



2023 Compliance Calendar for 401(k) Plans

Complimentary retirement
plan compliance and notice
requirements calendar*

* The deadlines in this calendar are for
plans with calendar-year plan years.

Q1

January

- 15** Provide/Confirm prior year census data
- 31** **Deadline: Sending Form 1099-R to participants** who received distributions during previous year*

February

- 15** Review/Approve compliance testing results
- 28** **Deadline: Filing Form 1099-R on paper with IRS** to report distributions made in previous year. Deadline for electronic filing is March 31*

March

- 15** **Deadline: ADP/ACP test corrective distributions** to avoid 10% excise tax

Note: A special deadline may apply to plans that satisfy the requirements of an eligible automatic contribution arrangement (EACA). See "June"

Deadline: Filing partnership tax returns and contribution deadline for deductibility (without extension) for companies operating on calendar-year fiscal year

Deadline: Requesting automatic extension to September 15 for partnership tax returns
- 31** **Deadline: Electronic filing of Form 1099-R** to report distributions made in previous year

Q2

April

- 1** **Deadline: Beginning date for participants** attaining age 72 or retiring after age 72 in prior year to **take first required minimum distribution (RMD)** under Internal Revenue Code (IRC) Section 401(a)(9)*
- 15** **Deadline: Processing corrective distributions** for IRC Section 402(g) of excess deferrals

Deadline: Filing individual and corporation tax returns

Deadline: Contribution deadline for deductibility for self-employed individuals (without extension)

Deadline: Requesting automatic extension to October 15 for individual and corporate tax returns

May

June

- 30** **Deadline: Processing corrective distributions** for failed ADP/ACP test from plan with EACA without 10% excise tax (if applicable)

Deadline: Showing Lifetime Income Illustrations on quarterly statements for hypothetical monthly payouts

* The deadlines in this calendar are for plans with calendar-year plan years. If the filing deadline falls on a Saturday, Sunday or legal holiday, the DOL provides that filing dates are delayed until the next business day. This calendar is intended to provide plan sponsors with a list of notable deadlines and is not a substitute for consultation with ERISA counsel and in no way represents legal advice.

Q3

July

29

Deadline: Sending Summary of Material Modification (SMM) (210 days after end of plan year in which the amendment was adopted)

31

Deadline: Filing Form 5500 (without extension)

Deadline: Filing Form 5558 to request automatic extension of time to file Form 5500 (to October 15)

Deadline: Filing Form 5330—Return of Excise Taxes Related to Employee Benefit Plans—used to report and pay excise taxes on prohibited transactions and excess 401(k) plan contributions that occurred in prior year

August

September

15

Extended deadline: Filing tax returns for partnerships

Extended deadline: Contribution deadline for deductibility for calendar-year partnerships and S-corporations

30

Deadline: Distributing Summary Annual Report (SAR) to participants, unless deadline for Form 5500 was extended, then two months after due date for Form 5500 (December 15)

Q4

October

15

Extended deadline: Filing Form 5500

Extended deadline: Individual and/or corporate tax returns and final contribution deadline for deductibility

Deadline: Adopting a retroactive amendment to correct an IRC Section 410(b) coverage or IRC Section 401(a)(4) nondiscrimination failure

November

December

1

Deadline: Sending annual 401(k) and safe harbor match notice

Deadline: Sending annual QDIA, qualified default investment alternative notice

Deadline: Sending annual automatic contribution arrangement notice (ACA)

For administrative ease, a combined notice may be provided for the above notices

15

Extended deadline: Distributing SAR to participants

31

Deadline: Processing corrective distributions for failed ADP/ACP test with 10% excise tax

Deadline: Correcting a failed ADP/ACP test with qualified nonelective contributions (QNECs)

Deadline: Converting existing 401(k) plan to safe harbor nonelective design for current plan year

Deadline: Amendment to remove or convert to safe harbor status for next plan year

Deadline: Amending plan for discretionary changes implemented during plan year (certain exceptions apply)

Deadline: RMDs due under IRC Section 401(a)(9)

Reminder: Required fee disclosures

Plan Sponsor

Initial disclosure: Required within a reasonable period before the contract is entered into or renewed

Annual disclosure: Required following changes in investment information

Additional disclosures: Required no later than 60 days after the effective date of the change for changes in compensation or services provided

Participant

Initial disclosure: Required on or before the date when participants can first direct investments

Annual disclosure: Required to be updated and distributed at least annually

Additional disclosures: Required at least 30 days, but no more than 90 days, prior to certain plan changes

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This information was developed as a general guide to educate plan sponsors and is not intended as authoritative guidance or tax/legal advice. Each plan has unique requirements and you should consult your attorney or tax advisor for guidance on your specific situation.

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