

Mercer's Law & Policy Group | 2021 US defined contribution plan compliance calendar

 Single-employer defined contribution plans for plan years beginning Jan. 1, 2021¹
Feb. 1 (Monday)

- Form 1099-R to recipients of 2020 distributions
- Form 945 for 2020 nonpayroll withholding if deposits were not made on time and in full to pay all taxes due²

Feb. 10 (Wednesday)

- Form 945 for 2020 nonpayroll withholding if deposits were timely made to pay all taxes due²

Feb. 14 (Sunday)

- Q4 2020 benefit statement for participant-directed plan³
- Q4 2020 participant fee disclosure³

March 1 (Monday)

- Form 1099-R if filed on paper (use Form 1096 to transmit)⁴

March 15 (Monday)

- If plan (other than eligible automatic contribution arrangement) failed ADP/ACP test, corrective refunds of excess 2020 401(k)/(m) contributions and allocable income (or recharacterization of pretax contributions as after-tax) to avoid 10% excise tax

March 31 (Wednesday)

- Form 1099-R if filed electronically⁴
- Form 5330 excise tax return and payment for excess 2019 ADP/ACP contributions (or Form 5558 to request extension to file return up to 6 months)

April 15 (Thursday)

- Refunds of 2020 elective deferrals exceeding 402(g) limit

May 15 (Saturday)

- Q1 2021 benefit statement for participant-directed plan³
- Q1 2021 participant fee disclosure³

June 30 (Wednesday)

- If eligible automatic contribution arrangement failed ADP/ACP test, corrective refunds of excess 2020 401(k)/(m) contributions (and allocable income) to avoid 10% excise tax

July 29 (Thursday)

- Summary of material modifications or summary plan description furnished to participants, if amendments adopted in 2020 plan year

Aug. 2 (Monday)

- Form 5500 for 2020 plan year (unless extended by Form 5558 or automatically with extended corporate income tax return)⁵
- Form 8955-SSA and terminated vested participant statements for 2020 plan year (unless extended by Form 5558 or automatically with extended corporate income tax return)⁵
- Form 5558 to extend Forms 5500 and 8955-SSA due date by 2½ months for 2020 plan year (use a single Form 5558 to extend Forms 5500 and 8955-SSA) unless automatically extended with corporate income tax return⁵
- Annual benefit statement for plans not offering participant-directed investments (due by Form 5500 deadline or, if earlier, actual 5500 filing date)⁵

Aug. 14 (Saturday)

- Q2 2021 benefit statement for participant-directed plan³
- Q2 2021 participant fee disclosure³

Sept. 15 (Wednesday)

- Minimum funding contribution due for money purchase pension plans

Sept. 30 (Thursday)

- Summary annual report for 2020 plan year (unless Form 5500 deadline extended)⁶
- Form 5330 excise tax return for excess 2019 ADP/ACP contributions, if due date extended by Form 5558

Oct. 15 (Friday)

- Form 5310-A qualified separate line-of-business election for the 2020 testing year (or revocation of prior year election)
- Correction of 410(b) or 401(a)(4) testing failures for the 2020 plan year
- Contributions correcting 2020 ADP/ACP test failures to count as 2020 annual additions
- Form 5500 for 2020 plan year, if due date extended by Form 5558 or corporate income tax extension⁵
- Annual benefit statement for plans not offering participant-directed investments (due by extended Form 5500 deadline or, if earlier, actual 5500 filing date)⁵
- Form 8955-SSA and terminated vested participant statements for 2020 plan year, if due date extended by Form 5558 or corporate income tax extension⁵

Nov. 14 (Sunday)

- Q3 2021 benefit statement for participant-directed plan³
- Q3 2021 participant fee disclosure³

Dec. 2 (Thursday)

- 401(k) plan annual safe harbor notice for 2022 plan year⁷
- Annual auto-enrollment notice(s) for 2022 plan year
- Annual qualified default investment alternative (QDIA) notice for 2022 plan year
- Diversification notice to participants first eligible to divest employer securities on Jan. 1, 2022

Dec. 15 (Wednesday)

- Summary annual report for 2020 plan year, if 5500 due date extended by Form 5558 or corporate income tax extension⁶

Dec. 31 (Friday)

- Ongoing minimum required distributions (regardless of plan or tax year)
- If plan failed ADP/ACP test for the 2020 plan year, refunds of excess 401(k)/(m) contributions and allocable income or recharacterization of pretax contributions as after-tax (if not done by March 15 to avoid 10% excise tax), or corrective contributions (if not made by Oct. 15 to have them count as 2020 annual additions)

NOTES

1. This list summarizes common reporting, disclosure and other operational compliance obligations for single-employer, tax-qualified defined contribution (DC) plans covered by ERISA (excluding ESOPs) that have more than 100 participants and are sponsored by for-profit corporations with calendar plan years. This list is not exhaustive. Your plan may have other operational compliance requirements. For more information, see the plan reporting and disclosure guides from the [IRS](#) and the [Department of Labor \(DOL\)](#). When the "weekend rule" applies, deadlines falling on a Saturday, Sunday or holiday move to the next business day; otherwise, actions should be taken on the business day before a weekend/holiday deadline.
2. Deadline for Form 945 is extended 10 days if full payment of taxes for the year deposited on time.
3. Although this date is a Saturday, Sunday or legal holiday, no guidance clearly allows using the weekend rule to move this due date to the next business day.
4. Deadline for Form 1099-R is extended one month for electronic filers.
5. An automatic 2½-month extension to file Form 5500 and/or Form 8955-SSA is available by filing Form 5558. Without filing Form 5558, an employer that is granted an automatic extension for its corporate tax return and has the same tax year as the plan year receives an automatic extension to file Forms 5500 and 8955-SSA by the extended filing deadline for the corporate tax return (but no later than 9½ months after plan year-end). The Form 5558 deadline for a calendar-year plan and extended corporate tax return deadline for a calendar-year C corporation fall on the same day: Oct. 15. However, S corporations must file Form 5558 to get the maximum extension. Employers that rely on the corporate tax return automatic extension to extend the deadline for the Form 5500 and/or 8955-SSA can't obtain an additional extension by filing Form 5558.
6. The summary annual report must be distributed within two months after the due date of the Form 5500 (including extensions).
7. The SECURE Act eliminated the safe harbor notice requirement for some — but not all — plans that make safe harbor nonelective contributions.