

# 401(k)ommuniqué®

Brought to you by Joan McDonagh,  
co-author of the 401(k) Answer Book

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## Action Items for Plan Year End

For 401(k) plans operating on a calendar year plan basis there are a number of “once a year” actions that need to occur in the last quarter of the calendar year. The “to do” list will vary based on plan design and other considerations, but following is a list of action items many 401(k) plans will need to address.

### NOTICES

All of the following annual notices must be distributed sometime between October 2 and December 2:

- Safe-Harbor Notice: For plans that intend to operate as a safe-harbor plan for the 2014 plan year.
- Automatic Enrollment Plan Design Notice: For plans that are designed as a Qualified Automatic Contribution Arrangement (QACA), an Eligible Automatic Contribution Arrangement (EACA), or an Automatic Contribution Arrangement (ACA).
- QDIA Notice: For plans using a Qualified Default Investment Alternative (QDIA) as their default fund.

*Note that the deadline for all of the above notices in non-calendar year plans is 30 to 90 days before the beginning of the plan year. All of the above notices can be combined in a single delivery.*

### SUMMARY ANNUAL REPORT (SAR)

- Deadline if Plan Has Form 5500 Filing Extension: If a plan’s Form 5500 filing deadline was extended due to a filing extension of the plan sponsor’s tax return, the SAR must be distributed by November 14, or 10½ months after the end of the plan year for non-calendar year plans. If a plan’s Form 5500 filing deadline was extended due to a Form 5558 filing, the SAR must be distributed by December 15, or 11½ months after the end of the plan year for non-calendar year plans.
- Deadline Absent a Filing Extension: Absent any extension of the 5500 filing deadline, the SAR must be distributed by September 30, or 2 months after the Form 5500 filing deadline.

### PLAN AMENDMENTS

Amendments Due by December 31: If a plan has added a discretionary feature during the 2013 plan year (for example, adding a loan feature), or if it is adding or removing a safe-harbor plan design for the 2014 plan year, the plan must be amended to reflect that change by December 31, 2013. For non-calendar year plans, the deadline for amendments is the last day of the plan year.

### DISTRIBUTIONS

Minimum Required Distributions (MRDs): For participants who turned 70½ prior to 2013, MRDs must be made by December 31, 2013.

Corrective Contributions: The deadline for making corrective contributions for a failed Average Deferral Percentage (ADP) or Average Contribution Percentage (ACP) test in the previous plan year is December 31 in order to avoid risking plan disqualification.

*Nothing in this publication constitutes legal or tax advice upon which any third party may rely.*

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i ERISA § 404a-5

ii It should be noted that more frequent disclosure may be required in the event there is a mid-year change to plan-related information, or a change to individual or annual expenses, or if a new designated investment alternative is added to the fund lineup. The FAB also does not change the rules for the timing of updates to information that must be made available on a website.