



Recurring Deadlines for 401(k) Plans

By: Government Affairs Committee ♦ 401(k) Subcommittee

The deadlines that 401(k) plan sponsors and their service providers must observe are increasingly complex, so we have prepared this summary of notable 401(k) deadlines to make this easier. Please note, this is not intended to be an exhaustive list, but a convenient reference sheet.

Deadlines with a "" fall on a weekend date which we do not recommend extending. For those weekend deadlines which can be changed under §7503, the revised date is reflected and is denoted with a "**".*

2012 Deadlines for CY Plan (unless otherwise noted)	Action/Form Name	Form Number	When Due (Generally, deadlines for IRS and DOL Forms are extended to the next business day if the due date falls on a weekend or holiday)	Who Is Responsible	Delivered To
Recurring Deadlines for 401(k) Plan					
Each pay-period	Deferral Remittance		Safe Harbor for Small Plans: within 7 business days of pay date; otherwise, as soon as administratively possible.	Employer	Trust/Custodian
1/31	Distribution Reporting	Form 1099-R	By January 31 of each calendar year	Payor	Recipient
2/1 or 2/10	Annual Return of Withheld Federal Income Tax	Form 945	2/1 (or 2/10 if taxes timely paid)	Payor	IRS
2/28 or 3/31	Distribution Reporting to IRS	Forms 1099-R/1096	2/28 (or 3/31 if filed electronically)	Payor	IRS
3/1	Notification of Excess Deferral (participates in more than one unrelated 401(k))		By March 1 of each calendar year	Participant	Plan Administrator
3/15	Corrective Distribution for failed ADP/ACP without 10% Excise Tax (non EACAs)		2-1/2 months after plan year-end	Employer/Trustee	Participants
3/15	Filing of Corporate Tax Return and Contribution Deadline for Deductibility (without extension, see below)	Form 1120	2-1/2 months after fiscal year-end	Corporate Employer	IRS
3/15	Request for Automatic Extension-Corporate Tax Returns (to 09/17/12)	Form 7004	File on or before 2-1/2 months after fiscal year-end	Corporate Employer	IRS
4/2**	Excise Taxes for failure to make timely correction of failed ADP/ACP test for 2010 PY	Form 5330	Last day of the 15th month after the plan year-end to which the excess contributions or excess aggregate contributions relate	Plan Sponsor	IRS
4/2**	Required Minimum Distribution Beginning Date (age 70 1/2 or retiring participants over 70 1/2) under IRC Section 401(a)(9)		By April 1 of each calendar year	Employer/Trustee	Participants
4/16**	Corrective Distribution of 402(g) (Excess Deferrals)		By April 15 of each calendar year	Plan Administrator/Trustee	Participants

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4/16**	Filing of Individual and/or Partnership Tax Returns & Contribution Deadlines for Deductibility for Unincorporated Entities (without extension, see below)	Form 1040, 1065 with Schedule K-1	15th day of 4th month after end of partnership (or personal) tax year	Sole Proprietor, Partnership, LLC or LLP (assuming election to be taxed as unincorporated entity)	IRS/Partner/Member
4/16**	Request for Automatic Extension-Individual (to 10/15/12) and Partnership (to 9/17/12) Tax Returns	Form 4868 - Individual Form 8736 - Partnership	15th day of 4th month after end of partnership (or personal) tax year	Sole Proprietor, Partnership, LLC or LLP (assuming election to be taxed as unincorporated entity)	IRS
4/30	Annual Statement of Pooled Fund, Other Data Needed for 5500 Filing		120th day after end of plan year	Bank, Insurance Company, Plan Sponsor	Plan Administrator
7/2**	Deadline for processing corrective distributions for failed ADP/ ACP test from a plan with an eligible automatic arrangement (EACA) without a 10% excise tax.		6 months after plan year-end	Employer/Trustee	Participants
7/2**	Corrective Distribution for failed ADP/ACP without 10% Excise Tax (Eligible EACAs)		6 months after plan year-end	Employer/Trustee	Participants
7/29*	Summary of Material Modifications		210th day after end of plan year when modifications were adopted	Plan Administrator	Participants, Beneficiaries
7/31	Excise Taxes (on prohibited transactions)	Form 5330, Part III	Last day of 7th month after end of tax year of disqualified person	Disqualified person involved in prohibited transaction	IRS
7/31	Annual Report of Plan (with Schedules)	Form 5500 series	Last day of 7th month beginning after end of plan year (or as extended)	Plan Sponsor	DOL
7/31	Request for Automatic Extension- 5500 Series (2-1/2 months)	Form 5558	Due date for Form 5500	Plan Sponsor	IRS
7/31	Statement of Deferred Benefits		No later than filing of Form 5500 (Form 8955 - SSA)	Plan Administrator	Participants
9/17**	Extended Deadline for Filing of Corporate Tax Returns (and contribution deadline for deductibility)	Form 1120	Six months after original filing deadline	Plan Sponsor	IRS
9/17**	Extended Deadline for Filing of Partnership Tax Return (and final contribution deadline for deductibility for Partnerships)	Form 1065 with Schedule K-1	Five months after original filing deadline	Sole Proprietor, Partnership, LLC or LLP (assuming election to be taxed as unincorporated entity)	IRS/Partner/Member
10/1**	Summary Annual Report		Last day of 9th month beginning after end of plan year (or as extended)	Plan Administrator	Participants, Beneficiaries
10/15	Amendment to Correct 410(b) Failure		9-1/2 months after end of plan year	Plan Sponsor	Plan files
10/15	Extended Deadline for Filing Plan's Annual Report	Form 5500	2-1/2 months after original filing deadline	Plan Sponsor	IRS
10/15	Extended Deadline for Filing of Individual (and final contribution deadline for deductibility for Sole Proprietors)	Form 1040	Six months after original due date	Sole Proprietor, Partnership, LLC or LLP (assuming election to be taxed as unincorporated entity)	IRS/Partner/Member

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11/1	2013 SIMPLE Plan Notice		60 days prior to the start of the plan year	Plan Administrator or Plan Sponsor	Participants
12/1*	2013 Safe Harbor Notice (and Contingent Notice for 3% safe harbor contribution, if applicable)		30-90 days prior to start of plan year using Safe Harbor design	Plan Administrator or Plan Sponsor	Participants
12/1*	2012 Supplemental Notice for Safe Harbor Plan that issued Contingent Notice at beginning of year as to whether 3% safe harbor will be made for the current year		At least 30 days before end of plan year	Plan Administrator or Plan Sponsor	Participants
12/1*	Qualified Default Investment Alternative Notice for 2013		At least 30 days before beginning of plan year	Plan Administrator or Plan Sponsor	Participants
12/1*	Auto Enrollment Safe Harbor Notice for 2013		At least 30 days before beginning of plan year	Plan Administrator or Plan Sponsor	Participants
12/17**	Extended Deadline for Summary Annual Report		Two months after the extended deadline for filing Form 5500	Plan Administrator	Participants, Beneficiaries
12/31	Prospective Amendment to Remove Safe Harbor Status (for 2013 PY)		No later than December 31 of current year	Plan Administrator or Plan Sponsor	Plan Files
12/31	Prospective Amendment to Add Automatic Enrollment to Plan (QACA/EACA) (for 2013 PY)		No later than December 31 of current year	Plan Administrator or Plan Sponsor	Plan Files
12/31	Self-Correction of Significant Qualification Failures under Rev. Proc. 2008-50 (2010 Plan Year)		Last day of 2nd plan year following plan year of failure (last day of 3rd plan year after ADP/ACP failure)	Plan Administrator or Plan Sponsor	Plan Files
12/31	Required Minimum Distribution Date (over age 70 1/2) under IRC Section 401(a)(9)		By December 31 of each calendar year	Employer/Trustee	Participants
12/31	Corrective Distribution for Failed ADP/ACP with 10% Excise Tax or QNEC Distribution		Last day of plan year following the year of failure	Plan Administrator or Plan Sponsor	Participants or Trustee
One-Time Only 2012 Deadlines					
1/17	Annual Registration Statement Identifying Separated Participants with Deferred Vested Benefits (formerly Schedule SSA (Form 5500)) for 2009 & 2010	Form 8955 - SSA	1/17/12	Plan Sponsor	IRS
1/31	Submission of Cycle A Individually Designed Plans	Form 5300	1/31/12	Employer	IRS
4/1*	Fee Disclosure (408(b)(2)) to Plan Sponsors		4/1/2012	Service Providers/Advisors	Plan Fiduciaries
5/31	404(a) Annual Fee Disclosure to Plan Participants		For plan years beginning on or after November 1, 2011 disclosure must be provided to participants on or before the date they can first direct their investments	Plan Sponsor	Participants

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8/14	404(a) Quarterly Fee Disclosure to Plan Participants		For plan years beginning on or after November 1, 2011 itemized fee disclosure must be provided to participants every calendar Quarter beginning 90 days after the initial annual fee disclosure is due	Plan Sponsor	Participants
Other Nonrecurring 2012 Deadlines					
As needed	Notice to Interested Parties		10-24 days before Form 5300, 5310, 5307 or 6406 is sent to IRS	Plan Sponsor	Interested Parties
As needed, with regular updates as indicated	Summary Plan Description		120 days after plan is subject to reporting; updates due every five years if plan amended, ten years if not	Plan Administrator	Participants, Beneficiaries
As needed	Notice of Merger, Consolidation or Transfer	Form 5310-A	30 days prior to merger, etc., of plan assets and liabilities	Plan Sponsor	IRS
As needed	Black-Out Notice		30-60 days prior to last day in which participant may effect change	Plan Administrator	Participants, Employer (if publicly traded company stock is involved)
As needed	Mapping Investment Notice		30-60 days prior to last day in which participant may effect change	Plan Sponsor	Participants
Quarterly	404(a) Quarterly Fee Disclosure to Plan Participants		After the initial 8/14 rollout, Itemized Fee disclosure must be provided to participants every calendar Quarter	Plan Sponsor	Participants
As needed	404(a) Initial Fee Disclosure to Plan Participants		After the initial rollout on May 31, 2012, disclosure must be provided on or before the date participant can first direct their investments	Plan Sponsor	Participants
As needed	Fee Disclosure (408(b)(2)) to Plan Sponsors Upon Fee Changes		As soon as practicable, but no later than 60 days form the date of change	Service Providers/Advisors	Plan Fiduciaries
Annually	Benefit Statements for Trustee-Directed Plans		At least annually, no later than the day on which 5500 form is filed by plan (but no later than the 5500 due date, including extensions)	Plan Administrator or Plan Sponsor	Participants
As needed	Application for Determination Upon Termination	Form 5310	Before assets are distributed	Plan Administrator or Employer	IRS
As needed	Plan Documents	Certain documents must be provided upon written request: Form 5500, SPD, plan document, trust agreement	No later than 30 days after a written request.	Plan Sponsor	Participants or Participants' representatives
As needed	Diversification Notice		No later than 30 days before individual is first eligible to divest	Plan Administrator or Plan Sponsor	Participants
As needed	SIMPLE 401(k) Termination or Conversion		No later than last day of second year employer exceeds 100 employees	Plan Sponsor	Plan Files, Notice to Participants
As needed	Auto Enrollment Safe Harbor Notice		Reasonable period prior to first contribution is made	Plan Administrator or Plan Sponsor	Participants
As needed	Automatic Enrollment Notice for Preemption		Reasonable period prior to first contribution is made	Plan Administrator or Plan Sponsor	Participants

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Annually	Annual 404(a) Fee Disclosure to Plan Participants		Within 12 months of the last notice provided	Plan Sponsor	Participants
Quarterly	Benefit Statements for Participant Directed Plans		Within 45 days of each calendar quarter end	Plan Administrator or Plan Sponsor	Participants
As needed	Summary Plan Description		Within 90 days of becoming a participant	Plan Administrator	New Participants

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