



Bret Busacker

Partner
208.383.3922
Boise
bfbusacker@hollandhart.com

Benefit Plans: Upcoming Compliance Deadlines and End of Year Planning

Insight — November 1, 2016

Provided below is a non-exhaustive list of quickly approaching employee benefits deadlines for retirement plans and health and welfare plans in the fall of 2016 and early 2017.

Retirement Plan Deadlines:

December 1

The following notices, as applicable, are also due by December 1, 2016:

1. Traditional 401(k) Safe Harbor Notice
2. Qualified Automatic Contribution Arrangement (QACA)
3. Eligible Automatic Contribution Arrangement (EACA)
4. Non Safe-Harbor Automatic Contribution Arrangement
5. Qualified Default Investment Alternatives (QDIA)

Annual participant fee disclosure is required every 14 months. Employers should determine when they last provided the annual disclosure notice and timely provide the disclosure. Many employers provide this disclosure on or before the end of the year along with other year end notices.

December 15

Provide summary annual report (SAR) to participants if the 2015 Form 5500 was filed by extension on October 17, 2016. For non-calendar year plans, the SAR must be provided two months after the Form 5500 was filed, including by approved extension.

December 31

Adopt any discretionary amendments implemented during the plan year.

January 2017

Provide non-discrimination testing census data to the record keeper or Third Party Administrator (TPA).

April 10, 2017

Employers must ensure compliance with the US Department of Labor's new fiduciary rules applicable to plan fiduciaries and their retirement plan

advisors and consultants.

Health and Welfare Plan Deadlines:

November 15

Self-insured health plans must submit the Transitional Reinsurance Program (TRP) Form and select a payment schedule by **November 15, 2016**. If the Plan elected to pay the TRP fee in two installments, the second payment is due by **November 15, 2016**.

December 1

Provide the following annual notices as part of open enrollment:

1. Children's Health Insurance Program (CHIP)
2. Women's Health and Cancer Rights Act (WHCRA)
3. Summary of Benefits and Coverage (SBC)
4. HIPPA Notice of Privacy Practices (at least every three years)

December 15

Provide summary annual report (SAR) to participants if the 2015 Form 5500 was filed by extension on October 17, 2016. For non-calendar year plans the SAR must be provided two months after the Form 5500 was filed, including by approved extension.

January 1, 2017 (for non-calendar year plans, first day of first plan year beginning in 2017)

Bring plans into compliance with Section 1557 of the Affordable Care Act (ACA). Section 1557 generally applies to health care providers and health insurance issuers that receive federal funding from US Health and Human Services. It also applies to employer-sponsored health plans that receive federal funding **and** employers that are themselves health care providers or insurers.

Section 1557 prohibits discrimination on the basis of race, color, national origin, sex, age, or disability, with specific focus on discrimination on the basis of sex stereotyping, pregnancy, and gender identity. Most insured plans will be required to comply at the insurer level. Many self-insured plans will be subject to the rule through a Third Party Administrator that is required to comply with the rule.

January 31, 2017

Employers subject to the ACA employer mandate must provide full-time employees with an IRS Form 1095-C documenting 2015 health coverage.

February 28 (March 31, if filing electronically)

Employers subject to the ACA employer mandate must file Form 1094-C

and Forms 1095-C with the IRS.

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