



IRS

Retirement Plan Reporting and Disclosure Requirements

Administrators or sponsors of retirement plans are generally required by law to report certain information to the IRS, the Department of Labor and the Pension Benefit Guaranty Corporation, and to send disclosure notices to affected parties depending on the plans' type, size and circumstances.

This Retirement Plan Reporting and Disclosure Requirements Guide was prepared by the IRS as a quick reference tool for certain basic reporting and disclosure requirements for retirement plans under the Internal Revenue Code and provisions of the Employee Retirement Income Security Act of 1974 (ERISA) administered by the IRS. The Guide is not intended to be an exhaustive list. It should be used in conjunction with the [DOL Retirement Plan Reporting and Disclosure Guide](#).

Please be sure to check for current laws and regulations on other DOL reporting and disclosure provisions on [EBSA's website](#).

Retirement Plan Reporting and Disclosure Requirements

Document	Type of Information	To Whom	When
Annual Reports to the IRS			
Form 5500 , Annual Return/ Report of Employee Benefit Plan	To provide information on financial condition, investments and operation of the plan IRC Sections 6058, 6047(e), 6057(b); ERISA Sections 104, 4065; DOL Regulations Sections 2520.103-1, 2520.104,. DOL EBSA: Forms and Filing Instructions DOL Form 5500 and 5500-SF Troubleshooter's Guide Form 5500 Corner	DOL, IRS and PBGC Must be filed electronically through EFAST2 system	• Last day of the 7th calendar month after the end of the plan year (July 31 for calendar-year plans) • Extensions: request by filing Form 5558 with IRS or by automatic extension by extending corporate tax return with IRS.
Form 5500-SF , Short Form Annual Return/Report of Small Employee Benefit Plan	Simplified annual reporting form 5500 for use by certain small pension and welfare benefit plans with fewer than 100 participants and certain other requirements. See instructions for details on which plan sponsors are eligible	DOL, IRS and PBGC Must be filed electronically through EFAST2 system	Same as Form 5500
Form 5500-EZ , Annual Return of One-Participant (Owners and Their Spouses) Retirement Plan	Simplified, paper Form 5500 for use by one-participant plans (generally owner and spouse, or partners and their spouses) and certain foreign plans. IRC Section 6058(a) See instructions for details on which plan sponsors are eligible	IRS Form 5500-EZ must be Submitted on paper and mail to IRS. May file Form 5500-SF electronically under EFAST2 system to satisfy their filing obligations under Code Filers who are required to file at least 250 returns with the IRS during the calendar year must file Form 5500-SF electronically through EFAST2 system..	Same as Form 5500
Annual Zone Status Certification	Plan actuary certifies whether a multiemployer defined benefit plan is in endangered or critical status. If the plan is in a funding improvement or rehabilitation period, whether it is making the scheduled progress in meeting the requirements of its funding improvement or rehabilitation plan. IRC Section 432(b)(3) Proposed Treasury Regulations Section 1.432(b)-1 See EPCU Multiemployer Actuarial Certification	IRS Plan sponsor	By the 90th day of each plan year Under current law, this provision does not apply with respect to plan years beginning after December 31, 2014, except for plans that are operating under a funding improvement or rehabilitation plan under IRC section 432 for the plan's last year beginning before January 1, 2015.

Retirement Plan Reporting and Disclosure Requirements

Document	Type of Information	To Whom	When
Form 8955-SSA , Annual Registration Statement Identifying Separated Participants with Deferred Vested Benefits	To report information about separated participants who have deferred vested benefits in the plan IRC Section 6057(a) Announcement 2011-21 Form 8955-SSA Instructions Form 8955-SSA Resources	IRS File electronically through the IRS FIRE system or on paper Filers who are required to file at least 250 returns with the IRS during the calendar year must file electronically through the FIRE system	• Last day of 7th calendar month after the end of plan year (July 31 for calendar-year plans) • Extensions: request by filing Form 5558 with IRS or by automatic extension by extending corporate tax return with IRS.
Form 5558 , Application for Extension of Time to File Certain Employee Plan Returns	• To request a one-time extension of time to file Form 5500, 5500-SF or 5500-EZ; Form 8955-SSA or Form 5330 • Any tax due must be paid with this application for an extension of time to file Form 5330 extension • Form 5558 instructions	IRS Submit a separate Form 5558 for each plan	• File Form 5558 on or before the return/report's normal due date. The normal due date is the date the Form 5500, Form 5500-SF, Form 5500-EZ, and/or Form 8955-SSA would otherwise be due, without extension. • To request Form 5330 extensions, file Form 5558 in sufficient time for the IRS to consider and act on it before the normal due date
1099-R , Distributions from Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.	To report distributions of \$10 or more from most retirement plans, IRAs, etc. To report death benefit payments not made as part of a retirement plan and reportable disability payments made from a retirement plan IRC Section 6047(d) 1099-R Instructions	IRS and individual receiving the distribution (the payee)	• To payee – by January 31 • To IRS – by February 28 (paper) or March 31 (electronic)
Annual Notices to Participants			
Individual statement to separated participants with deferred vested retirement benefits	A plan administrator required to file Form 8955-SSA must furnish to each affected participant an individual statement about the information reported on the form IRC Section 6057(e); Treasury Regulations Section 301.6057-1; ERISA Section 105(c) Form 8955-SSA Resources	Separated participants with deferred vested retirement benefits under the plan	No later than Form 8955-SSA filing due date

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Notice of effective opportunity to make or change cash or deferred election	To advise employees of the opportunity to make or change a salary deferral election IRC 408(p)(5)(C), 401(k)(11)(B)(iii), Treasury Regulations Sections 1.401(k)-1(e)(2)(ii) and 1.403(b)-5(b)(2)	Plan participants	• Within a reasonable period of time before the 60th day before the beginning of each year • For new participants, the 60th day before the first day the employee is eligible
401(k) safe harbor notice	Sufficiently accurate and comprehensive to inform the employee of the employee's rights and obligations, including: • the safe harbor matching or nonelective contributions formula used in the plan; • any other contributions under the plan; • the plan to which the safe harbor contributions are made, if more than one plan; • the type and amount of compensation that may be deferred under the plan; • how to make salary deferral elections; • the periods available under the plan for making salary deferral elections; • withdrawal and vesting provisions for plan contributions; and • how to easily obtain additional information about the plan (including a copy of the summary plan description) IRC Section 401(k)(12)(D); Treasury Regulations Section 1.401(k)-3(d) See When the Plan is Intended to be a Safe Harbor 401(k) or 401(m) Plan; Fixing Common Plan Mistakes- Failure to Provide a Safe Harbor 401(k) Plan Notice	Eligible employees	• 30 to 90 days before the beginning of each plan year • For new participants, generally no earlier than 90 days before the employee becomes eligible and no later than the eligibility date

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SIMPLE IRA election notice	To provide notice of employee's right to make or modify salary reduction contributions, and to receive employer contributions, and choose a financial institution, if applicable. Includes a summary plan description. Describes any reduced matching or nonelective contributions. Page 3 of Forms 5304-SIMPLE and 5305-SIMPLE contain a "Model Notification to Eligible Employees" IRS Notice 98-4 See Operating a SIMPLE IRA Plan; Fix-It Guide- SIMPLE IRA plan notification requirements weren't followed	Employees eligible to participate in the SIMPLE IRA plan	Immediately before the 60-day election period before January 1 of each year
Qualified automatic contribution arrangement (QACA) notice	Sufficiently accurate and comprehensive to inform the employee of the employee's rights and obligations, including: • the plan's default percentage rate for automatic enrollment contributions, including the amount and timing of any increases; • the type and amount of the employer contributions; • the right to not participate; • how to elect to not participate; • how to elect to contribute an amount different from the plan's default percentage rate for automatic enrollment contributions; • how to make an investment election, if permitted by the plan; and • if the QACA contains two or more investment options, how automatic enrollment contributions will be invested in the absence of an employee's investment election IRC Section 401(k)(13)(E); Treasury Regulations Section 1.401(k)-3(k)(4); IRS model notice	Eligible employees	• 30 to 90 days before the beginning of each plan year • For new participants, by date reasonably in advance of date to decline participation, but not more than 90 days in advance

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Eligible automatic contribution arrangement (EACA) notice	• Sufficiently accurate and comprehensive to inform the employee of the employee's rights and obligations, including: the plan default percentage rate for automatic enrollment contributions; • the right to not participate; • how to elect to not participate; • how to elect to contribute an amount different from the plan default percentage rate for automatic enrollment contributions; • how to make an investment election, if permitted by the plan; • how automatic enrollment contributions will be invested in the absence of an employee's investment election, if the plan permits employees to elect investments; and • if allowed by the plan, how and when to withdraw from eligible automatic t contribution arrangements. IRC Section 414(w)(4); Treasury Regulations Section 1.414(w)-1(b)(3) IRS model notice may also be used to satisfy DOL notice requirements for qualified default investment alternatives	All employees to be automatically enrolled	• 30 to 90 days before the beginning of each plan year • For new participants, by date reasonably in advance of date to decline participation, but not more than 90 days in advance

Retirement Plan Reporting and Disclosure Requirements

Occasional Reporting to the IRS Based on Plan Events			
Form 5330 , Return of Excise Taxes Related to Employee Benefit Plans	To report excise taxes on: • prohibited tax shelter transactions (Section 4965(a)(2)) • minimum funding deficiencies (4971(a) and (b)) • failures to pay liquidity shortfall (4971(f)) • failures to comply with a funding improvement or rehabilitation plan (4971(g)(2)) • failures to meet requirements for plans in endangered or critical status (4971(g)(3)) • failures to adopt a rehabilitation plan (4971(g)(4)) • nondeductible contributions to qualified plans (4972) • excess contributions to a Section 403(b)(7)(A) custodial account (4973(a)(3)) • prohibited transactions (4975) • disqualified benefits provided by funded welfare plans (4976) • excess fringe benefits (4977) • certain employee stock ownership plan dispositions (4978) • excess contributions to plans with cash or deferred arrangements (4979) • certain prohibited allocations of qualified securities by an ESOP (4979A) • reversions of qualified plan assets to employers (4980) • failure of an applicable plan reducing future benefit accruals to satisfy notice requirements (4980F) Form 5330 instructions	IRS	• 15th day of the 5th month following the close of the entity manager's tax year in which the tax-exempt entity becomes a party to the transaction for prohibited tax shelter transactions (Section 4965) • Later of 7 months after the end of the employer's tax year or 8½ months after the end of the plan year (Sections 4971, 4971(f), 4971(g)(2), 4971(g)(3), 4971(g)(4)) • Last day of the 7th month after the end of the tax year of the employer or other person who must file the return (Sections 4972, 4973(a)(3), 4975, 4976, 4978, 4979A) • Last day of the 7th month after the end of the tax year in which excess fringe benefits were paid (Section 4977) • Last day of the 15th month after the close of the plan year to which CODA excess amounts relate (Section 4979) • Last day of month following the month in which the reversion or failure to satisfy notice occurs (Sections 4980, 4980F) • Can request 6-month extension if Form 5558 is filed by the regular due date and taxes paid
Form 5310-A , Notice of Plan Merger or Consolidation, Spinoff, or Transfer of Plan Assets or Liabilities; Notice of Qualified Separate Lines of Business	To provide notice of a plan merger or consolidation into a single plan, a spinoff into two or more plans, or a transfer of assets or liabilities to another plan, or it elects to be treated as operating as a qualified separate line of business (QSLOB) or that it modifies or revokes a previously filed notice IRC Section 6058(b) Form 5310-A instructions	IRS	• At least 30 days before a plan merger, consolidation, spinoff or transfer of assets or liabilities to another plan • For QSLOB election notice, or modifying or revoking a previously filed notice by the later of: • October 15 of the year following the testing year, or • 15th day of the 10th month after the end of the plan year of the employer plan that begins earliest in the testing year

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8886-T , Disclosure by Tax-Exempt Entity Regarding Prohibited Tax Shelter Transaction	To disclose information about each prohibited tax shelter transaction to which the entity is a party IRC Section 6033(a)(2); Temporary Regulations Section 1.6033-5T Form 8886-T Instructions	IRS	Entity facilitating a transaction: May 15 following the calendar year the transaction was entered into Entity seeking to reduce its own tax liability: on or before the due date of the first tax return on which the entity reported reduced employment, excise or unrelated business income taxes as a result of the tax shelter
Form 5308 , Request for Change in Plan/Trust Year	To request approval to change the plan/trust year of the retirement plan. Certain changes are granted automatic approval IRC Section 412(d)(1), Revenue Procedure 87-27	IRS	By the last day of the end of the short period required to make the change
Occasional Notices to Participants Based on Plan Events			
Interested party notice	To provide individuals: • with notice that the plan sponsor will file an application for a determination letter; • a description of the interested parties receiving the notice and employee eligible to participate under the plan; • plan, plan administrator and plan sponsor information; • whether the IRS has issued other determination letters to the plan; • a statement that an interested party may submit or request that DOL or PBGC submits a comment on whether then plan meets the qualification requirements; • the dates by which a comment must be made; • the number of interested parties needed for DOL to comment; and • a description of how interested parties can request additional information IRC Section 7476(b)(2); Treasury Regulations Sections 1.7476-1 and 601.201(o); Revenue Procedure 2014-6 (includes a model notice) (updated annually) When a plan sponsor submits an application	Participants, beneficiaries, and alternate payees	Between 10 to 24 days before submitting a determination letter application

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Funding-related benefit limitations in single-employer defined benefit plans notice	To provide information of benefit restrictions for single-employer defined benefit plans based on plan's funding level, which is measured by the plan's AFTAP, depend on a IRC Section 436; Treasury Regulations Section 1.436-1; ERISA Sections 101(j) and 206(g), Notice sample at IRS Notice 2012-46; Notice Requirements for Benefit Restrictions in Single-Employer Defined Benefit Plans	Participants and beneficiaries	Within 30 days after the date: - the plan becomes subject to a limitation on unpredictable contingent event benefits - the plan becomes subject to a limitation on prohibited payments - benefit accruals under the plan are required to have ceased
401(k) safe harbor discontinuance notice	To notify participants of the consequences of an amendment during a plan year that reduces or suspends safe harbor matching contributions on future elective contributions, nonelective contributions, and, if applicable, employee contributions IRC Sections 401(k)(12) and (13); Treasury Regulation Section 1.401(k)-3(g); Treasury Regulations T.D. 9641 See Reducing or Suspending Safe Harbor 401(k) Matching and Nonelective Contributions Midyear	Eligible employees	30 days prior to the effective date of the plan amendment
Notice of funding waiver application	To provide notice that the employer will apply to the IRS for a waiver of the minimum funding standard IRC Section 412(c)(6); Revenue Procedure 2004-15 (includes model notice)	- Participants and beneficiaries - Alternate payees - Employee organizations - PBGC	Within 14 days before the date the application is filed with the IRS
Notice of amendments significantly reducing the rate of future benefit accruals	To provide notice of plan amendments that significantly reduce future benefit accruals or that eliminate or significantly reduce an early retirement benefit or retirement-type subsidy IRC Section 4980F; Treasury Regulations Section 54.4980F-1; ERISA Section 204(h)	- Plan participants - Beneficiaries - Alternate payees - Employee organizations Contributing employers	- Generally, at least 45 days before the effective date of the amendment 15 days for small plans, multiemployer plans and amendments connected to mergers and acquisitions
Notice of reduction in adjustable benefits for multiemployer plans in critical status	To provide affected parties with enough information to understand the effect of any reduction on their benefits including an estimate of any affected adjustable benefit that a participant or beneficiary would otherwise have been eligible for as of the general effective date of the reduction, and information as to the rights and remedies as well as how to contact the Department of Labor for further information and assistance where appropriate. IRC Section 432(e)(8)(C); ERISA Section 305(e)(8)(C)	- Plan participants and beneficiaries - Contributing employers - Employee organizations	At least 30 days before the general effective date of the reduction Under current law, this provision does not apply with respect to plan years beginning after December 31, 2014, except for plans that are operating under a funding improvement or rehabilitation plan under IRC section 432 for the plan's last year beginning before January 1, 2015.

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Notice of transfer of excess pension assets to retiree health benefit or life insurance account	To provide notice of transfer of defined benefit plan excess assets to retiree health benefits or life insurance account IRC Sections 401(h) and 420; ERISA Sections 101(e)(1) and (e)(2) Participant Notices – When Excess Pension Assets are to be Transferred	• Employer gives notice to DOL, IRS, Employee organizations, and administrator • Plan administrator notifies participants and beneficiaries • Must be available for inspection in the plan administrator's principal office	At least 60 days before the transfer
Notice of endangered or critical status for multiemployer plans	To provide notice that multiemployer plan is or will be in endangered or critical status for a plan year. If in critical status, notice explains possibility that adjustable benefits may be reduced. IRC Section 432(b)(3)(D); Proposed Treasury Regulations Section 1.432(b)-1(e); model notice ; ERISA Section 305(b)(3)(D)	• Participants and beneficiaries • Employee organizations, PBGC • DOL	No later than 30 days after date of actuarial certification of endangered or critical status Under current law, this provision does not apply with respect to plan years beginning after December 31, 2014, except for plans that are operating under a funding improvement or rehabilitation plan under IRC section 432 for the plan's last year beginning before January 1, 2015.
Notice of request for extension of amortization period for multiemployer plans	To advise affected parties that an application for an extension of the amortization period is being filed with the IRS IRC Section 431(d); Revenue Procedure 2010-52 (includes model notice); ERISA Section 304(d)	• Plan participants and beneficiaries • Alternate payees • PBGC • Contributing employers • Employee organizations,	Up to 14 days prior to the date of the application
Notice of election to remain under prior vesting schedule	To advise participants who had at least three years of service that they may choose to remain under a prior vesting schedule after a plan amendment changing any vesting schedule under the plan IRC Section 411(a)(10); Treasury Regulations Section 1.411(a)-8(b)	Plan participants with 3 or more years of service	Within 60 days after the later of the date: • the plan amendment is adopted, • the plan amendment is effective, or • the participant receives written notice of the plan amendment
Occasional Notices to Participants Based on Participant Events			
Eligible rollover distribution notice (Section 402(f) notice)	To provide a written explanation to any recipients of eligible rollover distributions from an employer plan the direct rollover rules, the mandatory income tax withholding rules for distributions not directly rolled over, the tax treatment of distributions not rolled over, and when distributions may be subject to different restrictions and tax consequences after being rolled over. IRC Sections 402(f); Treasury Regulations Section 1.402(f)-1; Notice 2009-68 (includes model notice) See Participant Notices - Distributions	Participants and beneficiaries who receive an eligible rollover distribution	Between 30 and 180 days before date of distribution (or first payment in a series)

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Explanation of income tax withholding requirements	To inform payees of their right to not have Federal income tax withheld from their distributions. IRC Section 3405; Treasury Regulations Sections 335.3405-1 and -1T, and 31.3405(c)-1;	Participants and beneficiaries who receive a distribution	- Periodic payments: no earlier than 6 months before first payment and no later than when making first payment; thereafter, once each calendar year - Nonperiodic payment: no earlier than 6 months before the first distribution and not later than the time that will give the payee reasonable time to not elect to have withholding apply and to reply to the payor with the election information.
Explanation of automatic rollover	To provide notice (either separately or as part of a Section 402(f) notice) to individuals receiving a plan payment that, absent an affirmative election, the payment will automatically be rolled over to an IRA. The notice must identify the trustee or issuer of the IRA IRC Section 401(a)(31)(B) and Notice 2005-5	Participants and beneficiaries who receive an eligible rollover distribution	Same as rollover notice
Consent to distribution explanation	To obtain participant's consent to a distribution greater than \$5,000, inform participant of optional forms of benefit, the right to defer the distributions, s and consequences of failing to defer the start of benefits to the extent permitted IRC Section 411(a)(11); Treasury Regulations Sections 1.411(a)-11 and 1.401(a)-20; Proposed Treasury Regulation Section 1.411(a)-11(c)(2); ERISA Section 203(e)	Participants receiving a distribution or loan exceeding \$5,000	30 to 180 days before the distribution date/date of plan loan
Notice of right to diversify investments in employer securities	To provide applicable individuals with the right to divest employer securities in their accounts and reinvest those amounts in certain diversified investments. IRC Section 401(a)(35); IRS Notice 2006-107 (includes model notice); ERISA Sections 101(m) and 204(j)	- Participants, - alternate payees	No later than 30 days before the first date on which the individuals are eligible to exercise their right to diversify
Domestic relations order and qualified domestic relations order notices	To notify the participant and alternate payee of the receipt of a domestic relations order, and the plan's procedures for determining the qualified status of the domestic relations order, within a reasonable time after receipt of the order, the determination of whether the order is a QDRO shall also be notified. IRC Sections 401(a)(13)(B), 414(p)(6)(A); ERISA Section 206(d)(3); Notice 97-11 (model notice) See Participant Notices - U.S. Court Orders that May Affect Benefits	Participants and alternate payees named in a domestic relations order	- Upon receipt - Receipt of the domestic relations order and the plan procedures for determining its qualified status - Within a reasonable period of time - Notice on whether the order is a qualified domestic relations order

Retirement Plan Reporting and Disclosure Requirements

Qualified joint and survivor annuity explanation	To inform participants the right to receive a QJSA or other optional forms of benefits, the option of selecting alternate beneficiaries, and the spousal consent requirements. A written explanation specifies the terms and conditions of the QJSA, the participant's right to make, and the effect of, an election to waive the QJSA, the participant's spouse's rights, and the right of the participant to make, and the effect of a revocation of an election. IRC Sections 401(a)(11) and 417(a)(3); Treasury Regulations Sections 1.417(a)(3)-1 and 1.417(e)-1(b)(3); ERISA Section 205(c) See Participant Notices – Qualified Joint and Survivor Annuity (QJSA) Fixing Common Plan Mistakes – Failure to Obtain Spousal Consent	Participants	30 to 180 days before the annuity starting date
Qualified preretirement survivor annuity explanation	To provide participants with the terms and conditions of the QPSA, the participant's right to make, and the effect of, an election to waive the QPSA, the participant's spouse's rights and the right to make, and the effect of a revocation of a QPSA election. Not required if plan fully subsidizes QPSA and doesn't allow a participant to waive it or to select a non-spouse beneficiary IRC Sections 401(a)(11) and 417(a)(3); Treasury Regulations Sections 1.401(a)-20, 1.417(a)(3)-1 and 1.417(e)-1(b)(3); ERISA Section 205(c) See Participant Notices – Qualified Preretirement Survivor Annuity (QPSA)	Participants not yet in pay status	- Generally, within the period beginning with the first day of the plan year in which participant attains age 32 and ending with the close of the plan year preceding the plan year in which the participant attains age 35. - If hired after age 35, one year after individual becomes a participant
Notice of suspension of benefit upon reemployment of retiree	To inform a participant why benefit payments are being suspended and to provide a description and copy of the plan provisions on the suspension, a statement that the DOL regulations can be found at CFR 2530.203-3, and the plan procedures for requesting a review of the suspension IRC Section 411(a)(3)(B), 29 CFR 2530.203-3(b)(4) See Suspension of Benefits Notice	Plan participant who is reemployed after retirement	During the first calendar month or payroll period in which the plan withholds payments