



**COMMON OWNERSHIP CONFIRMATION FORM**

**This form must be completed and signed by the group’s Accountant, Attorney, or Officer of the Company.**

**Internal Revenue Code:** The Health Insurance Portability and Accountability Act of 1996 states that all persons treated as a single employer under subsection (b), (c), (m) or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as one employer. *For more information, please refer to the back of this form.*

**Idaho Code:** Idaho Code 41-4703 includes the following in its definition of a small employer: “In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combine tax return for purposes of state taxation, shall be considered one (1) employer.”

<b>Name of Employer Group Listed on the Request For Group Insurance ID Form:</b>	
<b>List <u>all</u> businesses that qualify as one employer under the above referenced Internal Revenue Code or state law.</b>	
Business Name:	Employer Identification Number:
Business Name:	Employer Identification Number:
Business Name:	Employer Identification Number:
Business Name:	Employer Identification Number:

**I certify that the applicant is a single employer under section 414 of the Internal Revenue Code of 1986 (26 U.S.C. § 414 (b), (c), (m), or (o)), and/or any applicable state law.**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Phone Number

Relationship to Employer:  Accountant  Attorney  Officer  Other (explain): \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Please fax this form to (541) 225-3645, or mail to Marketing, PacificSource,  
408 E. Parkcenter Blvd., Suite 100, Boise, ID 83706**

### **IRC § 414(b) Employees of controlled group of corporations**

For purposes of sections 401, 408 (k), 408 (p), 410, 411, 415, and 416, all employees of all corporations which are members of a controlled group of corporations (within the meaning of section 1563 (a), determined without regard to section 1563 (a)(4) and (e)(3)(C)) shall be treated as employed by a single employer. With respect to a plan adopted by more than one such corporation, the applicable limitations provided by section 404 (a) shall be determined as if all such employers were a single employer, and allocated to each employer in accordance with regulations prescribed by the Secretary.

### **IRC § 414(c) Employees of partnerships, proprietorships, etc., which are under common control**

For purposes of sections 401, 408 (k), 408 (p), 410, 411, 415, and 416, under regulations prescribed by the Secretary, all employees of trades or businesses (whether or not incorporated) which are under common control shall be treated as employed by a single employer. The regulations prescribed under this subsection shall be based on principles similar to the principles which apply in the case of subsection (b).

### **IRC § 414(m) Employees of an affiliated service group**

(1) In general. For purposes of the employee benefit requirements listed in paragraph (4), except to the extent otherwise provided in regulations, all employees of the members of an affiliated service group shall be treated as employed by a single employer.

(2) Affiliated service group. For purposes of this subsection, the term “affiliated service group” means a group consisting of a service organization (hereinafter in this paragraph referred to as the “first organization”) and one or more of the following:

(A) any service organization which:

(i) is a shareholder or partner in the first organization, and

(ii) regularly performs services for the first organization or is regularly associated with the first organization in performing services for third persons, and

(B) any other organization if:

(i) a significant portion of the business of such organization is the performance of services (for the first organization, for organizations described in subparagraph (A), or for both) of a type historically performed in such service field by employees, and

(ii) 10 percent or more of the interests in such organization is held by persons who are highly compensated employees (within the meaning of section 414(q)) of the first organization or an organization described in subparagraph (A).

(3) Service organizations. For purposes of this subsection, the term “service organization” means an organization the principal business of which is the performance of services.

(4) Employee benefit requirements. For purposes of this subsection, the employee benefit requirements listed in this paragraph are:

(A) paragraphs (3), (4), (7), (16), (17), and (26) of section 401 (a), and

(B) sections 408 (k), 408 (p), 410, 411, 415, and 416.

(5) Certain organizations performing management functions. For purposes of this subsection, the term “affiliated service group” also includes a group consisting of—

(A) an organization the principal business of which is performing, on a regular and continuing basis, management functions for 1 organization (or for 1 organization and other organizations related to such 1 organization), and

(B) the organization (and related organizations) for which such functions are so performed by the organization described in subparagraph (A).

For purposes of this paragraph, the term “related organizations” has the same meaning as the term “related persons” when used in section 144 (a)(3).

(6) Other definitions. For purposes of this subsection:

(A) Organization defined. The term “organization” means a corporation, partnership, or other organization.

(B) Ownership. In determining ownership, the principles of section 318 (a) shall apply.

### **IRC § 414(o) Regulations**

The Secretary shall prescribe such regulations (which may provide rules in addition to the rules contained in subsections (m) and (n)) as may be necessary to prevent the avoidance of any employee benefit requirement listed in subsection (m)(4) or (n)(3) or any requirement under section 457 through the use of:

(1) separate organizations,

(2) employee leasing, or

(3) other arrangements.

The regulations prescribed under subsection (n) shall include provisions to minimize the recordkeeping requirements of subsection (n) in the case of an employer which has no top-heavy plans (within the meaning of section 416 (g)) and which uses the services of persons (other than employees) for an insignificant percentage of the employer’s total workload.