

## Mercer's Law &amp; Policy Group | 2022 US defined contribution plan compliance calendar

 Single-employer defined contribution plans for plan years beginning Jan. 1, 2022<sup>1</sup>
**Jan. 31 (Monday)**

- Form 1099-R to recipients of 2021 distributions
- Form 945 for 2021 nonpayroll withholding if deposits were not made on time and in full to pay all taxes due<sup>2</sup>

**Feb. 10 (Thursday)**

- Form 945 for 2021 nonpayroll withholding if deposits were timely made to pay all taxes due<sup>2</sup>

**Feb. 14 (Monday)**

- Q4 2021 benefit statement for participant-directed plan
- Q4 2021 participant fee disclosure

**Feb. 28 (Monday)**

- Form 1099-R if filed on paper (use Form 1096 to transmit)<sup>3</sup>

**March 15 (Tuesday)**

- If plan (other than eligible automatic contribution arrangement) failed ADP/ACP test, corrective refunds of excess 2021 401(k)/(m) contributions and allocable income (or recharacterization of pretax contributions as after-tax) to avoid 10% excise tax

**March 31 (Thursday)**

- Form 1099-R if filed electronically<sup>3</sup>
- Form 5330 excise tax return and payment for excess 2020 ADP/ACP contributions (or Form 5558 to request extension to file return up to 6 months)

**April 1 (Friday)**

- First minimum required distributions to participants who reached their required beginning date in 2021<sup>4</sup>

**April 15 (Friday)**

- Refunds of 2021 elective deferrals exceeding 402(g) limit

**May 15 (Sunday)**

- Q1 2022 benefit statement for participant-directed plan<sup>5</sup>
- Q1 2022 participant fee disclosure<sup>5</sup>

**June 30 (Thursday)**

- If eligible automatic contribution arrangement failed ADP/ACP test, corrective refunds of excess 2021 401(k)/(m) contributions (and allocable income) to avoid 10% excise tax

**July 29 (Friday)**

- Summary of material modifications or updated summary plan description furnished to participants, if amendments adopted in 2021 plan year

**Aug. 1 (Monday)**

- Form 5500 for 2021 plan year (unless extended by Form 5558 or automatically with extended corporate income tax return)<sup>6</sup>
- Form 8955-SSA and terminated vested participant statements for 2021 plan year (unless extended by Form 5558 or automatically with extended corporate income tax return)<sup>6</sup>
- Form 5558 to extend Forms 5500 and 8955-SSA due date by 2½ months for 2021 plan year (use a single Form 5558 to extend Forms 5500 and 8955-SSA) unless automatically extended with corporate income tax return<sup>6</sup>
- Annual benefit statement for plans not offering participant-directed investments (due by Form 5500 deadline or, if earlier, actual 5500 filing date)<sup>6</sup>

**Aug. 14 (Sunday)**

- Q2 2022 benefit statement (including SECURE Act lifetime income disclosure) for participant-directed plan<sup>4</sup>
- Q2 2022 participant fee disclosure<sup>4</sup>

**Sept. 15 (Thursday)**

- Minimum funding contribution due for money purchase pension plans for 2021 plan year

**Sept. 30 (Friday)**

- Summary annual report for 2021 plan year (unless Form 5500 deadline extended)<sup>7</sup>
- Form 5330 excise tax return for excess 2020 ADP/ACP contributions, if due date extended by Form 5558

**Oct. 15 (Saturday)**

- Form 5310-A qualified separate line-of-business election for the 2021 testing year (or revocation of prior year election)<sup>5</sup>

**Oct. 15 (Saturday) (cont'd)**

- Correction of 410(b) or 401(a)(4) testing failures for the 2021 plan year<sup>5</sup>
- Contributions correcting 2021 ADP/ACP test failures to count as 2021 annual additions<sup>5</sup>

**Oct. 17 (Monday)**

- Form 5500 for 2021 plan year, if due date extended by Form 5558 or corporate income tax extension<sup>6</sup>
- Annual benefit statement (including lifetime income disclosure) for plans not offering participant-directed investments (due by extended Form 5500 deadline or, if earlier, actual 5500 filing date)<sup>6</sup>
- Form 8955-SSA and terminated vested participant statements for 2021 plan year, if due date extended by Form 5558 or corporate income tax extension<sup>6</sup>

**Nov. 14 (Monday)**

- Q3 2022 benefit statement for participant-directed plan
- Q3 2022 participant fee disclosure

**Dec. 2 (Friday)**

- 401(k) plan annual safe harbor notice for 2023 plan year<sup>8</sup>
- Annual auto-enrollment notice(s) for 2023 plan year<sup>8</sup>
- Annual qualified default investment alternative notice for 2023 plan year
- Diversification notice to participants first eligible to divest employer securities on Jan. 1, 2023

**Dec. 15 (Thursday)**

- Summary annual report for 2021 plan year, if 5500 due date extended by Form 5558 or corporate income tax extension<sup>7</sup>

**Dec. 31 (Saturday)**

- Ongoing minimum required distributions<sup>5</sup>
- If plan failed ADP/ACP test for the 2021 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 2021 annual additions)<sup>5</sup>

**NOTES**

1. This list summarizes common reporting, disclosure and other operational compliance obligations for single-employer, tax-qualified defined contribution plans covered by ERISA (excluding employee stock ownership plans) 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](#). 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. Deadline for Form 1099-R is extended one month for electronic filers.
4. The Setting Every Community Up for Retirement Enhancement (SECURE) Act ([Div. O of Pub. L. No. 116-4](#)) changed the required beginning date triggering age from 70½ to 72, effective for participants born on or after July 1, 1949.
5. 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.
6. 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.
7. The summary annual report must be distributed within two months after the due date of Form 5500 (including extensions).
8. The SECURE Act eliminated the safe harbor notice requirement for some — but not all — plans that make safe harbor nonelective contributions. The earliest the safe harbor notice for the 2023 plan year can be furnished is Oct. 3, 2022 (Monday), which is 90 days before the beginning of the 2023 plan year.
9. The earliest the notice(s) for the 2023 plan year can be furnished is Oct. 3, 2022 (Monday), which is 90 days before the beginning of the 2023 plan year.