

*Pension*  
ANALYST

# Compliance Bulletin

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## IRS Extends Deadline for Adoption of Nonqualified Plan Documents

On April 10, 2007, the IRS published final rules affecting nonqualified deferred compensation plans. These rules provide guidance for implementing the Internal Revenue Code section 409A rules, which were enacted as part of the [American Jobs Creation Act of 2004 \(AJCA\)](#). Among other provisions, these rules require all nonqualified plans to be documented in writing. Plans that were in existence before January 1, 2008, were required to have written plan documents in place no later than December 31, 2007.

On September 10, 2007, the IRS published Notice 2007-78, providing additional guidance for sponsors of nonqualified deferred compensation plans. This Notice also ***extends the deadline for adopting plan documents to December 31, 2008***. Documents adopted by this deadline must reflect all provisions required by the final regulations, as well as actual plan operation, retroactive to January 1, 2008.

Forthcoming *Pension Analyst* publications will discuss both the final regulations and the Notice 2007-78 guidance, including the written plan document requirement, in detail.

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