 5.02 Explain the rules governing the portability of distributions.
- 5.03 Analyze the restrictions on distributions from a 401(k) plan when a successor plan exists.
- 5.04 Explain the rules governing forced distributions including the application to lost participants.
- 5.05 Analyze the QJSA and QPSA rules for distributions from defined benefit and applicable defined contribution plans.
- 5.06 Describe the optional forms of benefit payment under defined benefit plans.
- 5.07 Analyze the tax treatment of various forms and types of distributions.
- 5.08 Calculate the penalty for early distributions, and discuss the exceptions.
- 5.09 Analyze the impact of qualified and nonqualified distributions of designated Roth amounts.
- 5.10 Explain how basis is determined, including consideration of after-tax employee contributions, PS 58 costs and loan repayments and calculate the taxable amount.
- 5.11 Define conditions that must be satisfied for a permissible withdrawal under the safe harbor 401(k) hardship provisions and calculate the maximum permissible amount that may be distributed.
- 5.12 Evaluate whether a loan program is properly designed.
- 5.13 Explain and apply the rules for loan repayment suspensions for both an unpaid leave of absence and an unpaid military leave of absence, and calculate latest possible repayment date for each.
- 5.14 Discuss and apply the available options for participant loan refinancing.
- 5.15 Describe the amounts subject to taxation when loan requirements are not satisfied.
- 5.16 Discuss the concept of accrued interest on defaulted loans, and its practical impact on taxability and the maximum availability calculation
- 5.17 Apply the required minimum distribution rules given a particular fact pattern.
- 5.18 Discuss the rules governing QDROs.

Exam Weighting

This topic will comprise approximately 10 percent of the examination.

Required Reading

Chapter 5: *CPC Study Guide: Advanced Retirement Plan Consulting, 2009 Edition*.
Arlington, VA: ASPPA, 2009.

Topic 6: Fiduciary Responsibilities including ERISA §404(c)

Overview

Fiduciary status and the attendant responsibilities and liabilities of that status are granted based on one's functional duties rather than by one's title. The implications of being a plan fiduciary are far-reaching and encompass, not merely, awareness that one is a fiduciary, but also what one must do and what one is prohibited from doing as a plan fiduciary. The repercussions for a qualified plan and its participants due to fiduciary failure can be severe, and therefore this topic's material includes a review of fiduciary status along with fiduciary duties and provides analyses of fiduciary breaches, the limitation of fiduciary liability, and available correction procedures.

Learning Objectives

The successful candidate will be able to:

- 6.01 Define the roles and responsibilities of the various parties involved in managing plan assets, including investment managers, plan consultants, custodians and financial advisors.
- 6.02 Explain the exclusive benefit and prudent man rules and their application to plan activities.
- 6.03 Evaluate settlor vs. fiduciary functions and their implications regarding plan expenses.
- 6.04 Describe ways to minimize fiduciary liability.
- 6.05 Analyze a given fact pattern and propose approaches for reducing or eliminating fiduciary liability.
- 6.06 Describe the requirements that must be met for an investment to be a QDIA and provide examples of investments that would qualify.
- 6.07 Outline the requirements for fiduciary relief for the provision of investment advice to participants.
- 6.08 Discuss the effect of investment advice and any liability on the plan fiduciaries under a qualified investment advice arrangement.
- 6.09 Discuss the impact of having a directed trustee.
- 6.10 Evaluate whether a transaction is a prohibited transaction under Title I of ERISA.

Exam Weighting

This topic will comprise approximately 11 percent of the examination.

Required Reading

Chapter 6: *CPC Study Guide: Advanced Retirement Plan Consulting, 2009 Edition*.
Arlington, VA: ASPPA, 2009.

Topic 7: Correction Programs & Ethics

Overview

Part of the consulting experience is the ability to assist clients in identifying and assessing the potential for or extent of plan defects and when necessary to recommend a suitable course of corrective action. This topic addresses the Internal Revenue Service Employee Plans Compliance Resolution System (EPCRS) Program as an avenue for correction. The Voluntary Fiduciary Compliance (VFC) Program and Delinquent Filer Voluntary Compliance (DFVC) Program will also be covered. Additionally, throughout the performance of service to clients, the pension consultant must contemplate his or her professional, ethical duties owed to plan sponsors and participants. Consequently, this topic's required reading material also includes the ASPPA Code of Professional Conduct.

Learning Objectives

The successful candidate will be able to:

- 7.01 Analyze a given fact pattern, and explain the methods of correcting and reporting a prohibited transaction under Title I of ERISA.
- 7.02 Explain the available correction programs under EPCRS including their purpose and eligibility.
- 7.03 Discuss and identify the differences between significant and insignificant operational defects, plan document defects and demographic failures.
- 7.04 Summarize the two stated methods of self-correction under EPCRS if the 12-month correction period has passed for ADP and ACP testing.
- 7.05 Describe the factors that are related to IRS fees and sanctions under EPCRS.
- 7.06 Analyze a fact pattern and recommend a correction program under EPCRS.
- 7.07 Discuss the purpose, requirements and applicable penalties of the DFVC Program.
- 7.08 Identify fiduciary breaches that can be corrected under the VFC Program.
- 7.09 Analyze a fact pattern and apply the ASPPA Code of Professional Conduct.

Exam Weighting

This topic will comprise approximately 8 percent of the examination.

Required Reading

Chapter 7: *CPC Study Guide: Advanced Retirement Plan Consulting, 2009 Edition*.
Arlington, VA: ASPPA, 2009.

Topic 8: Plan Design

Overview

Central to the concept of pension consulting is the ability to craft a plan design or combination of plan designs best suited to meeting the client's present and future benefit objectives. This topic's material covers plan design issues including the use of hybrid plans such as cash balance plans and times when less common plan designs like ESOPs should be considered.

Learning Objectives

The successful candidate will be able to:

- 8.01 Differentiate between a cash balance plan, a traditional defined benefit plan and a defined contribution plan.
- 8.02 Explain why a plan sponsor might choose a cash balance plan instead of a traditional defined benefit plan.
- 8.03 Discuss the effect of census changes on a small plan with a new comparability design.
- 8.04 Discuss the requirements for nonpension plans that reduce or cease future benefit accruals.
- 8.05 Summarize the corporate financing and employee relations objectives that may be accomplished by establishing an ESOP.
- 8.06 Identify whether a 403(b) plan is subject to ERISA.
- 8.07 Discuss the primary objectives of establishing nonqualified plans.
- 8.08 Analyze a specific employer situation and recommend the most appropriate plan type(s).
- 8.09 Recommend plan provisions based on the sponsor's objectives.

Exam Weighting

This topic will comprise approximately 18 percent of the examination.

Required Reading

Chapter 8: *CPC Study Guide: Advanced Retirement Plan Consulting, 2009 Edition*.
Arlington, VA: ASPPA, 2009.