

Internal Revenue Service, Treasury

§ 301.6057-1

§ 301.6050A-1 Information returns regarding services performed by certain crewmen on fishing boats.

For provisions relating to the requirement of returns of information regarding services performed by certain crewmen on fishing boats, see § 1.6050A-1 of this chapter (Income Tax Regulations) and § 301.6652-1 of this chapter (Regulations on Procedure and Administration).

[T.D. 7716, 45 FR 57124, Aug. 27, 1980]

§ 301.6050M-1 Information returns relating to persons receiving contracts from certain Federal executive agencies.

For provisions relating to the requirements of returns of information relating to persons receiving contracts from certain Federal executive agencies, see § 1.6050M-1 of this chapter (Income Tax Regulations).

[T.D. 8275, 54 FR 50372, Dec. 6, 1989]

Information Regarding Wages Paid Employees

§ 301.6051-1 Receipts for employees.

For provisions relating to statements for employees regarding remuneration paid during calendar year, see § 31.6051-1 of this chapter (Employment Tax Regulations).

§ 301.6052-1 Information returns and statements regarding payment of wages in the form of group-term life insurance.

For provisions relating to information returns and statements required in connection with the payment of wages in the form of group-term life insurance, see §§ 1.6052-1 and 1.6052-2 of this chapter (income tax regulations).

[T.D. 7275, 38 FR 11346, May 7, 1973]

§ 301.6057-1 Employee retirement benefit plans; identification of participant with deferred vested retirement benefit.

(a) *Annual registration statement*—(1) *In general.* Under section 6057(a), the plan administrator (within the meaning of section 414(g)) of an employee retirement benefit plan must file with the Internal Revenue Service information relating to each plan participant

who separates from service covered by the plan and is entitled to a deferred vested retirement benefit under the plan, but is not paid this retirement benefit. Plans subject to this filing requirement are described in subparagraph (3) of this paragraph. Subparagraph (4) describes how the information is to be filed with the Internal Revenue Service. In the case of a plan to which only one employer contributes, the time for filing the information with respect to each separated participant is described in subparagraph (5). In the case of a plan to which more than one employer contributes the time for filing the information with respect to a participant is described in paragraph (b)(2) of this section. Paragraph (b) of this section also provides other rules applicable only to plans to which more than one employer contributes.

(2) *Deferred vested retirement benefit.* For purposes of this section, a plan participant's deferred retirement benefit is considered a vested benefit if it is vested under the terms of the plan at the close of the plan year described in paragraph (a)(5) or (b)(4) of this section (whichever is applicable) for which information relating to any deferred vested retirement benefit of the participant must be filed. A participant's deferred retirement benefit need not be a nonforfeitable benefit within the meaning of section 411(a) for the filing requirements described in this section to apply. Accordingly, information relating to a participant's deferred vested retirement benefit must be filed as required by this section notwithstanding that the benefit is subject to forfeiture by reason of an event or condition occurring subsequent to the close of the plan year described in paragraph (a)(5) or (b)(4) of this section (whichever is applicable) for which information relating to any deferred vested retirement benefit of the participant must be filed.

(3) *Plans subject to filing requirement.* The term "employee retirement benefit plan" means a plan to which the vesting standards of section 203 of part 2 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (88 Stat. 854) apply for any day in the plan year. (For purposes of this section, "plan year" means the

plan year as determined for purposes of the annual return required by section 6058(a)). Accordingly, a plan need not be a qualified plan within the meaning of section 401(a) to be subject to these filing requirements. A plan to which more than one employer contributes must file the report of deferred vested retirement benefits described in this section, but see paragraph (b) of this section for special rules applicable to such a plan. The filing requirements described in this section and § 301.6057-2 (relating to notification of change in plan status) do not apply to a governmental or church plan described in section 414 (d) or (e).

(4) *Filing requirements.* Information relating to the deferred vested retirement benefit of a plan participant must be filed on schedule SSA as an attachment to the Annual Return/Report of Employee Benefit Plan (form 5500 series). Schedule SSA shall be filed on behalf of an employee retirement benefit plan for each plan year for which information relating to the deferred vested retirement benefit of a plan participant is filed under paragraph (a)(5) or (b)(2) of this section. There shall be filed on schedule SSA the name and social security number of the participant, a description of the nature, form, and amount of the deferred vested retirement benefit to which the participant is entitled, and such other information as is required by section 6057(a) or schedule SSA and the accompanying instructions. The form of the benefit reported on schedule SSA shall be the normal form of benefit under the plan, or, if the plan administrator (within the meaning of section 414(g)) considers it more appropriate, any other form of benefit.

(5) *Time for reporting deferred vested retirement benefit—(i) In general.* In the case of a plan to which only one employer contributes, information relating to the deferred vested retirement benefit of a plan participant must be filed no later than on the schedule SSA filed for the plan year following the plan year within which the participant separates from service covered by the plan. Information relating to a separated participant may, at the option of the plan administrator, be reported earlier (that is, on the schedule SSA

filed for the plan year in which the participant separates from service covered by the plan). For purposes of this paragraph a participant is not considered to separate from service covered by the plan solely because the participant incurs a break in service under the plan. In addition, for purposes of this paragraph, in the case of a plan which uses the elapsed time method described in Department of Labor regulations for crediting service for benefit accrual purposes, a participant is considered to separate from service covered by the plan on the date the participant severs from service covered by the plan.

(ii) *Exception.* Notwithstanding subdivision (i), no information relating to the deferred vested retirement benefit of a separated participant is required to be filed on schedule SSA if, before the date such schedule SSA is required to be filed (including any extension of time for filing granted pursuant to section 6081), the participant (A) is paid some or all of the deferred vested retirement benefit under the plan, (B) returns to service covered by the plan, or (C) forfeits all of the deferred vested retirement benefit under the plan.

(b) *Plans to which more than one employer contributes—(1) Application.* Section 6057 and this section apply to a plan to which more than one employer contributes with the modifications set forth in this paragraph. For purposes of section 6057 and this section, whether or not more than one employer contributes to a plan shall be determined by the number of employers who are required to contribute to the plan. Thus, for example, this paragraph applies to plans maintained by more than one employer which are collectively bargained as described in section 413(a), multiple-employer plans described in section 413(c) and the regulations thereunder, multiemployer plans described in section 414(f), and plans adopted by more than one employer of certain controlled and common control groups described in section 414 (b) and (c).

(2) *Time for reporting deferred vested retirement benefit—(i) In general.* In the case of a plan to which more than one employer contributes, information relating to the deferred vested retirement benefit of a plan participant must

be filed no later than on the schedule SSA filed for the plan year within which the participant completes the second of two consecutive one-year breaks in service (as defined in the plan for vesting percentage purposes) in service computation periods (as defined in the plan for vesting percentage purposes) which begin after December 31, 1974. At the option of the plan administrator, information relating to a participant's deferred vested retirement benefit may be filed earlier (that is, on the schedule SSA filed for the plan year in which the participant incurs the first one-year break in service or, in the case of a separated participant, on the schedule SSA filed for the plan year in which the participant separates from service).

(ii) *Special rules*—For purposes of this subparagraph (1)—

(A) For the definition of the term “1-year break in service” in the case of a plan which uses the elapsed time method described in Department of Labor Regulations for crediting service for vesting percentage purposes, see §1.411(a)-6(c)(2).

(B) In the case of a plan which does not define the term “1-year break in service” for vesting percentage purposes, a plan participant shall be deemed to incur a 1-year break in service under the plan in any plan year within which the participant does not complete more than 500 hours of service covered by the plan.

(iii) *Transitional rule*. Notwithstanding subdivision (i), if the second consecutive 1-year break in service described in subdivision (i) is incurred in a plan year beginning before January 1, 1978, information relating to the participant's deferred vested retirement benefit is not required to be filed earlier than on the schedule SSA filed for the first plan year beginning after December 31, 1977.

(iv) *Exception*. Notwithstanding subdivision (i) or (iii) of this subparagraph, no information relating to a participant's deferred vested retirement benefit is required to be filed on schedule SSA if, before the date such schedule SSA is required to be filed (including any extension of time for filing granted pursuant to section 6081), the participant (A) is paid some or all of

the deferred vested retirement benefit under the plan, (B) accrues additional retirement benefits under the plan, or (C) forfeits all of the deferred vested retirement benefit under the plan.

(3) *Information relating to deferred vested retirement benefit*—(i) *Incomplete records*. Section 6057(a) and paragraph (a)(4) of this section require the filing on schedule SSA of a description of the deferred vested retirement benefit to which the participant is entitled. If the plan administrator of a plan to which more than one employer contributes maintains records of a participant's service covered by the plan which are incomplete as of the close of the plan year with respect to which the plan administrator files information relating to the participant on schedule SSA, the plan administrator may elect to file the information required by schedule SSA based only upon these incomplete records. The plan administrator is not required, for purposes of completing schedule SSA, to compile from sources other than such records a complete record of a participant's years of service covered by the plan. Similarly, if retirement benefits under the plan are determined by taking into account a participant's service with an employer which is not service covered by the plan, but the plan administrator maintains records only with respect to periods of service covered by the plan, the plan administrator may complete schedule SSA taking into account only the participant's period of service covered by the plan.

(ii) *Inability to determine correct amount of participant's deferred vested retirement benefit*. If the amount of a participant's deferred vested retirement benefit which is filed on schedule SSA is computed on the basis of plan records maintained by the plan administrator which—

(A) Are incomplete with respect to the participant's service covered by the plan (as described in subdivision (i)), or

(B) Fail to account for the participant's service not covered by the plan which is relevant to a determination of the participant's deferred vested retirement benefit under the plan (as described in subdivision (i)),

then the plan administrator must indicate on schedule SSA that the amount

of the deferred vested retirement benefit shown therein may be other than that to which the participant is actually entitled because the amount is based upon incomplete records.

(iii) *Inability to determine whether participant vested in deferred retirement benefit.* Where, as described in subdivision (i), information to be reported on schedule SSA is to be based upon records which are incomplete with respect to a participant's service covered by the plan or which fail to take into account relevant service not covered by the plan, the plan administrator may be unable to determine whether or not the participant is vested in any deferred retirement benefit. If, in view of information provided either by the incomplete records or the plan participant, there is a significant likelihood that the plan participant is vested in a deferred retirement benefit under the plan, information relating to the participant must be filed on schedule SSA with the notation that the participant may be entitled to a deferred vested retirement benefit under the plan, but information relating to the amount of the benefit may be omitted. This subdivision (iii) does not apply in a case in which it can be determined from plan records maintained by the plan administrator that the participant is vested in a deferred retirement benefit. Subdivision (ii), however, may apply in such a case.

(c) *Voluntary filing—(1) In general.* The plan administrator of an employee retirement benefit plan described in paragraph (a)(3) of this section, or any other employee retirement benefit plan (including a governmental or church plan), may at its option, file on schedule SSA information relating to the deferred vested retirement benefit of any plan participant who separates at any time from service covered by the plan, including plan participants who separate from service in plan years beginning before 1976.

(2) *Deleting previously filed information.* If, after information relating to the deferred vested retirement benefit of a plan participant is filed on schedule SSA, the plan participant—

(i) Is paid some or all of the deferred vested retirement benefit under the plan, or

(ii) Forfeits all of the deferred vested retirement benefit under the plan, the plan administrator may, at its option, file on schedule SSA (or such other form as may be provided for this purpose) the name and social security number of the participant with the notation that information previously filed relating to the participant's deferred vested retirement benefit should be deleted.

(d) *Filing incident to cessation of payment of benefits—(1) In general.* As described in this section, no information relating to the deferred vested retirement benefit of a plan participant is required to be filed on schedule SSA if before the date such schedule SSA is required to be filed, some of the deferred vested retirement benefit is paid to the participant, and information relating to a participant's deferred vested retirement benefit which was previously filed on schedule SSA may be deleted if the participant is paid some of the deferred vested retirement benefit. If payment of the deferred vested retirement benefit ceases before all of the benefit to which the participant is entitled is paid to the participant, information relating to the deferred vested retirement benefit to which the participant remains entitled shall be filed on the schedule SSA filed for the plan year following the last plan year within which a portion of the benefit is paid to the participant.

(2) *Exception.* Notwithstanding subparagraph (1) of this paragraph, no information relating to the deferred vested retirement benefit to which the participant remains entitled is required to be filed on schedule SSA if, before the date such schedule SSA is required to be filed (including any extension of time for filing granted pursuant to section 6081), the participant (i) returns to service covered by the plan, (ii) accrues additional retirement benefits under the plan, or (iii) forfeits the benefit under the plan.

(e) *Individual statement to participant.* The plan administrator of an employee retirement benefit plan defined in paragraph (a)(3) of this section must provide each participant with respect to whom information is required to be filed on schedule SSA a statement describing the deferred vested retirement

benefit to which the participant is entitled. The description provided the participant must include the information filed with respect to the participant on schedule SSA. The statement is to be delivered to the participant or forwarded to the participant's last known address no later than the date on which any schedule SSA reporting information with respect to the participant is required to be filed (including any extension of time for filing granted pursuant to section 6081).

(f) *Penalties.* For amounts imposed in the case of failure to file the report of deferred vested retirement benefits required by section 6057(a) and paragraph (a) or (b) of this section, see section 6652(e)(1). For the penalty relating to a failure to provide the participant the individual statement of deferred vested retirement benefit required by section 6057(e) and paragraph (e) of this section, see section 6690.

(g) *Effective dates—(1) Plans to which only one employer contributes.* In the case of a plan to which only one employer contributes, this section is effective for plan years beginning after December 31, 1975, and with respect to a participant who separates from service covered by the plan in plan years beginning after that date.

(2) *Plans to which more than one employer contributes.* In the case of a plan to which more than one employer contributes, this section is effective for plan years beginning after December 31, 1977, and with respect to a participant who completes two consecutive 1-year breaks in service under the plan in service computation periods beginning after December 31, 1974.

[T.D. 7561, 43 FR 38004, Aug. 25, 1978]

§ 301.6057-2 Employee retirement benefit plans; notification of change in plan status.

(a) *Change in plan status.* The plan administrator (within the meaning of section 414(g)) of an employee retirement benefit plan defined in § 301.6057-1(a)(3) (including a plan to which more than one employer contributes, as described in § 301.6057-1(b)(1)) must notify the Internal Revenue Service of the following changes in plan status—

(1) A change in the name of the plan.

(2) A change in the name or address of the plan administrator,

(3) The termination of the plan, or

(4) The merger or consolidation of the plan with another plan or the division of the plan into two or more plans.

(b) *Notification.* A notification of a change in status described in paragraph (a) of this section, must be filed on the Annual Return/Report of Employee Benefit Plan (form 5500 series) for the plan year in which the change in status occurred. The notification must be filed at the time and place and in the manner prescribed in the form and any accompanying instructions.

(c) *Penalty.* For amounts imposed in the case of failure to file a notification of a change in plan status required by section 6057(b) and this section, see section 6652(e)(2).

(d) *Effective date.* This section is effective for changes in plan status occurring within plan years beginning after December 31, 1975.

[T.D. 7561, 43 FR 38006, Aug. 25, 1978]

§ 301.6058-1 Information required in connection with certain plans of deferred compensation.

(a) *Reporting of information—(1) Annual return.* For each funded plan of deferred compensation an annual return must be filed with the Internal Revenue Service. The annual return of the plan is the appropriate Annual Return/Report of Employee Benefit Plan (Form 5500 series) as determined under these forms. The annual period for the annual return of the plan shall be either the plan year or the taxable year of the employer maintaining the plan as determined under these forms. These forms are hereinafter referred to as the "forms prescribed by section 6058(a)."

(2) *Plans subject to requirements.* For purposes of this section, the term "funded plan of deferred compensation" means each pension, annuity, stock bonus, profit-sharing, or other funded plan of deferred compensation described in part 1 of subchapter D of chapter 1. Accordingly, the term includes qualified plans under sections 401(a), 403(a), and 405(a); individual retirement accounts and annuities described in sections 408(a) and 408(b); and custodial accounts under section