



# REQUIRED PARTICIPANT DISCLOSURES<sup>1</sup>

Plan sponsors are required to provide certain disclosure documents and notices to plan participants (including terminated participants & alternate payees with a balance). The following chart is designed to help you understand and meet these requirements.

Provide to all eligible employees, participants & beneficiaries with account balances

## **Annual 404(a)(5) Participant-Level Fee Disclosure**

### *Document Distribution Timing:*

- On or before the date a participant/beneficiary is first permitted to direct investments
- At least once in any 12-month period after initial disclosure
- Typically 30 to 90 days in advance of any changes
- Quarterly disclosures typically provided in account statement

Provide to newly eligible employees & participants and/or beneficiaries in the plan

## **Summary Plan Description (SPD)**

### *Document Distribution Timing:*

- Within 90 days of becoming a participant in the plan or, in the case of a beneficiary, within 90 days after first receiving benefits
- For newly created plans, an SPD must be distributed to participants and beneficiaries within 120 days after the plan is first instituted
- If there are no material changes to the plan during the immediately preceding 10-year period, the SPD must be distributed within 210 days following the last day of the 10th plan year after a material change would have been reflected in the most recently distributed SPD
- If there were material changes to the plan during the immediately preceding five-year period, the SPD must be distributed within 210 days following the last day of the fifth plan year after a material change would have been reflected in the most recently distributed SPD
- If the plan is updated due to a plan amendment, an updated SPD or Summary of Material Modifications (SMM) must be delivered within 210 days following the year in which the amendment becomes effective

Provide to newly eligible employees & participants and/or beneficiaries in the plan

## **Summary of Material Modifications (SMM)**

**(can be provided in lieu of an updated SPD for plan amendments)**

### *Document Distribution Timing:*

- For amended plans, the SMM must be delivered within 210 days following the year in which the amendment becomes effective

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Provide to all participants and/or beneficiaries in the plan

Provide to all newly eligible employees and all eligible employees who will be subject to the automatic enrollment feature

Provide to newly eligible employees and all participants who have not made an affirmative investment election in the plan year

Provide to all eligible employees

## Summary Annual Report (SAR)

### *Document Distribution Timing:*

- The later of the following: nine months after the plan year-end or within two months after the filing deadline (including extension) of the Form 5500

## Delivery of automatic enrollment notices:

- Automatic Contribution Arrangement (ACA)
- Eligible Automatic Contribution Arrangement (EACA)
- Qualified Automatic Contribution Arrangement (QACA)

### *Document Distribution Timing:*

#### **Newly eligible employees:**

- ACA - At least 30 days before employee is eligible
- EACA/QACA - Within a reasonable period prior to eligibility and generally no later than the date the employee becomes eligible

#### **Annual notice:**

- ACA - Within a reasonable period generally at least 30 days prior to the beginning of each plan year
- EACA/QACA - At least 30, but no more than 90, days prior to the beginning of each plan year

## Qualified Default Investment Alternative (QDIA) notices (for applicable plans)

### *Document Distribution Timing:*

- At least 30 days prior to investing the first contribution in the default investment
- Annually, at least 30 days prior to the beginning of the plan year for participants who have not made an affirmative investment election

## Delivery of safe harbor 401(k) notices for matching contributions<sup>2</sup>

### *Document Distribution Timing:*

- For new plans, the notice can be given up to the first day of the first plan year
- Annual notice at least 30, but no more than 90, days prior to the beginning of the plan year

Provide to active participants who are age 70 or 72, as applicable, and over or those who turn 70 or 72, as applicable, this calendar year; terminated participants who are age 70<sup>1/2</sup> or 72, as applicable; and 5% owners who are over age 70<sup>1/2</sup> or 72, as applicable.

Determination of the appropriate age is based on the plan document provisions.

Provide to all participants and/or beneficiaries in the plan who received a distribution during the calendar year

Provide to terminated participants, alternate payees and beneficiaries with vested account balances at or below the level specified in the plan document

Provide to participants requesting plan distributions (includes alternate payees & beneficiaries)

## Required Minimum Distribution (RMD) notices

### *Document Distribution Timing:*

- As needed; typically during the month of October to allow sufficient time for applicable RMD payments to be processed by year-end

## Form 1099-R

### *Document Distribution Timing:*

- As needed, but no later than January 31 of the year following the calendar year in which the distribution was made

*Note: Includes loans treated as distributions*

## Mandatory distribution/automatic rollover notices (based on plan provisions)

### *Document Distribution Timing:*

- As needed; typically 30 to 180 days prior to the processing of an automatic rollover to an IRA or a cashout distribution

## Special tax notice for plan distributions

### *Document Distribution Timing:*

- As needed; at least 30 days prior to approving a distribution request

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<sup>1</sup> For additional disclosures based upon plan type and for more information, see *Retirement Plan Reporting & Disclosure Requirements*, available at: [http://www.irs.gov/pub/irs-tege/irs\\_reporting\\_disclosure\\_guide.pdf](http://www.irs.gov/pub/irs-tege/irs_reporting_disclosure_guide.pdf).

<sup>2</sup> Safe harbor notices are not required for non-elective safe harbor plans. Notice is required for safe harbor matching contributions.