

2011 Year-End Retirement Plan Checklist

November 10, 2011

The following non-exhaustive list of annual notices for retirement plans must be distributed within a reasonable time prior to the start of the plan year. For calendar year plans, providing them by December 1 will meet this requirement.

- Safe Harbor 401(k) Notice - for 401(k) plans that are designed to comply with the safe harbor requirements of the Internal Revenue Code (the "Code");
- Automatic Enrollment Notice - for any plan that includes automatic enrollment provisions;
- Qualified Automatic Contribution Arrangement Notice - for plans that are designed to comply with the Code's qualified automatic contribution provisions;
- Eligible Automatic Contribution Arrangement Notice - for plans that are designed to comply with the Code's eligible automatic contribution provisions;
- Qualified Default Investment Alternative (QDIA) Notice - for plans with participant-directed investments that include a QDIA in which a participant's account will be invested if the participant fails to make an investment election.

Additionally, defined contribution plan (including 401(k)) sponsors must amend their calendar year plans by December 31, 2011 to reflect any waiver of 2009 required minimum distributions ("RMDs") and how the plan sponsor implemented the waiver. Many plan sponsors included provisions addressing the 2009 RMDs in the HEART Act amendments signed in 2010; if not, the plan must include the necessary provisions now. Finally, defined benefit pension plan sponsors must amend their calendar year plans by December 31, 2011 for compliance with the limits of Section 436 of the Code. If you need assistance with any of the aforementioned notices or plan amendments, please contact any [lawyer](#) in our [Employee Benefits Group](#).