**Summary of “Pension” Other Resources, 2020 and 2021**

FIS has posted many resources on its [News | Pension News | Other Resources](https://www.relius.net/News/OtherResources.aspx?T=P) page on relius.net. These resources are free and can be used in connection with any appropriate FIS plan document. We urge you to bookmark this page and check often for updates. The following table lists the available resources, grouping them by issue.

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| **Issue** | **Document** | **Date Posted** |
| 402(f) Notice | Non-Roth | 8/25/2020 |
| Roth | 8/25/2020 |
| BAMA (age 59 1/2 Distributions) | Amendment | 9/22/2020 |
| Certificate of Adoption | 9/22/2020 |
| Instructions | 11/18/2020 |
| SMM | 9/22/2020 |
| Cafeteria Plans | 2020 Amendment | 7/20/2020 |
| CARES | Amendment (Employer) | 7/20/2020 |
| Amendment (Sponsor) | 11/18/2020 |
| Certification | 7/20/2020 |
| Communication/Explanation | 4/9/2020 |
| Distribution Form | 5/7/2020 |
| Employer Instructions | 10/27/2020 |
| Memo about IRS Guidance | 8/25/2020 |
| Notice/SMM | 5/7/2020 |
| Recontribution Certification | 7/20/2020 |
| Sponsor Instructions | 5/7/2020 |
| Cycle 3 Documents | Amendment for Corbel Allocation Provisions | 12/17/2020 |
| Communication re: Allocation Amendment | 12/17/2020 |
| Communication re: IRS Approval | 8/25/2020 |
| Flexible Discretionary Match Seminar | 11/23/2020 |
| Flexible Match Employee Communication | 12/17/2020 |
| Restatement Q&A | 10/29/2020 |
| Disaster Relief (2018, 2019) | Amendment | 4/9/2020 |
| Instructions | 4/9/2020 |
| Disaster Relief (2020) | Amendment | 2/3/2021 |
| Instructions | 2/3/2021 |
| Hardship Distributions | 401(k) amendment (Employer) | 2/24/2020 |
| 401(k) amendment (Sponsor) | 2/24/2020 |
| 403(b) amendment (Employer) | 2/24/2020 |
| 403(b) amendment (Sponsor) | 2/24/2020 |
| Coordinating amendment (Sponsor) | 3/24/2020 |
| **Issue** | **Document** | **Date Posted** |
| Midyear 401(k) Suspension | Amendment for match | 4/9/2020 |
| Amendment for nonelective | 4/9/2020 |
| Notice | 4/9/2020 |
| Other Items | December Update | 12/17/2020 |
| Tech Update on SECURE/CARES | 6/12/2020 |
| Pooled Employer Plans (PEPs) | Amendment | 11/18/2020 |
| Instructions | 11/18/2020 |
| Retroactive Adoption of 401(k) Nonelective Safe Harbor | Amendment | 11/20/2020 |
| Certificate of Adoption | 11/18/2020 |
| Instructions | 11/18/2020 |
| SMM | 9/22/2020 |
| SECURE Amendment for Terminating Plans | Amendment | 2/3/2021 |
| Certificate of Adoption | 11/20/2020 |
| Instructions | 11/20/2020 |
| SECURE Amendment for Ongoing Plans | Not yet issued. Awaiting further IRS guidance. See below. |

It’s been a busy year!

All amendments are written to be adopted by an individual employer, unless otherwise indicated. Often, additional materials are included in amendment files, such as a certificate of adoption, instructions, or employee communications. Most of these documents are Microsoft Word documents.

The following is a brief discussion of some of the amendments. Consult the instructions or related materials for additional information.

**Hardship distributions.** 401(k) and 403(b) plans which provide for hardship distributions should adopt the Hardship Distribution Amendment. For convenience, we have provided a version which can be adopted by a document sponsor on behalf of all the sponsor’s adopting employers. A simple coordinating amendment for sponsors is available to ensure that plans which do not provide for hardship distributions do not suspend participant contributions on account of hardship distributions in other plans.

**CARES.** While the deadline is past to make Coronavirus Related Distributions and expanded CARES loans, employers can wait until the last day of the 2022 plan year to adopt an amendment reflecting their choices. Many employers will not need a CARES amendment if plan operations did not change as a result of CARES. We have provided both a sponsor level version and an employer amendment.

**SECURE.** We have provided an amendment for terminating plans to update for SECURE prior to termination. The amendment does not reflect the PEP rules or the long-term part-time employee rules.

We have not yet provided a SECURE amendment for ongoing plans, because we are awaiting additional guidance from the IRS. If we were to provide an amendment now in the absence of this guidance, it would almost surely need to be corrected after guidance is received. Employers can implement SECURE provisions now and amend their plans prior to the end of the 2022 to reflect plan operations. However, we have prepared 3 amendments related to SECURE for ongoing plans:

**PEP.** Our Pooled Employer Plans amendment should be regarded as a preliminary amendment to establish for all concerned the key rules for a PEP. We anticipate amending this after receiving a model amendment from the IRS. We have no idea when the IRS will provide their model.

**BAMA 59½ Distribution.** This amendment allows defined benefit and money purchase pension plans, as well as government 457(b) plans, to permit in-service distributions as early as age 59½. The provisions of this amendment will be included in the ultimate SECURE amendment.

**Retroactive Safe Harbor 401(k).** This amendment allows an employer sponsoring an ADP-tested 401(k) plan to retroactively adopt safe harbor status after the start of a plan year. While the amendment can be adopted as late as 12 months after the end of the plan year (or the last day of the 2022 plan year, if later, if it is adopted after 31 days before the end of the plan year (e.g., after November 30 for a calendar year plan) then a 4% nonelective contribution applies rather than a 3% nonelective contribution. This can only be used with a safe harbor nonelective contribution.

**Cycle 3 Documents.** Our information about Cycle 3 documents is designed for providers using the FIS document system. Of note is a free 20-minute webcast explaining the new flexible and rigid discretionary matching contributions, and a model notice which can be provided to employees to satisfy the new communication requirement for flexible discretionary matches.

If an employer adopted the Cycle 3 Corbel document before December 17, 2020, please see the Communication re: Allocation Amendment and accompanying Amendment for Corbel Allocation Provisions.

**Disaster Relief Amendments:** The Disaster Relief Amendments provide CARES-style distributions and loans for victims of natural disasters, other than COVID-19. Separate amendments, which reflect statutory differences, are available for disasters occurring in 2018 and 2019 and for disasters (other than COVID-19) in 2020.

**Cafeteria Plan Amendments:** This amendment is designed to cover changes allowed for cafeteria plans for 2020 and 2021, including carryover, grace period, change in status, and new medical expense categories. On February 18, 2021, the IRS released Notice 2021-15 with extensive discussion of cafeteria plans and recent legislative changes. We are currently reviewing that guidance and its impact on our amendment and anticipate releasing an updated version before April 30. An employer that has not yet adopted the Cafeteria Plan Amendment would be well advised to wait until the new version is available. The deadline for adoption is December 31, 2021, or later.

**Amendment Deadlines:** The table below reflects the deadline for nongovernmental employers to adopt these amendments:

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| --- | --- |
| **Amendment** | **Deadline** |
| BAMA 59 ½ Distributions | Last day of 2022 plan year |
| Cafeteria Plan | December 31, 2021 (for calendar year plan); December 31, 2022 for other plan year ends |
| CARES | Last day of 2022 plan year |
| Cycle 3 Restatement | July 31, 2022 |
| Disasters (2018, 2019) | Last day of 2020 plan year |
| Disasters (2020) | Last day of 2022 plan year |
| Hardship Amendment | December 31, 2021 |
| PEP | Last day of 2022 plan year |
| Retro Safe Harbor 401(k) | Last day of 2022 plan year (but adoption more than 31 days before the end of the plan year will trigger a 4% safe harbor nonelective contribution) |
| Safe Harbor Suspension | Prior to effective date of suspension |
| SECURE (for ongoing plans) | Last day of 2022 plan year |
| SECURE Termination | Prior to termination |