

## 2012 Sample Compliance Calendar

**Note:** This calendar provides general key retirement plan compliance requirements common to most calendar year plans. This material is for the sole purpose of providing general information and does not under any circumstances constitute legal advice. You should seek the advice of counsel when tailoring this calendar for your plans.

Task	Requirement	Due Date	Deliver to	Yes	No
<b>What's New in 2012</b>					
Form 8955-SSA	Form 8955-SSA (replaced the Form SSA) must be filed for 2009 and 2010 plans	1/17	IRS		
408(b)(2) disclosure to Plan Sponsors	Plan expenses paid from plan assets must be reasonable. ERISA 408(b)(2) requires that plan service providers provide certain disclosures to plan sponsors.(see <a href="#">ErisaALERT 2010-11.</a> ) Please note that the original effective date of July 16, 2011 was postponed to <a href="#">April 1, 2012</a>	4/1	From service provider to responsible plan fiduciary		
Annual fee disclosure to participants	ERISA requires certain fee related disclosures for participant directed individual account plans. (see <a href="#">ErisaALERT 2010-12</a> ) effective for plan years beginning on or after November 1, 2011.	5/31	participant beneficiary		
Quarterly fee disclosure	Plan related expenses that are charged to a participant's account must be disclosed on a quarterly basis	8/14 initial quarterly disclosure	participant beneficiary		
<b>Annual Compliance Calendar</b>					
408(b)(2) disclosure	Service provider disclosures must be made to Plan sponsors when plan assets are used to pay plan expenses	Before the service contract is signed	From service provider to responsible plan fiduciary		
Participant fee disclosure	ERISA requires certain fee related disclosures for participant directed individual account plans. (see <a href="#">ErisaALERT 2010-12</a> ) effective for plan years beginning on or after November 1, 2011.	Quarterly after the initial 8/14 disclosure	participant beneficiary		
Distribute 1099-R's	participants and beneficiaries who received retirement plan benefit payments during the preceding plan year must receive appropriate tax form	1/31	participant beneficiary		
File 1099- R with government	1099-R's distributed to participants/beneficiaries must be filed with the government with Form 1096	2/28	IRS		

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File PBGC Form 1-ES (large plans)	Used by large defined benefit plans to pay flat rate premiums for single employer plans and estimated premiums for multiemployer plans that reported 500 or more participants on the prior year Form 1.	2/28	PBGC		
Distribute excess contributions and excess aggregate contributions ( <b>for plans without an EACA</b> )	Excesses must be distributed within 2 ½ months after the end of the plan year to avoid the employer 10% excise tax.  <b>Note:</b> Plans which contain an EACA have 6 months after the end of the plan year to distribute these excesses.	3/15	participant		
Initial Minimum distribution	Minimum distributions must begin by the 4/1 following the year the participant attains age 70 1/2	4/1	participant		
Distribute excess 402(g) deferrals	Excess 402(g) deferrals must be distributed to avoid plan disqualification	4/15			
File Form 5558 if needed for Form 5500 and/or Form 8955-SSA	This form must be filed if the plan year and the corporate tax year do not coincide and additional time is needed beyond the Form 5500 due date. A separate Form 5558 is required for Form 8955-SSA  <b>Note: where the plan year and the corporate tax year is the same and a corporate tax extension has been filed, the corporate tax extension will apply to the Form 5500.</b>	before Form 5500 due date	IRS		
Distribute excess contributions and excess aggregate contributions ( <b>for plans with an EACA</b> )	Excesses must be distributed within 6 months after the end of the plan year to avoid the employer 10% excise tax.	7/2?	participant		
File Form 5500	The form is due 7 months after the end of the plan year. The due date can be extended as described above under Form 5558. -no extension requested -corporate extension(see <b>Note</b> directly above) -extension filed (Form 5558)  <b>Note:</b> Remember, if you have a DB plan and use a Company intranet to communicate benefit information; you must post certain information	7/31 9/15 10/15	EBSA		

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	from the 5500 on the intranet.				
Form 5330	Used to report a <u>number of events</u> (minimum funding deficiency, excise tax on excess contributions, etc.)with varying due dates depending on reason for filing	7/31 for many filings Check the instructions for your particular filing reason			
Summary Annual Report	The Summary Annual Report (SAR) is due within two months of the filling of the Form 5500 -no Form 5500 extension requested -corporate extension(see <b>Note</b> above) -extension filed (Form 5558)  <b>Note:</b> For 2009 and following the SAR for defined benefit plans is replaced by an annual funding notice.	9/30 11/15 12/15	participant beneficiaries		
Summary of Material Modifications	A summary of any material modifications to the plan must be provided to participants and beneficiaries receiving benefits no later than 210 days after the end of the plan year in which the change was effective unless the changes are provided in an updated SPD.	7/31	participant beneficiaries		
PBGC Form 1	Used by defined benefit plans subject to termination insurance to pay flat and variable rate premiums, reconciliation filing and by multiemployer plans as applicable. Must be filed within 9 ½ months after plan year begins.	10/15	PBGC		
Last day to make corrective contributions (QNEC, QMAC)	401(k) plans which failed the ADP/ACP test in the prior plan year and if permitted in the plan document must make any corrective employer contributions by the last day of the 12 <sup>th</sup> month after the end of the plan year in which the failure occurred.	12/31	contribution to Plan		
Last day to correct excess contributions and excess aggregate	401(k) plans which failed the ADP/ACP test in the prior plan year and for which no corrective employer contributions will be made, must distribute any excesses by the last day of the 12 <sup>th</sup> month after the end of the plan year in which the failure occurred. The plan sponsor will	12/31	participants		

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contributions	be subject to a 10% excise tax on the excess.				
Minimum distributions	Annual minimum distributions must be made to affected participants/beneficiaries.	12/31	participants beneficiaries		
Periodic benefit statements	<p><i>Defined Benefit plans:</i></p> <ul style="list-style-type: none"> <li>At least once every three years to each participant with a non-forfeitable accrued benefit who is <b>employed</b> by the employer maintaining the plan at the time the statement is to be furnished. Information furnished is based on reasonable estimates as determined jointly by the DOL and PBGC.</li> <li>The annual benefit statement requirement will be considered met if at least once a year the plan administrator provides a notice to participants regarding the availability of the benefit statement and how to obtain it.</li> </ul> <p><i>Defined Contribution Plans:</i></p> <ul style="list-style-type: none"> <li>Provided quarterly to participants or beneficiaries who have the right to direct investments</li> <li>Provided at least once per calendar year to participants who have their own accounts but do not have the right to direct investments.</li> </ul>	<p>Effective for plan years beginning after 12/31/2006</p> <p>Within 45 days following end of each quarter</p> <p>The earlier of the date on which the Form 5500 is filed or the date, including extensions for the Form 5500 filing.</p>	participants		
<b>Annual Notices</b>					
401(k) Safe Harbor Notice	A written explanation of the safe harbor matching or nonelective contribution formula used under a plan designed to satisfy the 401(k) safe harbor. The notice must be distributed between 30 – 90 days before the beginning of the plan year.	Before 12/2	participants		
Automatic enrollment notice	PPA provides that ERISA preempts anti-garnishment state law with respect to automatic elective deferral deductions from a participant's	the notice must be distributed annually	participants		

Task	Requirement	Due Date	Deliver to	Yes	No
	salary. However, an annual notice informing the participant of his/her right to elect out of the automatic deferral as well as satisfying the qualified default investment rules is required. This notice can be combined with the 401(k) default investment notice. <b>Note:</b> many practitioners believe that the DOL has eliminated the requirement for an ACA notice unless the plan has a QDIA. ERISA 514(e) requires the notice and the IRS requires a notice for plans with automatic enrollment. Proceed with caution.				
QDIA notice	This is required by the Pension Protection Act if your plan provides a default investment for participants who do not make an investment election and you intend to treat the default election as a Qualified Default Investment Alternative (QDIA). The QDIA regulations were issued 10/24/2007 (see <a href="#">ErisaALERT 2007-4</a> ).	12/2	participants		
EACA and QACA notice	If you choose to offer either an eligible automatic contribution arrangement or a qualified automatic contribution arrangement, you must provide an annual notice to participants. A <a href="#">sample notice</a> was issued by the government on 11/7/2007.	12/2	participants		
Pension Benefit Statement notice	The annual benefit statement requirement will be considered met if at least once a year the plan administrator provides a notice to participants regarding the availability of the benefit statement and how to obtain it. See Periodic Benefit Statements for more details.	Before year end	participants		
Disclosures for Participant Directed Individual Accounts	Disclosures in accordance with <a href="#">final regulations</a> issued 10/2010; see <a href="#">ErisaALERT 2010-12</a> for a summary.	1/1/2012	Participants and beneficiaries		
<b>Periodic Notices as Required</b>					
Participant fee disclosure notice	Plan related expenses charged to a participant's account must be disclosed to new participants on or before the date they can first direct investments and quarterly thereafter.	As required	Affected participants		
Diversification notice for some defined contribution plans with	Participants with contributions invested in employer securities must be given a notice explaining their rights to diversify out of employer securities. The notice must be given not later than 30 days before	As required	Affected participants		

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investments in employer securities	the first date on which the participant is first eligible to divest employer securities. In addition, participants with at least three years of service must be permitted to divest the employer securities <a href="#">Final regulations</a> issued May 2010.				
Joint & Survivor Notices	A plan must provide a participant with a notice regarding his/her rights with respect to cash-outs, survivor annuities and eligible rollover distributions at least 30 days but not more than 180 days before the distribution date.  The notice regarding cash outs must explain the consequences of failing to defer the distribution.	As required	affected participants		
Notice to terminated vested participants	Notice must be sent to participants who terminated with a vested benefit and reported on the Form 8955-SSA	no later than the former due date for filing Form 8955-SSA	participant		
Investment advice	The Pension Protection Act permits plan sponsors to offer investment advice to participants in defined contribution plans. Specific information must be provided to plan participants before advice is given.	effective with respect to investment advice given after 12/31/2006	affected participants		
Black out notice	Notice of a period of more than 3 consecutive business days when there is a temporary suspension, limitation or restriction on directing or diversifying plan assets, obtaining loans, or obtaining distributions.	30-60 days before last available date to make a change	Participants with account balances; don't forget beneficiaries and term vesteds		
Mapping notice	For employers who change their investment lineup and utilize mapping (rather than solicit new investment direction elections) where participant investments are mapped into the new investments having similar risk and return characteristics as current investments. A notice must be provided describing the changes and comparing the new and current investment options as well as an explanation that the investments will be mapped to similar funds unless the participant makes a contrary election prior to the effective date of the change.	30-60 days before last available date to make a change	Participants with account balances; don't forget beneficiaries and term vesteds		

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Defined Benefit Plan Benefit Statement	The annual benefit statement requirement will be considered met if at least once a year the plan administrator provides a notice to participants regarding the availability of the benefit statement and how to obtain it. See Periodic Benefit Statements for more details.	By 12/31/2007 if you are electing to provide the annual notice instead of the benefit statement	Affected participants		
Defined Contribution Plan Statements	Provided at least once per calendar year to participants who have their own accounts but do <b>not have the right to direct investments</b> . See <a href="#">FAB 2007-3</a> .  In addition, statements must be provided quarterly to participants or beneficiaries who have the right to direct investments.	The earlier of the date on which the Form 5500 is filed or the date, including extensions for the Form 5500 filing.  45 days following the end of the plan quarter	Affected participants		
<b>Annual Housekeeping</b>					
Set up all internal systems to reflect 2012 Benefit limits	operate plan in accordance with regulations	before 2012 year end	N/A		
Verify internal processes and transmits employee contributions in a timely manner	Operate plan in accordance with regulations	ongoing	N/A		
Verify compliance with 404(c) if applicable	401(k) plans electing 404(c) protection must satisfy applicable rules. Intent to comply with 404(c) must be communicated to participants.	ongoing	N/A		
Record retention	Documentation should be maintained for compliance related aspects of plan e.g., coverage test results, ADP/ACP test results, Form 5500 back up, disclosures to participants. In addition, DOL proposed regulation 2530.209-2 provides that pension plan records must be maintained for each plan participant covered under the plan. The records must be sufficient to determine benefits which are or may become due to the employee. See also DOL 2530.107-1.	ongoing	upon IRS/DOL request		

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Compliance Reviews	Q/A FR-17 of DOL regulation 2509.75-8 provides that the performance of trustees and other fiduciaries should be reviewed by the appointing fiduciary in such a manner as may be reasonably expected to ensure that their performance has been in compliance with the terms of the plan and statutory standards and satisfies the needs of the plan.	periodically			
Fidelity Bond	Annually review existing fidelity bond to ensure that bonding requirements are met. ERISA section 412(a) requires every fiduciary of an employee benefit plan and every person who handles funds or other plan property to be bonded.  See DOL Field Assistance Bulletin <a href="#">2008 -04</a> for more information regarding bonding.	review at least annually	provide upon IRS/DOL request		
Testing	Qualified Plans have various testing requirements including: <ul style="list-style-type: none"> <li>• Coverage (IRC 410(b))</li> <li>• Actual deferral percentage test (ADP)(Reg. 1.401(k)-1(b))</li> <li>• Actual contribution test(ACP)(Reg. 1.401(m)-1(b))</li> <li>• Annual Addition testing (IRC Section 415(c))</li> <li>• Maximum Benefit testing (IRC Section 415(b))</li> <li>• Top Heavy testing (IRC 416 )</li> </ul>	annually	upon IRS request		
<b>Plan Document Requirements</b>					
Restatements	Cycle A– EIN's ending in 1 or 6; individual designed plans	1/31/2011			
Amendments	Deadline for plan amendments for next year (e.g., 401(k) safe harbor) or changes made during the 2012 plan year	Last day of 2012 plan year			