

401(k) Compliance Calendar 2023

Administering your company's 401(k) plan comes with important responsibilities. Use this calendar and checklist to make sure you're on top of administering your company's plan.

JANUARY	FEBRUARY	MARCH	APRIL
<ul style="list-style-type: none">15 Provide/Confirm prior year census data31 Distribute Form 1099-R to participants who took a distribution in the prior year (FN)	<ul style="list-style-type: none">15 Review/Approve compliance testing results	<ul style="list-style-type: none">15 Corrective Distributions if Nondiscrimination Testing failed (ADP/ACP Testing)15 Fund Employer Contributions (for 1120-S and Form 1065 K-1 Filers)31 File Form 1099–(Recordkeeper)31 Complete 5500 Questionnaire	<ul style="list-style-type: none">1 Engage auditor (for large plan filers)15 Distribute Excess Deferrals for participants above the individual contribution limit15 Fund Employer Contributions (for 1120 and Schedule C Filers)
MAY	JUNE	JULY	AUGUST
	<ul style="list-style-type: none">30 Eligible Automatic Contribution Plans Only (EACA): Corrective Distributions if Nondiscrimination Testing failed (ADP/ACP Testing)	<ul style="list-style-type: none">15 Mid-Year Testing31 File IRS Form 550031 File IRS Form 5558 (if 5500 extension needed)	
SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
<ul style="list-style-type: none">15 Fund Employer Contributions if tax extension filed (for 1120-S and Form 1065 K-1 Filers)30 Distribute Summary Annual Report (SAR) (if Form 5500 filed by 7/31)	<ul style="list-style-type: none">1 Review Your 401(k) Plan Document recommended15 File Form 5500 (if extension filed)15 Fund Employer Contributions if tax extension filed (for Form 1120 and Schedule C Filers)		<ul style="list-style-type: none">1 Distribute Annual Participant Notices15 Distribute Summary Annual Report (SAR), if Form 5500 was filed with an extension31 Correct Failing Nondiscrimination Testing by funding a QNEC or refunding Highly Compensated Employee (HCE)31 Issue Required Minimum Distributions (RMDs)

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Date(s)	Responsible Party	Descriptions
<input type="checkbox"/> JAN 15	Plan Sponsor	Census data: Plan sponsor provides/confirms accurate prior year census data to the recordkeeper who will use the information to complete compliance testing
<input type="checkbox"/> JAN 31	Recordkeeper	Distribute Form 1099-R to participants who took a distribution in the prior year (FN): Deadline to dispense Form 1099-R to participants who received a distribution from the plan in the previous plan year (recordkeeper typically sends the form)
<input type="checkbox"/> FEB 15	Plan Sponsor	Approve results from compliance testing provided by administrator
<input type="checkbox"/> MAR 15	Recordkeeper	Corrective Distributions if Nondiscrimination Testing failed (ADP/ACP Testing): Deadline to process corrective distributions for plans that failed the Actual Deferral Percentage (ADP) or Actual Contribution Percentage (ACP) compliance tests in the previous plan year to avoid a 10% excise tax
<input type="checkbox"/> MAR 15	Plan Sponsor	Fund employer contributions (for 1120-S and Form 1065 K-1 Filers): Deadline for filing partnership tax returns for partnerships, and for partnerships to fund any employer contributions to the plan and receive a tax deduction for the prior year (unless filing an extension)
<input type="checkbox"/> MAR 31	Recordkeeper	File Electronic Form 1099-R: Deadline to electronically file 1099-R with the IRS if 1099-Rs were distributed to participants that received a distribution from the plan in the previous plan year
<input type="checkbox"/> MAR 31	Plan Sponsor	Plan sponsor provides a completed 5500 questionnaire to service provider; the service provider prepares the plan Form 5500
<input type="checkbox"/> APR 1	Plan Sponsor	For plans that need an audit, it is recommended an auditor be engaged by this date
<input type="checkbox"/> APR 15	Plan Sponsor	Excess contribution refunds: Deadline to refund excess distributions for participants (if any) that contributed more than the 402(g) limits in the previous plan year
<input type="checkbox"/> APR 15	Plan Sponsor	Fund employer contributions (for 1120 and Schedule C Filers): Deadline for filing individual and/or corporate tax returns to fund employer contributions to the plan and receive a tax deduction for the prior year (unless filing an extension)
<input type="checkbox"/> JUN 30	Recordkeeper	EACA plans only ADP/ACP corrective distributions: Deadline to process corrective distributions for plans that failed the Actual Deferral Percentage (ADP) or Actual Contribution Percentage (ACP) compliance tests in the previous plan year to avoid a 10% excise tax
<input type="checkbox"/> JUL 31	Plan Sponsor	File IRS Form 5500: Deadline to electronically sign and file IRS Form 5500 (unless requesting an extension)
<input type="checkbox"/> JUL 31	Plan Sponsor	File IRS Form 5558: File Form 5558 to request an extension on filing the IRS Form 5500. TPA or Recordkeeper can provide a signature ready form.

Date(s)	Responsible Party	Descriptions
<input type="checkbox"/> AUG 15	Plan Sponsor	Mid-year testing: If the plan previously failed compliance testing, this is a good time to consider mid-year compliance testing
<input type="checkbox"/> SEP 15	Plan Sponsor	Fund Employer Contributions if tax extension filed (for 1120-S and Form 1065 K-1 Filers): Deadline for filing tax returns; also the deadline to fund any employer contributions to the plan and receive a tax deduction for the previous plan year
<input type="checkbox"/> SEP 30	Plan Sponsor	Distribute Summary Annual Report (SAR): Deadline for plans who filed Form 5500 by July 31 to distribute the SAR to all plan participants and beneficiaries receiving benefits
<input type="checkbox"/> OCT 1	Plan Sponsor	Review your plan document: Every fall, review the plan document to make sure that plan management is in compliance with the plan document; amendments to the plan can be made in the fall to be effective in the new year and can be requested from the service provider
<input type="checkbox"/> OCT 15	Plan Sponsor	File Form 5500 (if extension is filed via IRS Form 5558): Deadline to electronically sign and file IRS Form 5500
<input type="checkbox"/> OCT 15	Plan Sponsor	Fund employer contributions if tax extension filed (for Form 1120 and Schedule C Filers): Deadline for filing tax returns; also the deadline to fund any employer contributions to the plan and receive a tax deduction for the previous plan year
<input type="checkbox"/> DEC 1	Plan Sponsor	Distribute annual participant notices; notice distributions include: Safe Harbor, QDIA (Qualified Default Investment Alternative), and Automatic Contribution Arrangements (if applicable). These notices can be combined for administrative ease and many service providers can assist plan sponsors with creation and distribution of these notices.
<input type="checkbox"/> DEC 15	Plan Sponsor	Distribute Summary Annual Report (SAR): Deadline for plans who filed Form 5500 by July 31 to distribute the SAR to all plan participants and beneficiaries receiving benefits
<input type="checkbox"/> DEC 31	Plan Sponsor	Corrective Failing Nondiscrimination Testing (ADP/ACP) by: 1) Funding of Employee Contributions Qualified Non-Elective Contributions (QNEC) or 2) Distribute Refunds to HCE (a 10% excise tax may apply)
<input type="checkbox"/> DEC 31	Plan Sponsor	Distribute Required Minimum Distributions (RMDs)
<input type="checkbox"/> ONGOING	Plan Sponsor	Plan sponsor's responsibility to make sure the plan is operated in accordance with the plan document
<input type="checkbox"/> ONGOING	Plan Sponsor	For each pay period, any amounts withheld as salary deferrals by participants must be deposited by the plan sponsor no later than 7 business days following the day they are withheld
<input type="checkbox"/> ONGOING	Plan Sponsor	Plan sponsor provides the summary plan description to all newly eligible participants within 90 days of their coverage under the plan
<input type="checkbox"/> ONGOING	Recordkeeper	Recordkeeper provides quarterly benefit statements to plan participants
<input type="checkbox"/> ONGOING	Recordkeeper	Recordkeeper will annually distribute participant fee disclosure 404(a) to all participants

Administering Your Company's 401(k) Plan

Your 401(k) plan document identifies what kind of retirement plan your company has, how it works, and what special features it has to customize it to your business. As an administrator, you'll want to ensure these documents reflect your business's current 401(k) needs and goals.

Step 1 – Review your 401(k) Plan Documents

Company Information

- Is your basic company contact information accurate and up to date?
- Does your plan reflect your current company ownership?

Eligibility – The Internal Revenue Service (IRS) dictates that employees who are over 21 years of age and have at least one year of service are eligible to participate in their employer-sponsored retirement plan. However, you might have slightly different rules of eligibility in place for your plan.

- Does your plan clearly state when employees are eligible to participate?
- Are there any exceptions or special rules in place concerning eligibility? If so, list details:

Enrollment Period – Most plans have a set period of time when newly eligible employees can be added to the plan and current participants can make changes to their retirement benefits.

- Does the plan state if you have an annual, semiannual, quarterly, or monthly enrollment period for eligible employees?

_____ Annual _____ Semi-annual _____ Quarterly _____ Monthly

- Are their specifications for exceptions or unique enrollment situations? If so, list:



Pro Tip: The Adoption Agreement is the part of the Plan Document that contains the specific features and options of your plan.

If you are overwhelmed by the Plan Document, try checking the Adoption Agreement.



Pro Tip: The employer contribution formula for your plan can be changed or updated to reflect the growing needs of your company.

This can be done through the third party administrator with a simple plan amendment.

Employee Contributions – Your plan should outline how employees add money to their 401(k). Elective deferrals are the most common type of employee contribution, but make sure other contribution types (e.g., Roth, After Tax) are clearly defined.

List ways employees can add money to their accounts below:

Employer Contributions – With a traditional 401(k) plan, employers have the option to include an employer match.

Does the plan specify how much the employer will match? List details:

Does the plan document explain when the match will occur? List timeframes:

Does it detail any requirements or exceptions for employer matches? List details:

Does the formula meet your business goals with the retirement plan?

Vesting Schedules – If you’ve chosen a traditional 401(k) plan, your plan document will include the vesting schedule you’ve decided upon.

Does your plan state the amount of time an employee must wait before they completely own any employer contributions you’ve made to their account? How long:

Are you vesting employees too soon or too late to maximize your chances of retaining the best talent?

Named Fiduciaries – A 401(k) “named fiduciary” is an individual or entity who manages an employer-sponsored retirement plan.

List the person or group acting as the fiduciary for your plan here:

Step 2 – Update your Employee Census

An employee census contains information about participants in your business's 401(k) plan that is shared with your 401(k) Recordkeeper or Third-Party Administrator (TPA).

This information lets your plan recordkeeper give your participants access to a secure online experience for contributions, account management, and other 401(k) features. The census is also critical in completing accurate annual testing, including ADP/ACP testing, top heavy testing, coverage testing, annual contributions verifications, and accurate Form 5500 data. Clear, current census data can ensure accurate testing and reporting.

This information can change frequently, so you'll need to update your census records regularly or rely on a TPA or payroll provider to do it for you.



CENSUS DATA

Your census should contain the following details for each participant.

Personal

- Name
- Date of Birth
- Social Security Number
- Home Address
- Email Address

Employment

- Start date
- Employment status
- Termination date
- Eligibility date
- Base salary (gross compensation)
- Eligible salary (compensation)
- Hours worked
- Designation of ownership percentage

Contribution

- Employee deferral amounts
- Employer contribution amounts

Step 3 – Manage Employee Contributions and Loan Repayments

Your provider can help you with managing employee contributions and setting up 401(k) loans as an optional benefit. But there are a few things to keep in mind:

- Are contributions being collected in a timely manner and in accurate amounts?
- Are those contributions being forwarded to your 401(k) provider and being invested?
- If you offer 401(k) loans, are repayments being collected, forwarded, and invested?
Collect employee contributions and loan repayments
- Are you aware of the funding deadlines that kick in when you withhold any amount from a participant's check?



Step 4 – File Form 5500

Form 5500 is an informational report you're required to file with the Department of Labor that contains details about your retirement plans.

Keep in mind that there are different versions of this form you can use depending on the size of your company and plan type. Many 401(k) service providers will prepare, sign, and even file a Form 5500 for you. Check with your service provider prior to beginning the filing process. To get started on Form 5500, you'll need to provide or verify the following information:

- Name of plan
- Company name, address, phone number, and EIN
- Plan administrator name (this is the signer)
- Participant census information
- Information about any plan pension or welfare benefits



Pro Tip: Check out our website for a step by step guide on how to file Form 5500.

[Get it here.](#)

Step 5 – Complete 401(k) Compliance Testing

Many (but not all) employer-sponsored retirement plans must go through compliance testing each year to make sure they're in line with rules and regulations from the U.S. Department of Labor and IRS.

These rules make sure employers are contributing the right amount of money in plans for all eligible employees, that nobody is contributing more than they're allowed, and that plans aren't discriminating against certain classes of employees.

BEST PRACTICES FOR COMPLIANCE TESTING

- Maintain accurate census data throughout the year
- Ensure you follow any required compliance dates or milestones throughout the year
- Review test results in detail with your 401(k) plan provider
- Make a plan for the upcoming year to address any corrective action and prepare for successful tests in the future
- Perform a mid-year test to forecast future test results



Schedule your free consultation

Looking for more resources to help you administer your company's retirement plan? One of our 401(k) business specialists would love to talk to you about your company's retirement plan needs.

[Schedule a consultation](#)