

Retirement Plans Year-End Action Items

November 22, 2022

PRACTICES Employee Benefits and Executive Compensation, Retirement Plans

The following non-exhaustive list describes year-end action items and the annual notices for retirement plans, which generally must be distributed within a reasonable time prior to the start of the plan year. For calendar year plans, providing the notices outlined below by December 1, 2022 will meet that requirement in most cases.

- Safe Harbor 401(k) Notice: For 401(k) plans that are designed to comply with the safe harbor requirements of the Internal Revenue 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 Internal Revenue Code's qualified automatic contribution provisions.
- Eligible Automatic Contribution Arrangement Notice: For plans that are designed to comply with the Internal Revenue 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.
- Annual Funding Notice: For defined benefit plans.
- Quarterly Fee Disclosure Notice.

In addition to providing the applicable required disclosures, prior to the end of the year, retirement plan sponsors may need to adopt certain plan amendments, including, without limitation:

- Amendments to implement any discretionary plan design changes that are intended to be effective in 2022;
- If the plan sponsor's controlled group acquired any new entities during the plan year and those entities have employees who will participate in the retirement plan, amendments to reflect their participation and any amendments necessary to credit prior service;
- Amendments to implement certain disaster relief guidance; and
- Amendment to reflect any changes required by applicable law (most plans that are not collectively bargained will not have any required amendments that have to be adopted prior to the end of 2022).

Plan sponsors should also consider making necessary updates to SPDs and enrollment materials to reflect any plan amendments and changes to the various plan limits for 2023.