



# TaxNewsFlash

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## Proposed regulations: Guidance under section 401(k) for long-term, part-time employees

The U.S. Treasury Department and IRS today released for publication in the Federal Register proposed regulations (REG-104194-23) that would amend the rules applicable to plans that include cash or deferred arrangements under section 401(k) to provide guidance with respect to long-term, part-time employees.

The [proposed regulations](#) [PDF 365 KB] (70 pages), which reflect statutory changes made by the SECURE Act and the SECURE 2.0 Act, would add new rules under Treas. Reg. § 1.401(k)-5 to implement rules for long-term, part-time employees.

The proposed regulations are proposed to apply to plan years that begin on or after January 1, 2024, but taxpayers may rely on the proposed regulations before they are finalized.

Comments on the proposed regulations, as well as requests to speak and outlines of topics to be discussed at the public hearing (scheduled for March 15, 2024, at 10 a.m. ET), are due by the date that is 60 days after the proposed regulations are published in the Federal Register, which is scheduled to be November 27, 2023. If no outlines are received by that date, the public hearing will be cancelled.

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