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Retirement

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Participant disclosures *and* compliance calendar

A resource for fiduciaries of defined contribution retirement plans

This document provides a general overview of important participant notices and compliance documentation required for participant-directed defined contribution plans under the Employee Retirement Income Security Act of 1974 (ERISA) and the Internal Revenue Code (IRC). The information is presented in two sections and isn't intended to be a comprehensive listing. To ensure your plan is in compliance, consult your legal counsel.



Section I

Participant disclosures

Listed below are the types of disclosures required to help you meet your participant communication responsibilities for defined contribution plans. As a general rule, the responsibility for sending these notices resides with the plan administrator (or the plan sponsor); however, many service providers have resources to help you. Follow up with them to learn more about the support available.

Item	Description	Timelines
The following are provided to participants and beneficiaries		
Summary plan description (SPD)	<p>Explains the plan and its features in plain language, including participants' rights and responsibilities, as well as what they can expect from it.</p> <p>Types of information within an SPD include:</p> <ul style="list-style-type: none">• When and how employees become eligible to participate• The source of contributions and contribution levels• The vesting period—the length of time an employee must participate in a plan to receive benefits from it• How to file a claim for those benefits• A participant's basic rights and responsibilities under ERISA <p>Any summary of material modifications (as defined below) that haven't been incorporated into the SPD must be provided with the SPD.</p>	<ul style="list-style-type: none">• New plans: 120 days after the plan's effective date• Amended plans: Once every 5 years, if the plan has been amended; every 10 years if the plan hasn't been amended• New participants: Within 90 days after becoming a participant• Beneficiaries: Within 90 days after first receiving benefits
Summary of material modifications (SMM)	<p>Summarizes material modifications to a plan and change in information required to be included in the SPD</p> <p>A SMM doesn't have to be provided to retirees, beneficiaries receiving benefits, or vested separated participants if the modification or change doesn't impact these individuals' rights under the plan.</p>	<ul style="list-style-type: none">• Within 210 days after the plan year in which the modification/change is adopted, unless a revised SPD containing the modification/change is distributed within 210 days after the plan year• New participants: Within 90 days of becoming a participant• Beneficiaries: Within 90 days of first receiving benefits
Plan document	Establishes and states the terms of the plan	Copy must be furnished within 30 days after written request
Summary annual report (SAR)	Provides narrative summary of the plan's Form 5500	Generally, the later of nine months after the plan year ends or, where a Form 5500 filing has been granted an extension by the IRS, two months after the extended Form 5500 filing is due

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Item	Description	Timelines
The following are provided to participants and beneficiaries		
Section 404(c) statement (for plans intended to comply with Section 404(c))	Since most of the required ERISA Section 404(c) information is included in the annual DOL Regulation Section 404a-5 notice, plan sponsors only need to provide a statement that the plan intends to comply with ERISA Section 404(c) (a “Section 404(c) statement”) to relieve fiduciaries of liability for losses resulting from participant investment instruction	Should be provided to participants (and beneficiaries) before investment elections are made The Section 404(c) statement is often provided in a plan’s SPD
Periodic pension benefit statement	Informs participants of their total benefit, vesting information, the value of their investments, and certain other disclosures	Within 45 days after the close of each quarter for individual account plans that permit participant-directed investments
Blackout period notice	Provides details about the blackout—a period of more than three consecutive business days, during which normal rights to direct investment of assets or obtain plan loans or distributions are restricted Blackout periods may occur when a plan changes recordkeepers or investment options, or when it adds participants due to a corporate merger or acquisition	At least 30 days, but not more than 60 days, before the beginning of a blackout period
The following are provided to all eligible employees, which include all (i) employees who are eligible to participate under the terms of the plan, regardless of whether the employee has actually been enrolled in the plan, and (ii) beneficiaries with the right to direct investments in the plan:		
Section 404a-5 notice	Discloses specific plan-related information, such as general plan-related information, administrative expenses, and individual expenses, as well as specific investment-related information	<ul style="list-style-type: none"> • Initial: On or before the date on which eligible employees can first direct their investments • Annual: At least once in any 14-month period
Notice of Section 404a-5 plan-related changes	Informs participants of any changes to the plan-related information disclosed in the annual Section 404a-5 notice, including changes to the identification of any designated investment alternatives, as well as administrative and individual expenses	At least 30 days, but not more than 90 days, before the effective date of the change

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Item	Description	Timelines
The following is posted on the internet		
Notice of Section 404a-5 investment-related changes	<p>Disclosure of changes to the investment-related information disclosed in the annual Section 404a-5 notice</p> <p>Details of these changes aren't required to be furnished directly to the participants, but must be reflected on the required website where detailed investment information is made available</p>	Website must be updated as soon as reasonably possible following a change; performance data must be updated on a quarterly basis
The following are provided to eligible employees and participants, if applicable		
Automatic contribution arrangement (ACA) notice	Explains that a specified amount of an eligible employee's compensation will automatically be deferred to the plan (salary deferral), unless the employee opts out or elects a different deferral amount. The notice must also explain that the automatic deferral will be invested in the plan's qualified default investment alternative (QDIA) in the absence of an investment election and how to change the deferral amount (including zero deferral rate) and investments.	<ul style="list-style-type: none"> • Initial: Within a reasonable period of time before the first default contribution, so the employee has reasonable time after receipt of the notice to make an affirmative election under the plan—reasonable period is generally at least 30 days and no more than 90 days prior to the employee's eligibility date <p>If it's not practicable to provide the notice before the eligibility date (e.g., plan with entry on date of hire), the notice must be provided as soon as practicable after the eligibility date.</p> <ul style="list-style-type: none"> • Annual: At least 30 days and no more than 90 days (deemed reasonable period) before the start of each plan year to which the ACA will apply
Eligible automatic contribution arrangement (EACA) notice	<p>Same requirements as ACA, but the default investment option isn't required to be a QDIA. Also, the EACA notice must explain employees' rights to make a permissible withdrawal of their default elective contributions within a certain period of time and how to request this withdrawal if permitted.</p> <p>Note: For plan years beginning after December 31, 2024, 401(k) plans and certain other plans that became effective on or after December 29, 2022, may be required to include an EACA.</p>	<ul style="list-style-type: none"> • Initial: Within a reasonable period of time before the first default contribution, so the employee has reasonable time after receipt of the notice to make an affirmative election under the plan—reasonable period is generally at least 30 days and no more than 90 days prior to the employee's eligibility date <p>If it's not practicable to provide the notice before the eligibility date (e.g., plan with entry on date of hire), the notice must be provided as soon as practicable after the eligibility date.</p> <ul style="list-style-type: none"> • Annual: At least 30 days and no more than 90 days (deemed reasonable period) before the start of each plan year to which the EACA will apply

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Item	Description	Timelines
The following are provided to eligible employees and participants, if applicable		
Qualified automatic contribution arrangement (QACA) notice	<p>This is an automatic contribution arrangement (ACA) with special safe harbor provisions that exempt the plan from annual actual deferral percentage (ADP) and possibly actual contribution percentage (ACP) nondiscrimination testing requirements</p> <p>In addition to what's included in the ACA notice, this notice must also include the items included under the safe harbor 401(k) notice below</p> <p>Under the SECURE Act, the QACA notice is only needed if the plan meets the ADP safe harbor with matching contributions under the QACA. A QACA notice isn't generally required if the plan meets the QACA requirements using nonelective contributions, even if the plan has an ACP safe harbor matching contribution</p>	<ul style="list-style-type: none"> • Initial: Within a reasonable period of time before plan eligibility (reasonable period is generally at least 30 days and no more than 90 days prior to the employee's eligibility date) <p>If it's not practicable to provide the notice before the eligibility date (e.g., plan with entry on date of hire), the notice must be provided as soon as practicable after the eligibility date</p> <ul style="list-style-type: none"> • Annual: No earlier than 90 days and no later than 30 days (deemed reasonable period) before the start of each plan year to which the QACA will apply
Qualified default investment alternative (QDIA) notice	<p>Explains that the employee's contributions will be automatically invested in certain default (QDIA) investments that meet the conditions set out by the DOL, if the employee doesn't provide instructions regarding the investment of his or her plan account</p> <p>Also includes a description of the QDIA, including its investment objectives, fees, and expenses</p> <p>Note: The 404a-5 notice may satisfy this disclosure requirement of the QDIA notice.</p>	<ul style="list-style-type: none"> • Initial: At least 30 days before the date of plan eligibility or at least 30 days before the first default investment • Annual: At least 30 days before the start of the plan year
Safe harbor 401(k) notice	<p>Provides information about the plan's safe harbor feature, including the safe harbor matching or nonelective contribution safe harbor formula, definition of compensation that may be deferred, how to make salary deferral elections and the timing of these elections, any other contributions made under the plan, vesting provisions, and contribution withdrawal options.</p> <p>Note: Under the SECURE Act, the annual notice isn't required for safe harbor 401(k) plans that make nonelective contributions to employees; however, plans that use basic or enhanced matching contributions to satisfy the safe harbor 401(k) requirement are still required to provide it.</p>	<ul style="list-style-type: none"> • Initial: Within a reasonable period of time before plan eligibility (reasonable period is generally at least 30 days and no more than 90 days prior to the employee's eligibility date) <p>If it's not practicable to provide the notice before the eligibility date (e.g., plan with entry on date of hire), the notice must be provided as soon as practicable after the eligibility date</p> <ul style="list-style-type: none"> • Annual: At least 30 days and no more than 90 days (deemed reasonable period) before the start of each plan year to which the safe harbor 401(k) will apply

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Section II

Compliance calendar

Listed below are the key filing requirements for defined contribution plans. Dates listed are for plans with a calendar year plan year and, in some cases, may be adjusted if they fall on a weekend or a public holiday. Where an electronic filing date is listed, a nonelectronic filing date also applies. Keep in mind that, although you're responsible for these requirements, you're not alone. Follow up with your service provider with any questions or to learn how they can help.

January

JAN 31	IRS Form 1099-R —Provided to participants who received distributions in the previous calendar year
JAN 31	IRS Form 945 —File with the IRS to report federal income tax withheld from non-payroll payments in the previous calendar year
JAN 31	IRS Form W-2 (wage and tax statement) —File with the IRS and provide to participants to report wages, the amount of elective deferrals, and coverage as an active participant in the previous calendar year

March

MAR 15	Corrective distributions —Refunds of excess contributions to highly compensated employees for a failed December 31 plan year-end ADP/ACP test to avoid 10% excise tax; for eligible ACA plans, refunds can be made as late as six months following the end of the plan year
MAR 15	Deductible contributions for S corporation (S corp) plans —Regular deadline (not on corporate extension) for an S corp or an LLC treated as an S corp to make prior year deductible plan contributions for the corporate tax return
MAR 31	IRS Form 5330 —File with the IRS to report and pay excise taxes for late return of excess contributions and excess aggregate contributions; due by the 15 th month after the close of the plan year to which the excess contributions and excess aggregate contributions relate
MAR 31	IRS Form 1099-R —Deadline for electronic filing with the IRS

April

APR 15	Excessive deferrals and allocation income —Deadline for refunding employee contributions (adjusted for earnings) that exceed the IRC Section 402(g) limit for the prior calendar year
APR 15	Deductible contributions for C corporation (C corp) plans —Regular deadline (not on corporate extension) for a C corp or an LLC treated as a C corp to make prior year deductible plan contributions

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July

JUL 29	Summary of material modifications (SMM) —Deadline for distributing the SMM to participants if there were material changes to the plan during the plan year ended December 31, unless information was included in an updated SPD (see Section I for background)
JUL 31	Plan audit —Deadline to obtain a qualified accountant's audit report or limited scope audit to include in Schedule H of Form 5500
JUL 31	Form 5500 and schedules —Filing deadline (with no extensions) for annual return
JUL 31	Form 8955-SSA —Filing deadline for form that identifies separated participants with deferred vested benefits
JUL 31	Participant Form 8955-SSA related statement —An individual statement provided to participants who were reported on Form 8955-SSA, describing the amount of their account balance
JUL 31	Form 5558 —Deadline to file Form 5558 application to request an extension to file Form 5500 and/or Form 8955-SSA for two and a half months (to October 15)

September

SEP 15	Deductible contributions for S corp plans —Deadline for an S corp or an LLC treated as an S corp to make prior year deductible contributions, provided an extension request was filed in a timely manner for the corporate income-tax return
SEP 30	SAR —Deadline for distributing the SAR to participants and beneficiaries, unless a Form 5558 extension was filed (see Section I for background)

October

OCT 15	Form 5500 —Extended filing deadline, provided Form 5558 was filed in a timely manner
OCT 15	Form 8955-SSA —Extended filing deadline, provided Form 5558 was filed in a timely manner
OCT 15	Participant Form 8955-SSA related statement —Extended deadline to provide an individual statement to participants who were reported on Form 8955-SSA, describing the amount of their account balance
OCT 15	Corrective plan amendment —Deadline to adopt a retroactive corrective plan amendment, if the plan fails the previous year's IRC Section 410(b) minimum coverage or IRC Section 401(a)(4) nondiscrimination requirements
OCT 15	Deductible contributions for C corp plans —Deadline for a C corp or an LLC treated as a C corp to make prior year deductible contributions if an extension request was filed in a timely manner for the corporate income-tax return

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December

DEC 2	QDIA notice ¹ —Deadline to provide the annual QDIA notice for the following plan year (see Section I for background)
DEC 2	Safe harbor notice ¹ —Deadline to provide the safe harbor notice for the following plan year, unless an exception to the notice requirement applies (see Section I for background)
DEC 2	Automatic contribution notice ¹ —Deadline to provide the annual automatic contribution notice for the following plan year (see Section I for background)
DEC 15	SAR —Extended deadline to distribute SAR to participants if Form 5500 was extended by filing Form 5558 (see Section I for background)
DEC 31	Corrective distributions and qualified nonelective contributions (QNECs) —Deadline to process corrective distributions or make QNECs to correct a previous year's failed ADP/ACP test; corrective distributions are subject to a 10% excise tax
DEC 31	Discretionary plan amendments —Deadline to amend plan to reflect discretionary changes implemented during the year; if the plan design change results in a cut back to participants (e.g., elimination of matching contribution), the amendment must be signed prior to the effective date of the change

¹ For administrative convenience, a combined notice may be used.

Other compliance-related resources you may find helpful

This document isn't intended to be an exhaustive list of participant disclosure requirements and compliance deadlines. The following resources can provide further information.

[Reporting and Disclosure Guide for Employee Benefit Plans](#), published by the U.S. Department of Labor (DOL)

[Form 5500 Series](#), a joint offering of the DOL, IRS, and Pension Benefit Guaranty Corporation, used to satisfy annual reporting requirements under ERISA and the IRC

[Form 5500 Corner](#), a joint offering of the DOL, IRS, and Pension Benefit Guaranty Corporation, which provides helpful information pertaining to Form 5500 and related plan filings

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