

51A Middle Street Newburyport MA 01950 Phone: 800-588-7039 Fax: 877-902-4284 contact@bhfe.com www.bhfe.com

Course Information

Course Title: Tax Guide to Compensation and Benefits #490420

Recommended CPE credit hours for this course

In accordance with the standards of the CFP Board, the National Registry of CPE Sponsors and the IRS, CPE credits have been granted based on a 50-minute hour.

CFP[®] **2** (All states) CFP Board Course ID# 195445

CFP Board sponsor number: 1008.

CPA 3 (All states)

National Registry of CPE Sponsors ID Number: 107615.

Sponsor numbers for states requiring sponsor registration:

Florida Division of Certified Public Accountancy: 4761 (Ethics #11467)

Hawaii Board of Public Accountancy: 14003

New York State Board of Accountancy (ethics): 002146

Ohio State Board of Accountancy: M0021 Pennsylvania Board of Accountancy: PX178025 Texas State Board of Accountancy: 009349

EA/OTRP 3 (All States) IRS: Qualified Sponsor number: *FWKKO*.

CLU, ChFC Professional Recertification 3

Course Description

This mini-course examines the various ideas, methods, and techniques capable of optimizing the overall compensation package for key employees and principals in small to medium sized businesses. Qualified and non-qualified deferred compensation, benefit targeting, insurance programs, statutory fringe benefits, interest free loans, and investment planning are investigated. Consideration is given to indirect compensation in the form of business entertainment, expense accounts, auto use, travel, and transportation. The new field of professional services is probed to provide tax, financial and estate planning to the key executive.

Program Delivery Method: Self-Study (NASBA QAS Self-Study/interactive)

Subject Codes/Field of Study

NASBA (CPA), CFP Board of Standards, Inc.: Taxes.

IRS (EA, OTRP): Federal Tax Law.

NAPFA: Taxes

Course Level, Prerequisites, and Advance Preparation Requirements

Program Level: CFP Board: Intermediate; NASBA/CPA, IRS: Overview.

This program is appropriate for professionals at all organizational levels.

Prerequisites: Basic familiarity with federal taxation

Advance Preparation: None

Course Content

Publication/Revision Date: 1/30/2020.

Author: Danny Santuccci, J.D.

Final exam (online): Fifteen questions (multiple-choice).

Instructions for taking this course

Note: Downloading the PDF of this course will enable Bookmarks for easier navigation (on the left side of the document window, open the bookmarks pane).

You must complete this course within one year of the date of purchase (if you do not complete the course within one year, contact us to determine whether an updated edition of the course is available, in which case we will provide you with a PDF of the updated course and the online exam at no charge).

A passing grade of at least 70% is required on the final exam for this course. You may retake the exam if you do not pass it on the first attempt (no charge).

Complete the course by following the learning objectives listed on the following page, studying the text, and studying the review questions at the end of each major section (or at the end of the course). Once you have completed studying the course and you are confident that the learning objectives have been met, answer the final exam questions (online).

Instructions for Taking the Final Exam Online

- Login to your account online at www.bhfe.com.
- The exam may be started, stopped, then resumed at a later date.
- The exam is "open book," it is not timed, and it may be retaken if not passed on the first attempt (no charge).
- Results (correct, incorrect answers) and certificate appear immediately upon passing the exam.
- CFP® and EA credits are reported weekly.

Have a question? Call us at 800-588-7039 or email us at contact@bhfe.com.

Learning Assignment & Objectives

As a result of studying the assigned materials, you should be able to meet the objectives listed below.

ASSIGNMENT SUBJECT

At the start of the materials, participants should identify the following topics for study:

- * Deferral of income
- * Avoiding taxable income
- * Unreasonable compensation
- * Nonqualified deferred compensation
- * Basic types of corporate retirement plans
- * Individual plans
- * Fringe benefits
- * Employer-provided automobile
- * Business entertainment
- * Business travel & transportation

Learning Objectives

After reading the materials, participants will be able to:

- **1.** Identify types of income, from a financial and tax perspective, to be budgeted into cash so that income-producing assets can be acquired and managed for an effective investment plan.
- 2. Determine compensation to maximize the net dollar return using strategies that involve all aspects of how the client relates to the company for which they may be an owner, employee, or both.
- **3.** Specify the differences between qualified deferred compensation plans and nonqualified deferred compensation plans, and recognize defined contribution plans from defined benefit plans identifying the characteristics of each so that business owners may choose the most suitable plan to accomplish their financial and worker incentive objectives.
- **4.** Recognize the scope and variety of excluded fringe benefits including tax treatment, operational details, and level of incentive-based compensation.
- **5.** Identify the disallowance of entertainment expenses, determine the tax treatment of reimbursements paid under accountable and unaccountable plans, and recognize deductible travel expenses undertaken for business.
- **6.** Specify types of insurance that a company can provide its employees, denies the various types of equity participation available from which companies may choose, and identify the basic types of buy-sell agreements.

Notice

This course and test have been adapted from materials and information contained in the above text and any supplemental material provided. This course is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional advice and assumes no liability whatsoever in connection with its use. Since laws are constantly changing, and are subject to differing interpretations, we urge you to do additional research and consult appropriate experts before relying on the information contained in this course to render professional advice.

Tax Guide to Compensation and Benefits

By Danny C. Santucci



The author is not engaged by this text, any accompanying electronic media, or lecture in the rendering of legal, tax, accounting, or similar professional services. While the legal, tax, and accounting issues discussed in this material have been reviewed with sources believed to be reliable, concepts discussed can be affected by changes in the law or in the interpretation of such laws since this text was printed. For that reason the accuracy and completeness of this information and the opinions based thereon cannot be guaranteed. In addition, state or local tax laws and procedural rules may have a material impact on the general discussion. As a result, the strategies suggested may not be suitable for every individual. Before taking any action, all references and citations should be checked and updated accordingly.

This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional service. If legal advice or other expert advice is required, the services of a competent professional person should be sought.

—From a Declaration of Principles jointly adopted by a committee of the American Bar Association and a Committee of Publishers and Associations.

Copyright January, 2020 Danny Santucci

Table of Contents

Financial & Tax Fundamentals	. 1
Income	
Compensation Strategies	. 1
Income Tax Rates	
Capital Gains & Dividends - §1(h)	
Tax on Net Investment Income - §1411	. 4
Deferral of Income	
Equivalent to an "Interest-free" Loan	. 4
Tax Bracket Straddle	. 4
Tax Savings v. Loss of Buying Power	. 4
Protecting Deferred Amounts	. 5
Tax Deferral Is Not Elimination	
Bottom Line	. 5
Acceleration of Deductions	. 5
Time Value of Deductions	
Special Treatment of Fringe Benefits	
Avoiding Taxable Income	
Excluded Statutory Fringe Benefits	
Foreign Earned Income - §911	
Housing Exclusion - §119	
Ministers - §107	
Worker's Compensation - §104(a)(1)	
Personal Injury - §104(a)(2)	
Unreasonable Compensation.	
Scope of Examination.	
Factors	
Employee's Qualifications	
Size of the Business	
Employee's Compensation History	
Services Performed by the Employee	
Miscellaneous Factors	
Nonqualified Deferred Compensation	
Contractual Arrangement	
Tax Status	
Unfunded Bare Contractual Promise Plan - Type I	
Funded Company Account Plan - Type II	
Segregated Asset Plan - Type III	
Qualified Deferred Compensation - Retirement Plans	
Basic Types of Corporate Plans	
Defined Benefit	
Defined Benefit Pension	
Defined Contribution	
Types of Defined Contribution Plans	
Profit Sharing	
Money Purchase Pension.	
Cafeteria Compensation Plan	
Thrift Plan	. 15

Section 401(k) Plans - CODAs	15
Section 415(c) Limitations	15
Self-Employed Plans - Keogh	16
25% Versus 20%	16
Individual Plans	16
Individual Retirement Accounts	16
Employer-Sponsored IRA	16
Roth IRA - §408A	17
Eligibility	17
Contribution Limitation	17
Roth IRAs Only	17
Roth IRAs & Traditional IRAs	18
Simplified Employee Pension Plans (SEPs)	18
Contribution Limits & Taxation	19
SIMPLE Plans	20
SIMPLE IRA Plan	20
Employee Limit	20
SIMPLE §401(k) Plan	21
Fringe Benefits	21
General Valuation Rule	22
Fair Market Value	22
Special Valuation Rules	22
Restrictions on Special Valuation Rules	22
Withholding & Accounting	23
General Accounting Rule	24
Special 2-Month Pour-Over Accounting Rule	24
Employee Achievement Awards - §74(c) & §274(j)	
Definition of Employee Achievement Awards	25
Qualified Plan Award	25
Group Term Life Insurance - §79	26
Group Requirements	
Family Member Cost	
Self-Insured Medical Reimbursement Plans - §105	2.7
Benefits	
Reporting	28 28
ReportingExposure	28 28 29
Reporting	28 28 29
ReportingExposure	28 28 29
Reporting	28 29 29 29
Reporting	28 29 29 29 29 30
Reporting Exposure Medical Insurance - §106 Meals & Lodging - §119 Convenience of Employer Cafeteria Plans - §125 Qualified Benefits	28 29 29 29 29 30 31
Reporting Exposure Medical Insurance - §106 Meals & Lodging - §119 Convenience of Employer Cafeteria Plans - §125 Qualified Benefits Non-Qualified Benefits	28 29 29 29 29 30 31 31
Reporting Exposure Medical Insurance - §106 Meals & Lodging - §119 Convenience of Employer Cafeteria Plans - §125 Qualified Benefits Non-Qualified Benefits Employee Educational Assistance Programs - §127	28 29 29 29 29 30 31 31
Reporting Exposure Medical Insurance - §106 Meals & Lodging - §119 Convenience of Employer Cafeteria Plans - §125 Qualified Benefits Non-Qualified Benefits Employee Educational Assistance Programs - §127 Requirements	28 29 29 29 30 31 31 31
Reporting Exposure Medical Insurance - §106 Meals & Lodging - §119 Convenience of Employer Cafeteria Plans - §125 Qualified Benefits Non-Qualified Benefits Employee Educational Assistance Programs - §127 Requirements Educational Assistance	28 29 29 29 30 31 31 32 32
Reporting Exposure Medical Insurance - §106 Meals & Lodging - §119 Convenience of Employer Cafeteria Plans - §125 Qualified Benefits Non-Qualified Benefits Employee Educational Assistance Programs - §127 Requirements Educational Assistance Dependent Care Assistance - §129	28 29 29 29 29 31 31 31 32 32
Reporting Exposure Medical Insurance - §106 Meals & Lodging - §119 Convenience of Employer. Cafeteria Plans - §125 Qualified Benefits Non-Qualified Benefits Employee Educational Assistance Programs - §127 Requirements Educational Assistance Dependent Care Assistance - §129 Requirements	28 29 29 29 30 31 31 32 32 33
Reporting Exposure Medical Insurance - §106 Meals & Lodging - §119 Convenience of Employer Cafeteria Plans - §125 Qualified Benefits Non-Qualified Benefits Employee Educational Assistance Programs - §127 Requirements Educational Assistance Dependent Care Assistance - §129 Requirements 55% Test	28 29 29 29 30 31 31 32 32 33 33
Reporting Exposure Medical Insurance - §106 Meals & Lodging - §119. Convenience of Employer. Cafeteria Plans - §125 Qualified Benefits Non-Qualified Benefits Employee Educational Assistance Programs - §127 Requirements Educational Assistance Dependent Care Assistance - §129. Requirements 55% Test No-Additional-Cost Services - §132(b)	28 29 29 29 30 31 31 32 32 33 34 34
Reporting Exposure Medical Insurance - §106 Meals & Lodging - §119 Convenience of Employer Cafeteria Plans - §125 Qualified Benefits Non-Qualified Benefits Employee Educational Assistance Programs - §127 Requirements Educational Assistance Dependent Care Assistance - §129 Requirements 55% Test	28 29 29 29 30 31 31 32 32 33 34 34

Qualified Employee Discounts - §132(c)	
Amount of Discount	
Working Condition Fringes - §132(d)	
Additions to Exclusion	
De Minimis (Minimal) Fringes - §132(e)	
Subsidized Eating Facilities	. 36
Qualified Transportation - §132(f)	
Employer-Provided Automobile - §132 & §61	. 37
General Valuation Method	. 37
Special Method #1 - Lease Value	. 37
Annual Lease Value	. 38
Prorated Annual Lease Value	. 39
Daily Lease Value	. 40
Special Method #2 - Cents per Mile	. 40
Regular Use	. 41
Mileage Rule	. 41
Special Method #3 - Commuting Value	. 41
Control Employee	
Moving Expense Reimbursement Suspended - §217	
On-premises Athletic Facility - §132(j)(4)(B)	
Adoption Assistance Program - §137	
Employer-Provided Retirement Advice & Planning - §132	
Financial Planning - §212 & §67	
Popularity	
Taxation	
Tax Planning - §212 & §67	
Taxation	. 45
Estate Planning - §212 & §67	
Business Entertainment.	
Percentage Reduction for Meals - §274(n)(1)	
Application of Reduction Rule	
Employee Business Expenses Subject to 2% Floor Suspended	
Substantiation & Recordkeeping	
Documentation	
Employee Expense Reimbursement & Reporting.	
Accountable Plans	
Business Travel & Transportation	
Domestic Business Travel	
Foreign Business Travel	
Personal Pleasure	
Primarily Business.	
Full Deduction.	
Insurance	
Retired Lives Reserve.	
Split Dollar Life	
Business Travel Accident Insurance.	
Medical & Dental Insurance	
Equity Participation	
Stock Sales or Unrestricted Stock Plan.	
Stock Plans	
Stock Bonus	

ESOT	54
Phantom Stock	54
Repurchase or Restricted Stock Agreement	
Stock Options	
Stock Appreciation Rights Plans	55
Qualified Incentive Stock Option	
Buy Sell Agreements	56
Definition	56

Learning Objectives

After reading the materials, participants will be able to:

- **1.** Identify types of income, from a financial and tax perspective, to be budgeted into cash so that income-producing assets can be acquired and managed for an effective investment plan.
- **2.** Determine compensation to maximize the net dollar return using strategies that involve all aspects of how the client relates to the company for which they may be an owner, employee, or both.
- **3.** Specify the differences between qualified deferred compensation plans and nonqualified deferred compensation plans, and recognize defined contribution plans from defined benefit plans noting the characteristics of each so that business owners may choose the most suitable plan to accomplish their financial and worker incentive objectives.
- **4.** Recognize the scope and variety of excluded fringe benefits including tax treatment, operational details, and level of incentive-based compensation.
- **5.** Identify the disallowance of entertainment expenses, determine the tax treatment of reimbursements paid under accountable and unaccountable plans, and recognize deductible travel expenses undertaken for business.
- **6.** Specify types of insurance that a company can provide its employees, denies the various types of equity participation available from which companies may choose, and identify the basic types of buy-sell agreements.