



# 2023 Compliance Calendar for 401(k) Plans

Complimentary retirement  
plan compliance and notice  
requirements calendar\*



The deadlines in this calendar are for plans with calendar-year plan years.

# Q1

## January

- 15** Provide/Confirm prior year census data
- 31** **Deadline: Sending Form 1099-R to participants** who received distributions during previous year\*

## February

- 15** Review/Approve compliance testing results
- 28** **Deadline: Filing Form 1099-R on paper with IRS** to report distributions made in previous year. Deadline for electronic filing is March 31\*

## March

- 15** **Deadline: ADP/ACP test corrective distributions** to avoid 10% excise tax  
  
***Note:** A special deadline may apply to plans that satisfy the requirements of an eligible automatic contribution arrangement (EACA). See "June"*  
  
**Deadline: Filing partnership tax returns** and contribution deadline for deductibility (without extension) for companies operating on calendar-year fiscal year  
  
**Deadline: Requesting automatic extension** to September 15 for partnership tax returns
- 31** **Deadline: Electronic filing of Form 1099-R** to report distributions made in previous year

# Q2

## April

- 1** **Deadline: Beginning date for participants** attaining age 72 or retiring after age 72 in prior year to **take first required minimum distribution** (RMD) under Internal Revenue Code (IRC) Section 401(a)(9)\*
- 15** **Deadline: Processing corrective distributions** for IRC Section 402(g) of excess deferrals  
  
**Deadline: Filing individual and corporation tax returns**  
  
**Deadline: Contribution deadline for deductibility** for self-employed individuals (without extension)  
  
**Deadline: Requesting automatic extension** to October 15 for individual and corporate tax returns

## May

## June

- 30** **Deadline: Processing corrective distributions** for failed ADP/ACP test from plan with EACA without 10% excise tax (if applicable)  
  
**Deadline: Showing Lifetime Income Illustrations** on quarterly statements for hypothetical monthly payouts

\*The deadlines in this calendar are for plans with calendar-year plan years. If the filing deadline falls on a Saturday, Sunday or legal holiday, the DOL provides that filing dates are delayed until the next business day. This calendar is intended to provide plan sponsors with a list of notable deadlines and is not a substitute for consultation with ERISA counsel and in no way represents legal advice.

# Q3

# Q4

## July

29

**Deadline: Sending Summary of Material Modification (SMM)** (210 days after end of plan year in which the amendment was adopted)

31

**Deadline: Filing Form 5500** (without extension)

**Deadline: Filing Form 5558 to request automatic extension** of time to file Form 5500 (to October 15)

**Deadline: Filing Form 5330**—Return of Excise Taxes Related to Employee Benefit Plans—used to report and pay excise taxes on prohibited transactions and excess 401(k) plan contributions that occurred in prior year

## August

## September

15

**Extended deadline: Filing tax returns for partnerships**

**Extended deadline: Contribution deadline for deductibility** for calendar-year partnerships and S-corporations

30

**Deadline: Distributing Summary Annual Report (SAR) to participants**, unless deadline for Form 5500 was extended, then two months after due date for Form 5500 (December 15)

## October

15

**Extended deadline: Filing Form 5500**

**Extended deadline: Individual and/or corporate tax returns** and final contribution deadline for deductibility

**Deadline: Adopting a retroactive amendment** to correct an IRC Section 410(b) coverage or IRC Section 401(a)(4) nondiscrimination failure

## November

## December

1

**Deadline: Sending annual 401(k) and safe harbor match notice**

**Deadline: Sending annual QDIA**, qualified default investment alternative notice

**Deadline: Sending annual automatic contribution arrangement notice (ACA)**

*For administrative ease, a combined notice may be provided for the above notices*

15

**Extended deadline: Distributing SAR to participants**

31

**Deadline: Processing corrective distributions** for failed ADP/ACP test with 10% excise tax

**Deadline: Correcting a failed ADP/ACP test** with qualified nonelective contributions (QNECs)

**Deadline: Converting existing 401(k) plan to safe harbor** nonelective design for current plan year

**Deadline: Amendment to remove or convert to safe harbor status** for next plan year

**Deadline: Amending plan for discretionary changes** implemented during plan year (certain exceptions apply)

**Deadline: RMDs due** under IRC Section 401(a)(9)

# Reminder: Required fee disclosures

## Plan Sponsor

**Initial disclosure:** Required within a reasonable period before the contract is entered into or renewed

**Annual disclosure:** Required following changes in investment information

**Additional disclosures:** Required no later than 60 days after the effective date of the change for changes in compensation or services provided

## Participant

**Initial disclosure:** Required on or before the date when participants can first direct investments

**Annual disclosure:** Required to be updated and distributed at least annually

**Additional disclosures:** Required at least 30 days, but no more than 90 days, prior to certain plan changes



## 2023 Compliance Calendar for 401(k) Plans

If you need additional assistance of any sort, please contact our retirement plan compliance team

### Retirement Solution Group

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