

# Significant Compensation and Benefit Due Dates for 2010

December 2009

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This compliance calendar assumes a plan administered on a calendar year-end basis by an employer with a calendar year-end fiscal year. Events that are non-annual in nature, or directly related to specific circumstances of individual participants (such as retirement forms), are not included in this calendar. In general, the information for pension plans applies to single employer plans; multiemployer plans (i.e., Taft Hartley plans) may be subject to different requirements, and are therefore not included in this calendar. Additionally, compliance dates related to group health care coverage or retiree prescription drug coverage have been added where applicable.

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## Significant Compensation and Benefit Due Dates for 2010

Item	Due Date		Plans Affected
	Calendar-Year Plan/Employer	General	
Women's Health and Cancer Rights Act Notice	Annually	Annual mailing; notice also required upon enrollment	Employers that offer group health plan benefits that cover medical and surgical benefits with respect to mastectomy
Notice of Qualified Default Investment Alternative (QDIA)	Annually	Initial notice at least 30 days before date of plan eligibility or first investment in QDIA or as late as date of plan eligibility if participant may make a permissible withdrawal within 90 days without penalty. Thereafter, annual notice must be provided at least 30 days before subsequent plan year.	ERISA individual account plans that permit participants to direct their investments (e.g., a 401(k) plan)
Last quarter contribution for defined benefit plan for 2009 plan year	1/15/2010	15 days after end of applicable quarter	Qualified defined benefit pension plans
Form 1099-DIV (Dividends and Distributions)  (Also see 3/31/2010 deadline date)	2/1/2010	Statements for the calendar year should be provided to recipients by January 31 <sup>1</sup> of the following year. However, they may be issued earlier in some situations, as provided by the regulations.	Any payer (trustee, etc.) who provided any person with a dividend or distribution on stock of \$10 or more
2009 Forms W-2 (Wage and Tax Statement) furnished to employees by employers  2009 Forms 1099 and Forms 1099-R (Distributions from Pensions, Annuities, Retirement Plans, IRAs, or Insurance Contracts) to employees and retirees	2/1/2010	January 31 <sup>1</sup>	Retirement plans, dependent care plans, group life plans, compensation plans, etc.

Item	Due Date		Plans Affected
	Calendar-Year Plan/Employer	General	
Quarterly pension benefit statements to participants and beneficiaries for last quarter 2009 plan year	2/14/2010	On or before 45 <sup>th</sup> day following the end of the calendar quarter <sup>2,3</sup>	ERISA individual account plans that permit participants to direct their investments (e.g., a 401(k) plan)
Creditable/Non-Creditable Annual Disclosure to Centers for Medicare and Medicaid Services (CMS)	3/1/2010	Due 60 days after the beginning of the plan year	All employers that offer prescription drug coverage
2009 Forms W-2 (Wage and Tax Statement) filed with Social Security Administration (SSA) (if not filed electronically)  2009 Forms 1099 and Forms 1099-R (Distributions from Pensions, Annuities, Retirement Plans, IRAs, or Insurance Contracts) to Internal Revenue Service (IRS) (if not filed electronically)	3/1/2010	Usually February 28 <sup>1</sup>	Retirement plans, dependent care plans, group life plans, compensation plans, etc.
Estimated Pension Benefit Guaranty Corporation (PBGC) flat rate premium payment for 2010	3/1/2010	Last day of 2 <sup>nd</sup> full calendar month after end of prior plan year <sup>4</sup>	Pension plans subject to Title IV of ERISA (Plan Termination Insurance) with 500 or more participants in prior filing year
Form M-1 (Annual Report for Multiple Employer Welfare Arrangements (MEWA) and Certain Entities Claiming Exceptions (ECEs)) to Employee Benefits Security Administration (EBSA)	3/1/2010	March 1 following close of prior calendar year	Certain MEWAs and entities claiming exception from MEWA status
Excess 2009 ADP/ACP amounts returned to highly compensated employees to avoid penalty tax	3/15/2010	2½ months after end of plan year  6 months after end of plan year of plan with eligible automatic contribution requirements	401(k) plans and qualified retirement plans or 403(b) plans with either employee after-tax contributions or employer matching contributions or both

Item	Due Date		Plans Affected
	Calendar-Year Plan/Employer	General	
Form 1042-S (Foreign Person's U.S. Source Income Subject to Withholding) and Form 1042 (Annual Withholding Tax Return for U.S. Source Income of Foreign Persons) due to IRS to report retirement plan distributions made to nonresident aliens and income tax withheld from distributions made to nonresident aliens	3/15/2010	March 15	Retirement plans
2009 Employer Nonelective and Matching Contributions due for plans with 12/31 fiscal year-ends in order to take tax deduction (with no corporate tax extension)	3/15/2010	March 15	Qualified defined contribution plans, 401(k) plans, 403(b) plans (403(b) plan sponsors are either state/local governments or tax-exempt entities, so they have no tax deduction for employer contributions)
Application of Waiver for Minimum Funding Standard for defined benefit and money purchase pension plans	3/15/2010	March 15  Due no later than the 15 <sup>th</sup> day of the 3 <sup>rd</sup> month after the close of the plan year for which the waiver is requested	Qualified defined benefit plans and money purchase pension plans
2009 Forms W-2 (Wage and Tax Statement) filed with SSA (if filed electronically)  2009 Forms 1099 and Forms 1099-R (Distributions from Pensions, Annuities, Retirement Plans, IRAs, or Insurance Contracts) to IRS (if filed electronically)	3/31/2010	March 31, 2010	Retirement plans, dependent care plans, group life plans, compensation plans, etc.

Item	Due Date		Plans Affected
	Calendar-Year Plan/Employer	General	
Form 1099-DIV (Dividends and Distributions)  (also see 2/1/2010 deadline date)	3/31/2010	The statements must be filed with the IRS by March 31, along with Form 1096, Annual Summary and Transmittal of U.S. Information Returns  (Statements for the calendar year should be provided to recipients by January 31 of the following year) <sup>5</sup>	Any payer (trustee, etc.) who provided any person with a dividend or distribution on stock of \$10 or more
Medicare Part D 28% Retiree Drug Subsidy (RDS) Reconciliation	3/31/2010 for 2008 calendar year plans	Due no later than 15 months after the end of the plan year <sup>6</sup>	Employers that offer retiree prescription drug coverage and choose to apply for the 28% Retiree Drug Subsidy. An employer will forfeit its 28% Retiree Drug Subsidy if the plan is not reconciled timely.
Initial required minimum benefit distribution from retirement plan if age 70½ in 2009	4/1/2010	April 1 of calendar year, following the calendar year in which an individual attains age 70½ or terminates employment, whichever is later	Qualified retirement plans, 457(b) plans, 403(b) plans  Certain types of defined contribution plans, such as 401(k) plans, have the option of applying temporary relief with respect to required minimum distributions (RMDs) for 2009 (initial 2009 RMDs required by April 1, 2010 or RMDs for payees already in pay status paid out by the end of 2009). The plans that may be amended to reflect this temporary relief include 457(b) plans of governmental employers, but not 457(b) plans of tax-exempt employers. The plan amendments must be made by the end of the last day of the first plan year beginning on or after January 1, 2011 (January 1, 2012 for governmental plans).

Item	Due Date		Plans Affected
	Calendar-Year Plan/Employer	General	
PBGC Notice of Underfunding (Regarding ERISA Section 4010 filing with PBGC for sponsors with unfunded liabilities. Required if the funding target attainment percentage (FTAP) of any plan is less than 80%.)	4/15/2010	105 <sup>th</sup> day after end of "information year" (generally, fiscal year)	Pension plans subject to Title IV of ERISA, (Plan Termination Insurance) that generally have an FTAP that is less than 80% (exemption may apply if unfunded liability of all plans is \$15 million or less)
1 <sup>st</sup> quarter contribution for defined benefit plan for 2010 plan year	4/15/2010	15 days after end of applicable quarter	Qualified defined benefit pension plans
Excess over 2009 401(k) or 403(b) dollar limit returned to participant; distributions of excess 402(g) deferral amounts to participants	4/15/2010	April 15 following close of employee's taxable year	401(k) plans, 403(b) plans, simplified employee pension plans, simple retirement accounts
2009 Annual Funding Notice to participants, beneficiaries, labor organizations representing participants, and the PBGC.	4/30/2010	April 30 (Small plans covering fewer than 100 participants, counting all defined benefit plans in a controlled group, must provide the notice by the earlier of the date the Form 5500 is filed and the due date of the Form 5500 including extensions) <sup>7</sup>	Qualified defined benefit pension plans subject to Title IV of ERISA (Plan Termination Insurance)
Final comprehensive PBGC premium for 2009 for plans that filed an earlier estimated variable rate premium in the 10/15/2009 comprehensive filing and for plans with fewer than 100 participants	4/30/2010	Last day of 16 <sup>th</sup> full month after end of the plan year preceding the premium payment year	Pension plans subject to Title IV of ERISA (Plan Termination Insurance)
Quarterly pension benefit statements to participants and beneficiaries for 1 <sup>st</sup> quarter 2010 plan year	5/15/2010	On or before 45 <sup>th</sup> day following the end of the calendar quarter <sup>2,3</sup>	ERISA individual account plans that permit participants to direct their investments (e.g., a 401(k) plan)
2 <sup>nd</sup> quarter contribution for defined benefit plan for 2010 plan year	7/15/2010	15 days after end of applicable quarter	Qualified defined benefit pension plans

Item	Due Date		Plans Affected
	Calendar-Year Plan/Employer	General	
Summary of material modifications provided to participants and beneficiaries for plan changes adopted in 2009	7/29/2010	210 days after end of plan year in which change adopted, unless included in timely SPD; date accelerated for benefit reductions to group health plans	Benefit plans covered by Part 1 of Title I of ERISA (Reporting and Disclosure Requirements)
Posting of actuarial information on plan sponsor's intranet Web site	7/31/2010	See entry for 10/15/2010 due date.	
Form 5330 (Return of Excise Taxes Related to Employee Benefit Plans) due to IRS	8/2/2010	Last day of 7 <sup>th</sup> month after end of plan year <sup>1</sup>	Employee benefit plans subject to certain excise taxes
Form 5500 (Annual Return/Report of Employee Benefit Plan to IRS) if no extension	8/2/2010	Last day of 7 <sup>th</sup> month after end of plan year <sup>1</sup>	Benefit plans covered by Part 1 of Title I of ERISA (Reporting and Disclosure Requirements)
Form 5558 (Application for Extension of Time to File Certain Employee Plan Returns) due to IRS	8/2/2010 <sup>1</sup>	Used to apply for extension of time to file Forms 5500 or 5330  On or before deadline for filing Form 5500 series	Benefit plans covered by Part 1 of Title I of ERISA (Reporting and Disclosure Requirements)
Quarterly pension benefit statements to participants and beneficiaries for 2 <sup>nd</sup> quarter 2010 plan year	8/14/2010	On or before 45 <sup>th</sup> day following the end of the calendar quarter <sup>2,3</sup>	ERISA individual account plans that permit participants to direct their investments (e.g., a 401(k) plan)
Required contribution for money purchase pension, target benefit, and defined benefit plans and 2009 employer profit-sharing and match contribution for those sponsors that filed a corporate tax extension	9/15/2010	8½ months after end of plan year, for minimum funding requirement	Qualified retirement plans subject to Code section 430 or 412 funding requirements
Form 5500 (Annual Return/Report of Employee Benefit Plan to IRS) if corporate tax return extension received	9/15/2010	Automatic extension to extended due date of corporate tax return if certain conditions met  (Application for extension is filed on Form 5558, due 8/2/2010)	Benefit plans covered by Part 1 of Title I of ERISA (Reporting and Disclosure Requirements)

Item	Due Date		Plans Affected
	Calendar-Year Plan/Employer	General	
2009 SAR to participants (if no extension of Form 5500 due date)	9/30/2010	Due to participants 9 months after end of plan year or 2 months after filing Form 5500	Benefit plans covered by Part 1 of Title I of ERISA (Reporting and Disclosure Requirements) excluding defined benefit plans required to provide the Annual Funding Notice to participants
Medicare Part D Retiree Drug Subsidy application, retiree list, and attestation	10/1/2010 for 2011 calendar-year plans	Due 90 days before the beginning of the plan year <sup>8</sup>	Employers that offer retiree prescription drug coverage and choose to apply for the 28% Retiree Drug Subsidy
Posting of actuarial information to plan sponsor's intranet Web site	10/15/2010	As of 2009, EBSA, part of the Department of Labor (DOL), has not issued any guidance as to the content and timing of this notice requirement. <sup>9</sup> ERISA requires the DOL to post this information on its own Web site within 90 days of receiving the Form 5500 filing. Therefore, it may be reasonable to post the identification, basic, and actuarial information to an intranet Web site within 90 days. In terms of specific content, posting the Form 5500 and Schedule SB or MB would appear to be sufficient, but additional or other documents may ultimately be required. It is likely that the DOL will issue guidance for employers on these issues in the future.	Defined benefit plans covered by Part 1 of Title I of ERISA (Reporting and Disclosure Requirements) covering participants for whom the plan sponsor maintains an intranet Web site for purposes of communicating with the employees
3 <sup>rd</sup> quarter contribution for defined benefit plan for 2010 plan year	10/15/2010	15 days after end of applicable quarter	Qualified defined benefit pension plans (Reporting and Disclosure Requirements)

Item	Due Date		Plans Affected
	Calendar-Year Plan/Employer	General	
Form 5500 (Annual Return/Report of Employee Benefit Plan to IRS) last date, including all extensions	10/15/2010	See Form 5558	Benefit plans covered by Part 1 of Title I of ERISA (Reporting and Disclosure Requirements)
Comprehensive PBGC premium filing including balance of PBGC flat rate premium payment for 2010 and estimate of variable rate premium for 2010 for plans with 100 or more participants	10/15/2010	15 <sup>th</sup> day of 10 <sup>th</sup> full month after end of the plan year preceding the premium payment year	Pension plans subject to Title IV of ERISA (Plan Termination Insurance) with 100 or more participants in prior filing year
2009 Annual Funding Notice to participants, beneficiaries, labor organizations representing participants, and the PBGC.	10/15/2010	For small plans covering fewer than 100 participants (counting all defined benefit plans in a controlled group), the due date for the notice is the earlier of the date the Form 5500 is filed and the due date of the Form 5500 (including extensions) <sup>7</sup>	Qualified defined benefit pension plans subject to Title IV of ERISA (Plan Termination Insurance)
Quarterly pension benefit statements to participants and beneficiaries for 3 <sup>rd</sup> quarter 2010 plan year	11/14/2010	On or before 45 <sup>th</sup> day following the end of the calendar quarter <sup>2,3</sup>	ERISA individual account plans that permit participants to direct their investments (e.g., a 401(k) plan)
Creditable/Non-Creditable Coverage Notice Distribution	11/15/2010	Annual mailing; notices required at various times <sup>10</sup>	All employers with Medicare Part D-eligible participants enrolled in an employer prescription drug plan
2009 SAR to participants (if corporate tax return extension of Form 5500 due date)	11/15/2010	2 months after Form 5500 due date	Benefit plans covered by Part 1 of Title I of ERISA (Reporting and Disclosure Requirements) excluding defined benefit plans required to provide the Annual Funding Notice to participants
Notice of Qualified Automatic Contribution Arrangement (QACA) (Employee notice by plans using 401(k)/403(b) contribution “safe harbor”)	10/3/2010–12/1/2010	No earlier than 90 days but no later than 30 days preceding each plan year relying on the “safe harbor”	401(k) plans, 403(b) plans that elect to rely on “safe harbor” to satisfy ADP and ACP testing

Item	Due Date		Plans Affected
	Calendar-Year Plan/Employer	General	
Notice of Eligible Automatic Contribution Arrangement (EACA)		No earlier than 90 days but no later than 30 days preceding each plan year to which the EACA applies	401(k) plans, 403(b) plans, governmental 457(b) plans
Notice of Automatic Contribution Arrangement (ACA)		No earlier than 90 days but no later than 30 days preceding each plan year to which the ACA applies	ERISA individual account plans that permit participants to direct their investments (e.g., a 401(k) plan)
2009 SAR to participants (last date, including all extensions of Form 5500 due date)	12/15/2010	2 months after Form 5500 due date	Benefit plans covered by Part 1 of Title I of ERISA (Reporting and Disclosure Requirements) excluding defined benefit plans required to provide the Annual Funding Notice to participants
Excess 2009 ADP/ACP amounts returned to highly compensated employees to avoid plan disqualification	12/31/2010	Before end of plan year after plan year for which contribution is made	401(k) plans, qualified retirement plans or 403(b) plans with employee after-tax contributions, qualified retirement plans or 403(b) plans with employer matching contributions
Annual pension benefit statement to participants and beneficiaries for 2009 plan year	12/31/2010	Annual, no later than last day of plan year <sup>11</sup>	Qualified defined benefit plans and individual account plans that do not permit participants to direct investments subject to ERISA

<sup>1</sup> Generally, if a due date for performing any act for tax purposes falls on a Saturday, Sunday, or legal holiday, it is delayed until the next day that is not a Saturday, Sunday, or legal holiday.

<sup>2</sup> Section 508(a) of the Pension Protection Act of 2006 (PPA) amended ERISA Section 105 by establishing an affirmative obligation on the part of plan administrators to automatically furnish pension benefit statements to participants and beneficiaries at least once each quarter, in the case of individual account plans that permit participants to direct their investments. For more information, see DOL Field Assistance Bulletin 2006-03 at: [http://www.dol.gov/ebsa/regs/fab\\_2006-3.html](http://www.dol.gov/ebsa/regs/fab_2006-3.html)

<sup>3</sup> This due date falls on a weekend day.

<sup>4</sup> According to the PBGC, if a premium filing date falls on a Saturday, Sunday, or federal holiday, the due date is extended automatically to the next business day.

<sup>5</sup> May request a 30-day extension of time to file by filing Form 8809 (Request for Extension of Time to File Information Returns) by the initial due date.

<sup>6</sup> Significant data review is required well in advance of reconciliation.

<sup>7</sup> DOL Field Assistance Bulletin 2009-1 is available at: <http://www.dol.gov/ebsa/pdf/fab2009-1.pdf>

<sup>8</sup> The due date may be extended to November 1, 2010 for plans that properly request an extension.

<sup>9</sup> The PPA added a provision to ERISA Section 104 requiring that identification and basic plan information and actuarial information that are included in the annual report be displayed on an intranet Web site maintained by the plan sponsor, if any.

<sup>10</sup> The notices should be in the mail no later than November 10, 2010 to ensure receipt before November 15, 2010.

<sup>11</sup> If not provided annually, plans are permitted to provide statement to participants every three years.