

“What keeps you up at night?”

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Retirement Plans: 2011 Year-End Checklist

By Joanne G. Jacobson and Dan S. Brandenburg

The end of the year brings a flurry of activity for retirement plans. Check below to see if notices or amendments may be required for your plans:

NOTICES

- Safe Harbor 401(k) Notice - for 401(k) plans that are designed to comply with the safe harbor requirements of the Internal Revenue Code ("Code");
- Automatic Enrollment Notice - for any plan that includes automatic enrollment provisions;
- Qualified Automatic Contribution Arrangement Notice - for plans that are designed to comply with the Code's qualified automatic contribution provisions;
- Eligible Automatic Contribution Arrangement Notice - for plans that are designed to comply with the Code's eligible automatic contribution provisions;
- Qualified Default Investment Alternative Notice - for plans with participant-directed investments that provide an investment alternative in which a participant's account will be invested if the participant fails to make an investment election.

Notices should be provided by December 1, 2011, for calendar year plans. (Note: these notices can be combined, if applicable.)

AMENDMENTS

Defined contribution plans (including 401(k) plans) must be amended to reflect the participants' option to waive required minimum distributions in 2009. (Code Section 401(a)(9) Amendment).



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Defined benefit pension plans must be amended to reflect the limitations on benefit payments and benefit accruals in the event the plan falls short of prescribed funding targets. (Code Section 436 Amendment).

Amendments must be adopted by December 31, 2011, for calendar year plans (the last day of the plan year beginning in 2011).

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