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CLIENT ALERT

Employee Benefits Update

November 2012

Year-End Employee 401(k) Plan Notice Deadlines

Many 401(k) plans are required to provide employee notices before the beginning of each plan year. Here are the deadlines for calendar year 401(k) plans.

Notice	Deadline
<u>401(k) Safe Harbor Notice</u> – Employers with 401(k) plans that utilize a non-elective or matching contribution safe harbor alternative to the nondiscrimination testing must provide an annual notice to all eligible employees at least 30 days before the end of each plan year.	December 1, 2012
<u>Annual QDIA Notice</u> – Section 404(c) provides protection to a fiduciary when participants select among investment alternatives. To take advantage of this protection, a plan sponsor must give eligible employees a qualified default investment alternative (QDIA) notice at least 30 days before the beginning of the plan year.	December 1, 2012
<u>401(k) Automatic Enrollment Notice</u> – 401(k) plan sponsors that utilize the automatic enrollment and automatic increase feature must provide an annual notice to participants at least 30 days before the end of each plan year. This notice must inform the participants how automatic deferrals will be invested in the absence of an investment election and how to opt out of or change the level of contributions.	December 1, 2012
<u>Quarterly Fee Disclosures</u> – Participant-directed 401(k) plans and other defined contribution plans must provide the first quarterly disclosure of plan fees to participants by November 14, 2012. The disclosure must describe the actual expenses paid from each participant's account during the preceding quarter.	November 14, 2012

If you have any questions about this Alert, please feel free to call (919.781.4000) or e-mail your Wyrick Robbins contact or one of the following members of our Employee Benefits & Executive Compensation group: **Richard Rogers** (rrogers@wyrick.com) or **Gray Hutchison** (ghutchison@wyrick.com).

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