PLAN SPONSOR GUIDE: ADMINISTRATION & REPORTING

CONTENTS:

In order to protect employees' savings, the Employee Retirement Income Security Act of 1974, as amended (ERISA) mandates that any person(s) responsible for managing or administering a retirement plan (the plan's "fiduciaries" or "you") act prudently. The Department of Labor (DOL) is tasked with periodically investigating ERISA-covered plans to ensure the fiduciaries are complying with applicable laws and regulations.

When it comes to administering your plan, both the DOL and the Internal Revenue Service (IRS) look to the required government filings, participant inquiries or complaints, and the voluntary compliance resolution system filings to identify if you're meeting your fiduciary obligations.

Understanding what's required in the administration of your plan, including required government filings, participant disclosures, and common administration failures, can help you avoid being the subject of a regulatory investigation.

OVERVIEW OF FIDUCIARY RESPONSIBILITIES

> **"ERISA does not require any employer to establish a retirement plan. It only requires that those who establish plans must meet certain minimum standards."**
>
> **-DOL**

ERISA requires plan sponsors to act prudently when making decisions relating to the management or administration of the plan. The requirements imposed on fiduciaries help protect the assets of employees and provide some assurance to the regulators and plan participants that the plan is being managed properly through the receipt and review of required plan documents and disclosures.

GOVERNING PLAN DOCUMENTS

A retirement plan is initially set up through the adoption of either a custom or preapproved (prototype) plan document which specifies eligibility requirements, the types of contributions permitted, and various optional features. Once adopted, companies must operate and administer their plan according to the terms of this legal document. As regulations change, this document must be amended, and the plan operations must reflect any updates.

ELIGIBILITY AND VESTING DETERMINATIONS

Those individuals at the company responsible for notifying employees of eligibility to participate in the plan must be familiar with the terms of the plan document in order to correctly calculate years of service and identify when to allow employees into the plan.

PARTICIPANT CONTRIBUTIONS, DISTRIBUTIONS & LOANS

In processing plan deferral instructions, plan sponsors must be able to demonstrate that employee contributions are remitted to the plan at the earliest date possible and within the guidelines outlined in ERISA. In addition, when processing loans or hardship requests or making plan distributions, you must use the specific terms in the plan document to ensure distributions are correctly administered.

NON-DISCRIMINATION TESTING

To ensure the plan benefits rank-and-file employees and highly compensated employees equally, plans are required to conduct certain discrimination tests each year, and if necessary, take steps to equal out the benefit.

OVERVIEW OF FIDUCIARY RESPONSIBILITIES (CONTINUED)

PARTICIPANT DISCLOSURES

In order to ensure participants have enough information about their plan to make informed choices about participating and investing in the plan, the law requires certain disclosures to be provided to participants. The type and timing of the required disclosures vary, but ultimately, the plan sponsor has the responsibility to ensure all reporting requirements have been met.

REQUIRED GOVERNMENT FILINGS

Finally, in order to be able to monitor compliance with the regulations that govern qualified retirement plans and to ensure the plan is operating according to the adopted plan document, there are additional disclosures that must be made to the government each year, and these disclosures are closely scrutinized for compliance.

All of the responsibilities discussed above are generally referred to as operational compliance or administration. While many aspects of plan administration are outsourced to a third-party administrator, the most common operational compliance failures happen at the company level due to a lack of awareness of either the regulations or the terms of the plan document. This Guide and your plan consultant will be able to assist you with the education you need to better understand your responsibilities with respect to operational compliance and administration as required under ERISA.

GOVERNING PLAN DOCUMENTS

When you establish a retirement plan for your employees, you must first adopt a written plan document which serves as the foundation for day-to-day plan operations. Depending on the needs of your company, you might adopt a pre-approved prototype plan document (that has already been reviewed and approved by the IRS) or hire an ERISA attorney to help you design a custom plan which carries additional costs to develop and maintain.

As new laws are enacted or existing laws amended, your plan document must also be amended to reflect the changing regulations. If you've adopted a preapproved plan, the provider that supplied the document will provide support in meeting the changing regulations; however, and you'll need to engage an ERISA attorney to amend your custom plan document. In either case, the responsibility for keeping your plan document current with the regulations and operating your plan according to the plan terms falls on you as the plan sponsor.

ONCE YOUR PLAN IS ESTABLISHED, REFER TO THE FOLLOWING TIPS FOR GUIDANCE TO ENSURE YOU'RE MEETING YOUR ONGOING RESPONSIBILITIES.

1. Ensure that employees with responsibility for operations and administration are familiar with the plan document provisions (HR, payroll, etc.).
2. Understand what changes are required to your plan document by checking the IRS Required Amendment List and follow-up with your service providers or ERISA attorney to verify the proper amendments have been filed.
3. Notify plan participants of any significant changes to the plan either through the distribution of a Summary of Material Modifications (SMM) or an updated Summary Plan Description (SPD), as required.
4. Monitor and verify that the plan is operating in accordance with the terms of the plan document.
5. Watch out for areas where the IRS often finds a failure to follow the terms of the plan document.
   a. Not properly identifying eligible employees to give them an opportunity to participate in the plan.
   b. Not applying the correct definition of compensation when determining the compensation eligible to be deferred or computing the matching contributions.
   c. Not following the terms for allowable loans and hardship withdrawals.
6. Keep in mind that any document adopted to assist with plan oversight becomes a plan document subject to scrutiny by regulatory authorities (such as an Investment Policy Statement, Education Policy, Committee Charter or Bylaws).

While setting up a plan is optional, following the terms of the plan once adopted is a requirement. For this reason, you should put a process in place to ensure those responsible for operations and administration are familiar with and follow the terms of the plan.

"Following the terms of the plan document is an important responsibility. The document serves as the foundation for plan operations. Employers will want to be familiar with their plan document, especially when it is drawn up by a third-party service provider, and periodically review the document to make sure it remains current."

MEETING YOUR FIDUCIARY RESPONSIBILITIES

ELIGIBILITY AND VESTING DETERMINATIONS

ERISA sets minimum requirements for determining when an employee is eligible to participate in the plan and when he/she has a right to any contributions the company makes to match employee deferrals.

During the process of setting up your plan, you choose if you want to make your eligibility into the plan less restrictive than what the law requires. You can allow immediate vesting of employer contributions or select from one of two vesting schedules.

YEARS	IMMEDIATE VESTING	CLIFF VESTING	GRADED VESTING
1	100%	0%	0%
2	100%	0%	20%
3	100%	100%	40%
4	100%	100%	60%
5	100%	100%	80%
6	100%	100%	100%

Generally, a plan may require an employee to be at least 21 years old and to have a "year of service" with the company before the employee can participate in a plan. However, plans may allow employees to begin participation before reaching age 21 or before completing one year of service.

TWO WAYS TO DETERMINE THE YEAR OF SERVICE REQUIREMENT	
HOURS OF SERVICE	ELAPSED TIME
A consecutive 12-month period during which the employee completes at least 1,000 hours of service[1]	*Determined in reference to a 12-month period*

It's important that those responsible for notifying employees of their eligibility into the plan understand the terms of the plan in order to avoid inadvertently excluding eligible employees.

USE THE FOLLOWING QUESTIONS TO ASSIST YOU IN PROPERLY APPLYING THE ELIGIBILITY AND VESTING CRITERIA FOR YOUR PLAN.

1. What age requirement does your plan impose?
2. What is the service requirement that must be met to participate?
3. Does the plan have any exclusions such as union workers?
4. If your plan does not immediately vest employer contributions, what is the vesting schedule that is used to determine when an employee becomes fully vested?
5. Who is the party responsible at the company for maintaining service records and determining eligibility?
6. Have the appropriate parties received any training on how to properly determine years of service and when to notify eligible employees of their right to participate in the plan?
7. Have you conducted a review of your employees' accounts to confirm that all eligible participants are either enrolled in the plan or have been given an opportunity to make a deferral election?
8. What is the administrative requirement for when newly eligible employees may begin elective deferrals?

[1]For 401(k) Plans beginning after December 31, 2020, employees that complete at least 500 hours of service for three consecutive years must be allowed to participate in the salary deferral portion of the plan (years prior to 2021 are not required to be included).

ELIGIBILITY AND VESTING DETERMINATIONS (CONTINUED)

When a plan is set up to provide matching contributions, knowing how to properly calculate years of service and what vesting schedule to apply will affect your plan's operational compliance.

Understanding eligibility, years of service, and vesting is an important requirement of the individuals at the company who have responsibility for notifying employees of their right to participate and for calculating vested balances upon termination. It's essential to ensure they have the information necessary to apply the terms of the plan correctly.

PARTICIPANT CONTRIBUTIONS, DISTRIBUTIONS AND LOANS

The DOL and the IRS pay special attention to how plan assets are handled, both coming into and going out of the plan. Failure to meet specific rules regarding the handling of plan assets can lead to disqualification of the plan which could result in taxation for the participants and loss of deductions and penalties for the employer.

Three areas where operations are examined closely by the IRS:

PARTICIPANT CONTRIBUTIONS[2]

The law requires that participant contributions be deposited in the plan as soon as reasonably possible to segregate them from the company's assets, but no later than the 15th business day of the month following the payday. The 15th day clause is often misinterpreted to mean that the plan has leeway, but in reality, if a plan can segregate and send the assets the day after they are withheld and fails to do so, they are in non-compliance with the law and subject to corrective action.

For plans with fewer than 100 participants, salary reduction contributions must be deposited with the plan no later than the 7th business day following withholding by the employer.

In the case of an audit or inquiry, the DOL will review the plan document to identify what is stipulated regarding the timing of contributions. They will review your ability to timely deposit employee deferrals and compare that to when you actually submit the assets to the trust to determine compliance.

DISTRIBUTIONS

While the law allows for certain distributions due to death, disability and severance from service, employers may allow for additional options such as in-service withdrawals if defined in the plan document. It's important that responsible parties understand what kind of distributions are allowed and how to calculate the vested balance based on service requirements when making those distributions.

Additionally, you will want to ensure that those individuals who reach the plan's age for required minimum distributions, either age 70 $^1/_2$ or age 72, are given proper notice, the required minimum distributions calculations are correct, and the proper tax reports have been sent.

LOANS AND HARDSHIP WITHDRAWALS

While plans are not required to include loans or hardship withdrawal features, many are set up to permit these types of distributions.

In offering loans, responsible parties will need to refer to and closely follow the plan provisions for making loans, including the loan amount, loan term and repayment terms.

For allowing hardship withdrawals, it's important that you keep a record of all information used to determine whether a participant was eligible for a hardship distribution and the amount distributed was the amount necessary to alleviate the hardship.

PROHIBITED TRANSACTION ALERT

If the employer doesn't make the deposits timely, the failure may constitute both an operational mistake, giving rise to plan disqualification (if the plan specifies a date by which the employer must deposit elective deferrals) and a prohibited transaction, requiring the plan to pay an additional excise tax.

[2] https://www.irs.gov/retirement-plans/401k-plan-fix-it-guide-you-have-not-timely-deposited-employee-elective-deferrals

NON-DISCRIMINATION TESTING

Plan sponsors must test traditional 401(k) plans each year to ensure that the contributions made by and for rank-and-file employees (non-highly compensated employees or NHCE) are proportional to contributions made for owners and managers (highly compensated employees or HCE). As the NHCEs save more for retirement, the rules allow HCEs to defer more.

DEFINITIONS

Highly compensated employee: An employee who earned more than $125,000 in 2019 ($130,000 in 2020) or owned more than 5 percent of the business. (The compensation limit is based on the previous year's compensation while the ownership limit is based on the previous or current year).

Non-highly compensated employee: Everyone else.

ADP AND ACP TESTS[3]

The nondiscrimination tests for 401(k) plans are called the Actual Deferral Percentage (ADP) and Actual Contribution Percentage (ACP) tests. Many plan sponsors hire a third-party administrator (TPA) to perform these tests (often the same party contracted to do the plan's recordkeeping).

ADP or Actual Deferral Percentage
Compares the average salary deferrals of HCEs to those of NHCEs. The deferral percentages of the HCEs and NHCEs are averaged to determine the ADP of each group. To pass the test, the ADP of the HCE group may not exceed the ADP for the NHCE group by 1.25 percent or the lesser of 2 percentage points and two times the NHCE ADP.

ACP or Actual Contribution Percentage
Is calculated the same way as ADP, but instead divides each participant's matching and after-tax contributions by the participant's compensation.

If your plan fails one or both of these tests, you must take the corrective action described in your plan document during the 12-month period following the close of the plan year for which the test failed. A plan failure of the ADP test typically can be corrected in one of two ways: (1) pay any excess contributions back to the HCEs or (2) pay a qualified non-elective contribution (QNEC) to the plan for all NHCEs. A plan failure of the ACP test typically is corrected by (1) distributing vested matching contributions or (2) forfeiting of any excess employer contributions by the HCEs.

In addition to the Non-Discrimination Testing, your plan may also be subject to additional tests such as Top-Heavy Testing.

Since 401(k) plans are designed to benefit all employees equally, it's important to understand the restrictions placed on deferrals by HCEs and put a strategy in place to avoid failing the non-discrimination tests.

[3]http://www.irs.gov/Retirement-Plans/401k-Plan-Fix-It-Guide-The-Plan-Failed-The-401k-ADP-and-ACP-Nondiscrimination-Tests

CONSIDERATIONS FOR PASSING THE ANNUAL NON-DISCRIMINATION TESTS:

- Who is in the HCE group?
- Have you set a percentage of pay limit within the plan document(s) that HCEs cannot exceed?
- Did you run mid-year testing to identify if the plan appears balanced?
- Do you restrict HCE contributions once they reach the maximum allowed by the test?
- Are you encouraging NHCE participation through employee outreach and education?

HAVE YOU CONSIDERED ANY OF THE FOLLOWING:

- Raising the employer match to a higher percentage of pay?
- Adopting the Automatic Contribution Arrangement to increase participation?
- Adopting a Safe Harbor provision to satisfy the testing requirements?
- Adopting the Qualified Automatic Contribution Arrangement (QACA) to satisfy the testing requirements?

PRI
PENSION RESOURCE INSTITUTE

PARTICIPANT DISCLOSURES OVERVIEW

The IRS has developed a [Retirement Plan Reporting and Disclosure Guide] which is meant to be used in conjunction with the DOL's [Reporting and Disclosure Guide for Employee Benefit Plans]

Tracking Notice Distribution
The best way to track plan disclosure requirements is by listing required notices on a calendar or schedule, determining what role your service providers play in assisting in the development and distribution of each notice, and creating a method to track the actual distribution of notices.

As the plan sponsor of a retirement plan, it's your fiduciary responsibility to provide a variety of disclosure documents and notices to plan participants and their beneficiaries.

Plan disclosure documents keep participants informed about the basics of plan operation, alert them to changes in the plan's structure and operations, and provide them a chance to make decisions and take timely action for their accounts.

While many of these disclosures are created and distributed with the assistance of your service providers, you retain the responsibility for ensuring the proper notices were, in fact, distributed to the eligible participants at the correct time. However, consider working with your plan consultant to better understand the role that your service providers play in developing and distributing the disclosures described below.

IDENTIFYING WHO SHOULD RECEIVE DISCLOSURES

Many of the disclosures not specific to a special distribution event must go to all eligible employees (whether participating or not), current participants and beneficiaries with account balances, as well as terminated participants and alternate payees with a balance.

TIMING OF DISTRIBUTIONS

There are several notices that must be provided to employees and participants at various intervals. Below are some of the more common notices (not an exhaustive list):

NOTICES	TIMING		
	MUST BE PROVIDED UPON BECOMING ELIGIBLE TO PARTICIPATE IN THE PLAN, OR ON-OR-BEFORE DIRECTING INVESTMENTS AND MAKING AN ELECTION ↓	ANNUAL	SPECIFIC EVENTS
SPD	X		
404(a)(5) Fee Disclosure Notice	X	X	
EACA & QACA Notices[4]	X	X	
QDIA Notice (for applicable plans)[5]	X	X	
Safe Harbor 401(k) Notices For Matching Contributions[6]	X	X	
Summary Annual Report		X	
Special Tax Notice			X
Required Minimum Distribution Notice			X
SMM			X
Blackout Period Notice			X
Mandatory Distribution / Automatic Rollover Notices			X

[4]Eligible Automatic Contribution Arrangement (EACA) and Qualified Automatic Contribution Arrangement (QACA)
[5]Qualified Default Investment Alternative (QDIA) Notices
[6]Safe harbor notices are not required for nonelective safe harbor plans. Notice is required for safe harbor matching contributions.

DELIVERING DISCLOSURES ELECTRONICALLY

Since the plan's recordkeeper, third-party administrator (TPA) or other service provider is usually responsible for delivering many of the required disclosures, it is important that you take into account the capabilities of the recordkeeper and other service providers when determining how you will deliver required disclosures. In all cases you are responsible for assuring the disclosures are provided in accordance with the applicable rules.

INTRODUCTION

Historically, employee and participant disclosures have been provided in hard copy that is either hand delivered, mailed, or posted at the employee's workplace. Given the advances in technology, these disclosures may now be provided electronically if certain requirements are satisfied. Since disclosures are required by the Department of Labor (DOL), under ERISA and the Internal Revenue Service (IRS) under the tax code, separate rules have been issued by each of those agencies.

DOL Electronic Disclosure Safe Harbor Rules: The DOL provides both an original safe harbor rule (dating back to 2002) and new alternate safe harbor rule (effective July 26, 2020) that may be relied on for electronic disclosure of all retirement plan documents and reports required to be disclosed under ERISA. The rules apply to documents and reports for employer pension, profit sharing and 401(k) plans subject to ERISA, except for documents subject to the jurisdiction of the IRS or Pension Benefit Guaranty Corporation (PBGC). Examples of documents covered by DOL include the Summary Plan Description, as well as benefit statements and disclosures regarding default investment alternatives (which were subject to special temporary guidance that is being phased out as described below). Since the alternate safe harbor rule is less burdensome and allows electronic disclosure to be the default option, it is described first.

ALTERNATE DOL SAFE HARBOR RULE

Under the alternate DOL Safe Harbor Rule, affirmative participant consent is not required. This is a big advantage of this safe harbor; however, any person entitled to disclosure may request to receive a paper copy of the document free of charge.

Who can receive documents electronically? Any participant, beneficiary or other person entitled to the disclosure who provides an electronic address (such as an email or other address such as a telephone number enabled to receive text messages) to you or you provide one to them for employment-related purposes (other than the e-disclosure rule).

How may the disclosures be provided? The disclosures may be provided via email, either in the body or in a readable attachment, or via a website link to the document.

What other requirements must be satisfied to utilize the alternate safe harbor?

1. An Initial Notice of Default Electronic Delivery and Right to Opt-out must be provided in paper form the first instance, except if the documents are to be delivered via email. In addition, a Notice of Internet Availability applicable to each document to be delivered electronically must be provided in paper form to everyone to whom you want to send disclosures electronically. Certain other information must also be provided in this notice.
2. The website at which documents will be accessed must meet certain standards.
3. Special rules apply to individuals who have severed employment.

When is the alternate safe harbor available? The alternate safe harbor is effective July 26, 2020. Please note that you may also rely on prior special rules applicable to benefit statements and qualified default investment alternative notices for 18 months following the effective date. Please consult your TPA or recordkeeper for more information.

DELIVERING DISCLOSURES ELECTRONICALLY (CONTINUED)

If the first requirement can be satisfied, it might make sense to rely on this safe harbor rule instead of the alternate safe harbor. The alternate safe harbor requires participant consent and a more comprehensive disclosure statement.

ORIGINAL DOL SAFE HARBOR RULE

Who can receive disclosures electronically?

1. Any employee who has the ability to effectively access documents furnished in electronic form at any location where the individual reasonably is expected to perform their duties as an employee, and who has access to your electronic information system as an integral part of those duties. **No consent is required.**
2. Any participant, beneficiary or other person entitled to the disclosure, provided the person consents to receiving the disclosure electronically in a manner that demonstrates his or her ability to access the information in electronic form after receiving an extensive disclosure statement.

Note: A person that may receive documents electronically may request to receive a paper copy of the document free of charge.

What other requirements must be satisfied to utilize the original safe harbor? This safe harbor requires certain style and and formatting, as well as electronic system requirements; please contact your TPA or recordkeeper for more information.

IRS ELECTRONIC COMMUNICATION RULE

The IRS electronic communication rule applies to all qualified plans (including all 401(k), profit sharing and pension plans), 403(b) plans and governmental 457(b) plans. The rule covers all participant notices, elections and communications required under the tax code (except those over which DOL or PBGC has authority), and any tax-reporting records. Examples are rollover notices, safe harbor plan notices, loan documents and distribution notices, and participant elections and consents.

Who can receive notices electronically? Any person who would otherwise receive the communication in writing in a paper document. Recipient consent that meets certain requirements is required after they receive a disclosure statement containing certain specified information. Consent is not required if the plan advises the recipient that he or she may request and receive the communication in paper form at no charge; and the recipient is effectively able to access the electronic medium used to provide the communication. Please consult your TPA or plan consultant for more information.

Who can receive and make elections electronically? For participants to be able to receive and make elections electronically, certain additional requirements must be satisfied to assure the participant is able to review, confirm, modify or rescind the election, and a confirmation of the election must be provided. Please consult your TPA or recordkeeper for more information

For more information. The requirements for electronic delivery under IRS rules are complex; please consult your TPA or recordkeeper for more information.

PENSION RESOURCE INSTITUTE

REQUIRED GOVERNMENT FILINGS

DELINQUENT FILER VOLUNTARY COMPLIANCE PROGRAM

In an effort to encourage pension and welfare plan administrators to file overdue annual reports, the DOL's Employee Benefits Security Administration (EBSA) provides plan administrators with the opportunity to pay reduced civil penalties for voluntarily complying with the annual reporting requirements using an online self-correct program called the Delinquent Filer Voluntary Compliance Program (DFVCP).

In addition to providing certain disclosures to participants in a retirement plan, plan sponsors are required to file an annual return/report (Form 5500) with the Federal Government, in which information about the plan and its operation is disclosed to the IRS and the DOL. The Form 5500 must be filed electronically, and these returns/reports are made available to the public via the EFAST.dol.gov website. Additionally, a summary of the 5500 is required to be furnished to participants each year (called a Summary Annual Report or SAR).

REQUIRED FORM, AUDITOR'S REPORT AND TIMELINE FOR FILING[7]

Depending on the number and type of participants covered, most 401(k) plans must file one of the following forms:

Form 5500
Annual Return/Report of Employee Benefit Plan;

Form 5500-SF
Short Form Annual Return/Report of Small Employee Benefit Plan (plans with fewer than 100 participants and certain other requirements);

OR

Form 5500-EZ
Annual Return of One-Participant (Owners and Their Spouses) Retirement Plan.

Additional required government filings include:

Form 8955-SSA
Annual Registration Statement Identifying Separated Participants with Deferred Vested Benefits;

AND

1099-R
To report distributions of $10 or more from a retirement plan or reportable disability payments made from a retirement plan.

Additionally, plans with more than 100 employees must also hire an independent auditor to conduct a financial audit of the plan. The audited financial statements, along with the auditor's report, must be attached to the Form 5500 filing.

For plans that operate on a calendar year basis, this report must be filed by July 31st each year; otherwise, the report must be filed by the last day of the 7th calendar month after the end of the plan year.

[7] https://www.dol.gov/sites/default/files/ebsa/about-ebsa/our-activities/resource-center/publications/401k-plans-for-smallbusinesses.pdf

REQUIRED GOVERNMENT FILINGS (CONTINUED)

PENALTIES FOR FAILURE TO FILE

Failure to file the required reports and provide the required information to participants is subject to steep penalties. The DOL can penalize over $2,000 per day for failure to file. Additionally, the IRS can penalize you $250 per day up to a maximum of $150,000 for failure to file.

It's important to understand your responsibilities to file required government reports. Never assume someone else is filing the return for you. You should use a calendar that notes the deadline for filing the return and implement a communication mechanism to alert any outside service providers that might assist in the plan filings of the upcoming deadline.

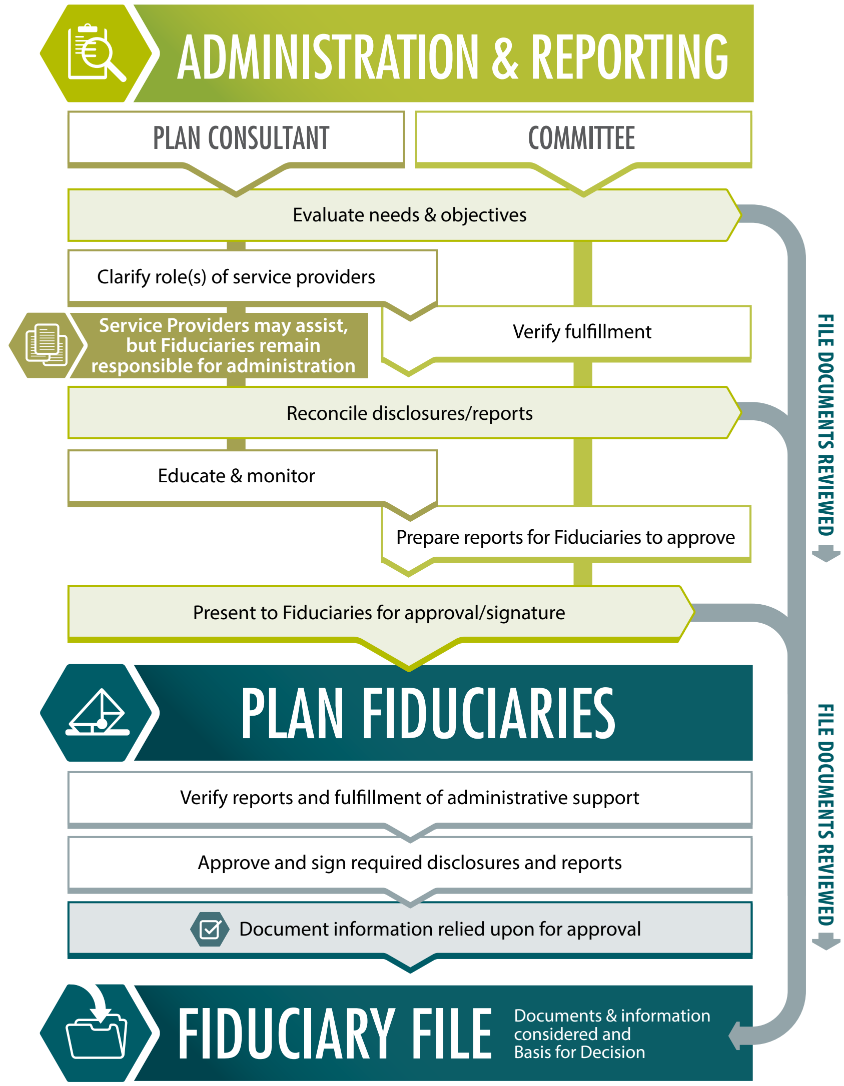
G-MAP:

MODEL ADMINISTRATIVE PROCEDURES FOR PLAN GOVERNANCE

Fiduciaries must ensure that administrative requirements are completed both timely and accurately, that documentation exists to support decisions made and that compliance requirements are met.

While many of your covered service providers may assist and support you in meeting your duties, it's ultimately your responsibility to ensure all plan administration and reporting requirements have been met.

You should consult with a knowledgeable retirement plan consultant who can assist you in clarifying and coordinating any assistance offered by the various service providers as it pertains to plan administration and reporting requirements. You may also consider implementing G-MAP (Model Administrative Procedures) Steps 6-7 to assist you in developing a framework for meeting your administrative fiduciary responsibilities, as outlined throughout this Guide.



COORDINATE REPORTING

Fiduciaries must deliver certain disclosures to plan participants and file reports with DOL and/or IRS. Committee should confirm requirements, calendar deadlines and determine the role of CSPs assisting in preparation and distribution of required disclosures and reports.

MAINTAIN COMPLIANCE DOCUMENTS

Fiduciaries must maintain documentation to support decisions made and compliance with requirements. Committee should confirm that disclosures and reports were timely filed and that documents are maintained to demonstrate:

- Participant contributions, distributions and loans have been properly processed
- Eligibility and vesting determinations are accurate and participants have received required disclosures
- Non-discrimination testing has been completed and appropriate actions were taken
- Governing documents are signed and current.