

# Compensation & Benefits Insights

---

## 2020 Filing and Notice Deadlines for Qualified Retirement and Health and Welfare Plans

**Author, Tabitha Crosier, New York +1 212 556 2215 [tcrosier@kslaw.com](mailto:tcrosier@kslaw.com)**

Employers and plan sponsors must comply with numerous filing and notice deadlines for their retirement and health and welfare plans. Failure to comply with these deadlines can result in costly penalties. To avoid such penalties, employers should remain informed with respect to the filing and notice deadlines associated with their plans.

The filing and notice deadline table below provides key filing and notice deadlines common to calendar year plans for November and December 2020. If the due date falls on a Saturday, Sunday, or legal holiday, the due date is usually delayed until the next business day. Please note that the deadlines will generally be different if your plan year is not the calendar year. Please also note that the table is not a complete list of all applicable filing and notice deadlines (including any available exceptions and/or extensions), just the most common ones. King & Spalding is happy to assist you with any questions you may have regarding compliance with the filing and notice requirements for your employee benefit plans.

Under [EBSA Disaster Relief Notice 2020-01](#) issued by the Department of Labor (“DOL”), several employee benefit plan deadlines falling on or after March 1, 2020 have been extended until 60 days after the announced end of the COVID-19 National Emergency (the “Outbreak Period”). There has not yet been an announced end to the National Emergency.

Original Deadline	New Deadline	Item	Action	Affected Plans
By the first day of open enrollment (often November 1)	N/A	Summary of Benefits and Coverage for Health Plans that Require Reapplication	Deadline for group health plan administrator (for self-insured plans) or group health plan administrator or insurer (for fully insured plans) to provide a Summary of Benefits Coverage (SBC) if written application materials are required for renewal.	Group Health Plans and Health Insurance Issuers

# Compensation & Benefits Insights

Original Deadline	New Deadline	Item	Action	Affected Plans
November 14  (within 45 days after the close of the third quarter)	Qualifies for disaster relief under EBSA Notice 2020-01*	Benefit Statements for Participant-Directed Plans	Deadline for plan administrator to send benefit statement for the third quarter of the plan year to participants in participant-directed defined contribution plans.	Defined Contribution Plans with participant-directed investments
	Qualifies for disaster relief under EBSA Notice 2020-01*	Quarterly Fee Disclosure	Deadline for plan administrator to disclose fees and administrative expenses deducted from participant accounts during the third quarter of the plan year. Note that the quarterly fee disclosure may be included in the quarterly benefit statement or as a stand-alone document.	
November 15  (the 15th day of the 11th month after the end of the plan year)	N/A	IRS Forms 990 and 990-EZ	Deadline for tax-exempt trusts associated with qualified retirement plans and VEBA's to file Forms 990 or 990-EZ with the IRS for prior year if the trustee obtained a second 3-month extension by filing a Form 8868.	Qualified Retirement Plans  Voluntary Employee Beneficiary Associations
December 1 (at least 30 but no more than 90 days before the	N/A	Safe Harbor Notice	Deadline for plan administrator to distribute a notice of intent to use a safe harbor formula to participants and beneficiaries. Plan sponsors of safe harbor	401(k) and 401(m) Plans

# Compensation & Benefits Insights

Original Deadline	New Deadline	Item	Action	Affected Plans
beginning of the plan year)			<p>matching contribution plans can retain the flexibility to reduce or eliminate future contributions by including a notice to participants and beneficiaries specifying that the plan's safe harbor contributions might be reduced during the year.</p> <p>This notice must be provided within a reasonable period of time before the beginning of the plan year. The regulations provide a safe harbor of not less than 30 days but not more than 90 days before the beginning of the plan year.</p>	
December 1 (at least 30 but no more than 90 days before the beginning of the plan year)	N/A	Auto-Enrollment Notice	Deadline for plan administrator to provide annual auto-enrollment notice for plans with qualified automatic contribution arrangements (QACA) or eligible automatic contribution arrangements (EACA). This notice must be provided sufficiently early so that the employee has a reasonable period of time after receipt to make QACA or EACA elections.	401(k) Plans with QACA or EACA

# Compensation & Benefits Insights

Original Deadline	New Deadline	Item	Action	Affected Plans
December 1 (at least 30 days before the end of the plan year)	Qualifies for disaster relief under EBSA Notice 2020-01*	Qualified Default Investment Alternative (QDIA) Annual Notice	Deadline for plan administrator to provide annual QDIA notice to participants or beneficiaries.	Defined Contribution Plans with participant-directed investments
December 1 (at least 30 days prior to the first day of the new plan or policy year)	N/A	Summary of Benefits and Coverage for Health Plans that Automatically Renew Coverage	Deadline for group health plan administrator (for self-insured plans) or group health plan administrator or insurer (for fully insured plans) to provide a Summary of Benefits Coverage (SBC) if coverage automatically renews each year.	Group Health Plans and Health Insurance Issuers
December 1 (no later than 30 days before participant becomes eligible to diversify employer stock)	N/A	Diversification Notice	Deadline for plan administrator of a public company sponsor to provide diversification notice to participants who will first be eligible to divest employer securities on January 1.	Defined Contribution Plans with participant-directed investments in employer stock
December 15 (2 months after the extension for filing Form 5500)	Qualifies for disaster relief under EBSA Notice 2020-01*	Summary Annual Report (SAR)	Deadline for plan administrator to distribute SAR for prior year to participants and beneficiaries, if the IRS granted a 2-month extension for Form 5500 on or before the original Form 5500 deadline.	Defined Contribution Plans

# Compensation & Benefits Insights

Original Deadline	New Deadline	Item	Action	Affected Plans
December 31  (last day of plan year)	N/A	Discretionary Amendments	Deadline for plan sponsor to adopt discretionary plan amendments for calendar-year plans.	Qualified Retirement Plans
	N/A	Adjusted Funding Target Attainment Percentage (AFTAP) Certification	Deadline for actuary to certify a specific AFTAP if a range certification was previously issued.	Defined Benefit Plans
December 31  (at least annually)	Qualifies for disaster relief under EBSA Notice 2020-01*	ERISA §§404(c) and 404(a)(5) Disclosures	Deadline for plan administrator to distribute ERISA §404(a)(5) annual notices to participants and beneficiaries, which also satisfies the ERISA §404(c) disclosure requirements, if the employer wants to limit fiduciary liability for participant-directed investment decisions.	Defined Contribution Plans with participant-directed investments
	Qualifies for disaster relief under EBSA Notice 2020-01*	Annual Fee Disclosure to Participants	Deadline for plan administrator to make annual disclosure of certain fees for participant directed individual account plans to be provided to participants and beneficiaries.	

# Compensation & Benefits Insights

Original Deadline	New Deadline	Item	Action	Affected Plans
	Qualifies for disaster relief under EBSA Notice 2020-01*	Pension Benefit Statements	Deadline for plan administrator of a defined benefit plan using alternative notice for pension benefit statements to notify participants of availability of a pension benefit statement and instructions on how to obtain it.	Defined Benefit Plans
December 31  (at least annually as a part of any yearly informational packet)	N/A	WHCRA Notice	Deadline for group health plans to distribute Women’s Health and Cancer Rights Act (WHCRA) notice for new plan year to all participants and beneficiaries advising them of available mastectomy benefits under WHCRA and any deductibles and co-insurance limits applicable to such benefits.	Health and Welfare Plans
	N/A	Children’s Health Insurance Program Reauthorization Act (CHIPRA) Notice	Deadline for employer to notify employees of potential opportunities for premium assistance from the state in which the employee resides.	Group Health Plans in states that provide premium assistance under Medicaid or CHIP
	N/A	Wellness Program Notice	Although no specific deadline is provided, the notice must be provided before employees provide any health information for the program and with enough	Group Health Plans offering wellness programs

# Compensation & Benefits Insights

---

Original Deadline	New Deadline	Item	Action	Affected Plans
			time to decide whether to participate in the program.	
December 31	The CARES Act permits plans to suspend any required distributions for calendar year 2020 until January 1, 2021	Required Minimum Distributions	Deadline for plan administrator to distribute current year's required minimum distributions under IRC §401(a)(9).	Qualified Retirement Plans

\* Qualifies for relief under the deadline extension until 60 days after the end of the COVID-19 National Emergency in accordance with the EBSA Disaster Relief Notice 2020-01.