

ERISA Retirement Plan Compliance Calendar - 2023

Task	Entity Responsible	Date(s)	Frequency	Comments
Census data submitted for calculation that 402(g) limit for 2022 has not been exceeded; add automated 402(g) limit in payroll system.	Employer	January 31 st	Annually	Review data prior to the end of the year to ensure limits not exceeded.
Form 1099Rs due to participants to report 2022 distributions.	VOYA	January 31 st	Annually	
Form 1099R information transmitted to IRS.	VOYA	February 28 th (March 31 st if filed electronically)	Annually	Deadline for filing to IRS on distributions made in 2022.
Deadline for 4 th quarter and ongoing quarterly report to be sent to participants.	VOYA	February 14	Quarterly	Due no later than 45 days after the end of <i>each</i> quarter.
Conduct (ADP) and (ACP) discrimination tests for corrective action.	VOYA	Corrective action must be taken by March 15 th if test is failed.	Annually	(10% excise tax applies for corrective distributions after March 15 th) Absolute deadline is Dec 31 st , or plan disqualification can occur.
Initial required Minimum Distributions (RMDs) due to inactive participants who turned age 72 in 2022.	VOYA	April 1 st	Annually	April 1 st falls on a weekend. There is an open question as to whether the IRS rules for extending deadlines that fall on a non-business day apply to required minimum distribution deadlines.



ERISA Retirement Plan Compliance Calendar - 2023

Task	Entity Responsible	Date(s)	Frequency	Comments
Distribution of 402(g) excess contributions over the deferral limit of \$20,500 in 2022, is due to participants.	Employer, with direction from VOYA	April 15 th	Annually	April 15 falls on a weekend. There is an open question as to whether the IRS rules for extending deadlines that fall on a non-business day apply to corrective distribution deadlines.
Deadline for corrective distributions for failed ADP/ACP tests to highly compensated employees.	Employers	June 30	Annually	Deadline to avoid a 10% excise tax on the employer.
Updated required fee disclosure provided to plan sponsor under ERISA section 408(b)(2) if investment-related changes have been made since 7/1/2018.	VOYA	July 1 st	Periodically, if any plan changes made.	If other types of changes have been made, disclosures must be provided within 60 days of the change.
Summary of Material Modifications due to participants if amendments made to Plan in previous year.	Employer, with direction from VBA	July 29 th	Periodically based on plan changes	Only due if plan changes during the prior year. Due no later than 210 days after the end of the plan year in which the plan change was adopted.
Form 5500 due to EBSA, unless plan is put on extension (in which case Form 5558 should be filed).	VOYA/Employer	July 31 st	Annually	Data must be sent to VOYA by April 30.



ERISA Retirement Plan Compliance Calendar - 2023

Task	Entity Responsible	Date(s)	Frequency	Comments
Form 8955-SSA due to IRS.	VOYA/Employer	July 31 st	Annually	Only due if an employee terminates during the prior year with an account balance at year end.
Form 5558 application for extension of time to file Form 5500 or Form 8955.	VOYA/Employer	July 31 st	Periodically based on filing an extension.	Only needed if filing an extension.
Summary Annual Report due to participants (due no later than 9 months after plan year ends or 2 months after filing Form 5500).	Employer, at the direction of VOYA	October 2nd (Or Dec 15 th if filing an extension)	Annually	Normally it is due September 30, but the due date falls on a weekend. VOYA provides the information to be included in the SAR, and the employer distributes it to employees.
Deadline for filing Form 5500 after a plan files an extension under Form 5558.	VOYA/Employer	October 16	Annually	Normally due October 15, which falls on a weekend in 2023.
QDIA Notice (for plans with QDIA), 401(k)/401(m) Safe Harbor Notice (for plans with Safe Harbor match or non-elective), and/or automatic enrollment notices (for plans with automatic enrollment) required to be sent to participants.	VOYA	December 1 st	Annually	Final deadline for supplying the QDIA notice to participants who were defaulted into a QDIA no more than 30 days prior to the beginning of the plan year.



ERISA Retirement Plan Compliance Calendar - 2023

Task	Entity Responsible	Date(s)	Frequency	Comments
Required Minimum Distributions due to participants who have begun receiving distributions.	VOYA	December 31 st	Annually	
Plan amendments, if any, should be executed by the last day of the plan year.	Employer	December 31 st	Annually	
Deadline for correcting a failed ADP/ACP test.	VOYA/Employer	December 31 st	Annually	December 31 st falls on a Sunday in 2023 so employers need to plan accordingly prior to that date.
Deposits of amounts withheld as salary deferrals by participants required to be submitted as soon as they are able to be segregated from employer's general assets.	Employer	Ongoing	As soon as administratively practicable, and in no case, later than 15 business days after the end of the month withheld from employees' pay	
Required fee disclosure provided to plan participants under ERISA section 404(a)(5).	VOYA	Ongoing	Annually	
Quarterly benefit statements provided to participants.	VOYA	Ongoing	Typically mailed 5 business days after the end of each calendar quarter, but no later than 45 days after close of each quarter	



ERISA Retirement Plan Compliance Calendar - 2023

Task	Entity Responsible	Date(s)	Frequency	Comments
Actual dollar amount of fees charged to an individual participant disclosed under ERISA 404(a)(5).	VOYA	Ongoing	Within 45 days after the close of each calendar quarter; presumably included as part of quarterly benefit statements	
SPD provided to new hires within 90 days of their coverage under the Plan. Revised SPD must be distributed within 210 days after end of 5 th year following distribution of current SPD if SMM was made during five-year period.	Employer, with assistance from VBA	Ongoing	As new employees are hired	All new employees should receive an SPD explaining the plan provisions.
Initial required fee disclosure under 404(a)(5) provided to new hires on or before the date they can first direct plan investments.	Employer, with assistance from VBA and VOYA	Ongoing	As new employees are hired	New employee information should contain employee fees of all services and investments.

