

# Annual Compliance and Notice Requirements

## FIRST QUARTER

### JANUARY 31

- Confirm with nondiscrimination testing provider that all requirements have been met for plans requiring ADP/ACP testing prior to March 15
- Mail IRS Form 1099-R to participants who received a distribution in the prior year
- File Form 945 (Annual Return of Withheld Federal Income Tax)

### FEBRUARY 28

- File Form 1099-R on paper with the IRS (or March 31 if filing electronically)

### MARCH 1

- To meet the March 15 deadline, consider submitting refund requests for ADP/ACP nondiscrimination testing failures to your nondiscrimination testing provider

### MARCH 3

- In order to meet the March 15 deadline, make sure your service provider has received the approval necessary to process excesses

### MARCH 15

- Issue ADP/ACP nondiscrimination testing failures refund checks to avoid the 10% excise tax. *(Note: Plans that satisfy the requirements of an Eligible Automatic Contribution Arrangement (EACA) have a June 30 deadline)*
- File Employer (other than C Corp) tax returns, and deposit employer contributions—unless there is a corporate filing extension

## SECOND QUARTER

### APRIL 1

- Issue checks for initial Required Minimum Distributions (RMDs)

### APRIL 15

- Distribute excess deferrals
- File C Corp tax returns, and deposit employer contributions - unless there is a filing extension

### JUNE 30

- Issue ADP/ACP nondiscrimination testing failures refund checks to avoid the 10% excise tax on EACA plans

## THIRD QUARTER

### JULY 28

- Issue Summary of Material Modifications (SMM)

### JULY 31

- File the Form 5500 return (unless filing for an extension)
- File Form 5558 for automatic extension of time to file Form 5500
- File Form 5330 (Return of Excise Taxes Related to Employee Benefit Plans)

### SEPTEMBER 15

- File Employer (other than C Corp) tax returns, and deposit employer contributions (extended deadline)
- Minimum funding deadline for money purchase and target benefit plans

### SEPTEMBER 30

- Distribute the summary annual report (SAR) (unless Form 5500 filing extension was requested)

## FOURTH QUARTER

### OCTOBER 15

- File Form 5500 return (for extended filers)
- File C Corp tax returns, and deposit employer contributions (extended deadline)
- Deadline to file retroactive amendment to correct prior year 410(b) or 401(a)(4) failures

### DECEMBER 1

- Deadline to amend plan to elect safe harbor status using a nonelective contribution for the current plan year
- Distribute applicable participant notices: Automatic Contribution Arrangement (ACA) notice, EACA notice, Qualified Automatic Contribution Arrangement (QACA) notice, Qualified Default Investment Alternative (QDIA) notice, and/or safe harbor notice
- Distribute 404a-5 Plan and Investment Disclosure<sup>i</sup>

### DECEMBER 15

- Distribute the Summary Annual Report (SAR) (for extended filers)

### DECEMBER 31

- Issue checks for annual Required Minimum Distributions (RMDs)
- Adopt discretionary amendments for the current plan year

This material has been prepared for informational purposes only, and is not intended to not provide legal, tax, or investment advice. Any tax-related discussion contained in this material, including any attachments, is not intended or written to be used, and cannot be used, for (i) avoiding any tax penalties or (ii) promoting, marketing, or recommending to any other party any transaction or matter addressed herein. This material does not provide fiduciary recommendations concerning investments or investment management; it is not individualized to the needs of any specific benefit plan or retirement investor, nor is it directed to any recipient in connection with a specific investment or investment management decision. Please consult your independent legal counsel and/or professional tax advisor regarding any legal or tax issues raised in this material.

Dates are applicable to plans and companies that follow a December 31 plan/tax year-end date. Dates will vary for plans and companies that follow different year-end dates.

<sup>i</sup> Plan fiduciaries are required to distribute their 404a-5 Plan and Investment Disclosures at least once in each 14-month period.