

IRS Extends Temporary Nondiscrimination Relief for Closed Defined Benefit Plans

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Employers have increasingly closed their defined benefit plans to new employees and placed those new employees in defined contribution plans. Those closed defined benefit plans may, over time, tend to cover primarily employees who are highly compensated, which risks those plans becoming discriminatory in favor of highly compensated employees. In Notice 2014-5, the IRS provided temporary nondiscrimination relief for many of those defined benefit plans, if certain conditions were met. Notice 2015-28 extends the nondiscrimination relief provided in Notice 2014-5 in anticipation of issuing amendments to the Code Section 401(a)(4) regulations. IRS Notice 2015-28 can be found [here](#). IRS Notice 2014-5 can be found [here](#).