

# Form 5500 Information



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## OVERVIEW

Just as you file your personal tax return annually to report your income and other data, Form 5500 is the annual reporting tool for your qualified retirement plan. According to the U.S. Department of Labor's website<sup>1</sup>:

*The Department of Labor, Internal Revenue Service, and the Pension Benefit Guaranty Corporation jointly developed the Form 5500 Series so employee benefit plans could utilize the Form 5500 Series forms to satisfy annual reporting requirements under Title I and Title IV of the Employee Retirement Income Security Act (ERISA) and under the Internal Revenue Code.*

*The Form 5500 Series is an important compliance, research, and disclosure tool for the Department of Labor, a disclosure document for plan participants and beneficiaries, and a source of information and data for use by other Federal agencies, Congress, and the private sector in assessing employee benefit, tax, and economic trends and policies.*

*The Form 5500 Series is part of ERISA's overall reporting and disclosure framework, which is intended to assure that employee benefit plans are operated and managed in accordance with certain prescribed standards and that participants and beneficiaries, as well as regulators, are provided or have access to sufficient information to protect the rights and benefits of participants and beneficiaries under employee benefit plans.*

## ATTENTION



### Owner-Only Plans and Owner/Spouse Only Plans

SEE PAGE 4

The ABA Retirement Funds Program prepares a Form 5500 for electronic filing for your plan<sup>2</sup> using the demographic information on the recordkeeping system. Plans with 100 or more participants will receive a Form 5500 and associated schedules, discussed on the next page. Plans with fewer than 100 participants will receive a Form 5500-SF (or "short form") and, if applicable, a Form 8955-SSA. Financial and demographic information from the Program's recordkeeping system will also be used to complete certain sections on the Form 5500/5500-SF (and Schedules, if applicable) so it is important to make sure your information is up to date.

## Does the Program Have Your Email Address on File?

Occasionally email addresses can change based on email server updates, or perhaps you had a change in personnel at your firm. Please ensure that the Program always has the correct email address on file for purposes of Form 5500 communications, since email will be the primary way in which we contact you and alert you that your filing is ready.

## MOST COMMONLY USED SCHEDULES

Form 5500 reporting requirements vary depending upon the size of your plan and the plan type. If your plan has fewer than 100 participants, then you will file the Form 5500-SF, which contains all of the demographic and financial data on the plan. *If this applies to you*, skip down to Form 8955-SSA.

If your plan has more than 100 participants and you are considered a “full filer,” then basic and demographic questions about the plan and the participants (or employees who are eligible but do not participate) are contained on the Form 5500, and financial information is reported using additional schedules. The most commonly used schedules for plans that participate in the Program are discussed below.

- **SCHEDULE D:** DFE/Participating Plan Information – used for plans that invest in or participate in common/collective trusts such as that used by the Program (the ABA Members/MTC Collective Trust (the Trust). “DFE” stands for “Direct Filing Entity,” which is the Trust. The Trust also files an annual return with the DOL so the identification number of the Trust will be included on your Schedule D. Schedule D is completed by the Program so no action is required on your part.
- **SCHEDULE H:** Financial Information for Large Plans (generally 100 or more participants at the beginning of the plan year) – used to report plan assets as of the beginning of the plan year, contributions, income, distributions and assets as of the end of the plan year.
- **SUMMARY ANNUAL REPORT (SAR):** The SAR is not filed with Form 5500 but is distributed to all plan participants and beneficiaries no later than two months following the filing due date of Form 5500 (i.e., for calendar plan years, September 30).
- **FORM 8955-SSA:** Used to report certain information regarding plan participants who separate from service with deferred vested benefits. The Program will provide plan administrators that have reportable employees with a signature-ready Form 8955-SSA for electronic filing. It will be uploaded to the Program’s eFile website as a separate link since it is filed with the IRS rather than the DOL.

If you are not sure if you had a reportable employee for the plan year, call 800.752.6313 or email us at [contactus@abaretirement.com](mailto:contactus@abaretirement.com).

**Form 8955-SSA** Annual Registration Statement Identifying Separated Participants With Deferred Vested Benefits

Department of the Treasury Internal Revenue Service

This form is required to be filed under section 6059 of the Internal Revenue Code. Information about Form 8955-SSA and its instructions is at [www.irs.gov/form8955-ssa](http://www.irs.gov/form8955-ssa).

OMB No. 1545-0047

Form 8955-SSA (2017)

**PART I Annual Statement Identification Information**

1a Check here if plan is a government, church, or other plan that elects to voluntarily file Form 8955-SSA. (See instructions.)

1b Check here if this is an amended registration statement.

1c Check the appropriate box if filing under:  Form 5010  Automatic extension

**PART II Basic Plan Information - enter all requested information**

2a Plan sponsor information

2a Plan sponsor name  2b Plan Number (PIN)

2c Trade name (if different from plan sponsor name)  2d Employer Identification Number (EIN)

2e In care of name  2f Plan sponsor's phone number

2g Mailing address (room, apt., suite no. and street, or P.O. Box)  2h City

2i Foreign province (or state)  2j Foreign country  2k State  2l ZIP code

2m Foreign postal code

3a Plan administrator information

3a Plan administrator's name (if other than plan sponsor)

3b In care of name  3c Employee Identification Number (EIN)

3d Mailing address (room, apt., suite no. and street, or P.O. Box)  3e Plan administrator's phone number

3f Foreign province (or state)  3g Foreign country  3h State  3i ZIP code

3j Foreign postal code

4 If the name or EIN of the plan administrator has changed since the last return filed for this plan, enter the name and EIN from the last filed return.

4a Plan administrator's name  4b EIN

5 If the name or EIN of the plan sponsor has changed since the last return filed for this plan, enter the name, EIN, and plan number from that return.

5a Plan sponsor's name  5b EIN  5c Plan Number (PIN)

6a Participants who separated with a deferred vested benefit required to be reported on this Form 8955-SSA

6b Participants who separated with a deferred vested benefit voluntarily reported on this Form 8955-SSA

6c Total number of participants reported on lines 6a and 6b

6d Did the plan administrator provide an individual statement to each participant required to receive a statement?  Yes  No

6e Other parties of interest (check box)  Have examined this statement, and on the best of my knowledge and belief, it is true, correct, and complete.

**Sign Here**

Signature of plan sponsor  Date signed  Signature of plan administrator  Date signed

For Privacy Act and Paperwork Reduction Act Notice, see the separate instructions. Cat. No. 53220U Form 8955-SSA (2017)

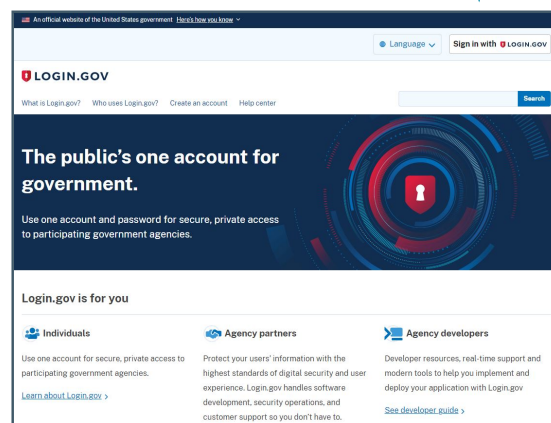
## OBTAINING YOUR FILING CREDENTIALS FROM THE DOL\*

While the Program coordinates the filing of Form 5500/5500-SF with each plan sponsor, the plan sponsor must “sign” and “file” Form 5500/5500-SF directly with the DOL. In order to do that, the DOL requires each person signing and filing the Form to obtain filing credentials from the DOL. One set of filing credentials is issued per email address.

Last year, plan sponsors learned that waiting until the last minute to file was a mistake. Due to high volume of filers, the DOL system became very slow and filers encountered long wait times for Forms 5500/5500-SF to be accepted. Poor responsiveness, delayed filing confirmations or no confirmations were also experienced. Don't wait until the deadline to file!

### Go to [www.efast.dol.gov](http://www.efast.dol.gov)

- If you filed a Form 5500/5500-SF last year and are returning to EFAST2, login and go to User Profile to review your PIN and other registration information. **PLEASE NOTE:** Beginning on September 1, 2023, existing filers will need to visit **Login.gov** to set up new electronic credentials for logging into the EFAST2 website.
- If you are new to EFAST2 and will be preparing, signing, or submitting a completed Form 5500/5500-SF, please first visit **Login.gov** to obtain your electronic credentials for logging into the EFAST2 website:
  - Click on **Sign in > Create an account** and follow the prompts.



*\*If you have already obtained your filing credentials from the DOL as part of a prior year's process, you do not need to do so again. The DOL sends a confirmation email if you were successful in obtaining credentials. If you have misplaced your filing credentials, you can arrange through the DOL's website for reminder emails to be sent.*

## FILING DUE DATE / REQUESTING AN EXTENSION OF TIME TO FILE

Form 5500/5500-SF and Form 5500EZ are due to be filed on the last day of the seventh month following the close of the plan year. For example, for plans with a calendar plan year, Form 5500/5500-SF is generally due to be filed on July 31 each year.

To request an extension of time, you may mail<sup>3</sup> a completed, signed Form 5558 to the IRS. Form 5558 must be postmarked no later than the original filing deadline (i.e., July 31 for calendar plan years), and the new filing deadline will be nine and one-half months after the close of the plan year (an extension of two and one-half months). So for calendar plan years, the new filing deadline is generally October 15. In no instance will an extension be granted beyond that date.

The Program will include a partially completed Form 5558 as part of your overall filing package on the eFile website. If you wish to file for an extension, simply download and print the form, then sign and mail it directly to the IRS. Save a copy for your records. We'll include mailing instructions on the site.

## IS YOUR PLAN REQUIRED TO FILE?

### Plan Assets Greater than \$250,000

You are required to file Form 5500EZ if your plan's total assets exceed \$250,000 at the end of the plan year, and the only employees eligible to participate are the owner; the owner and/or the owner's spouse; or, in the case of multiple owners, the owners themselves. If even one other non-owner becomes eligible to participate in the plan, the filing requirement changes to Form 5500-SF, which is filed electronically.

Form 5500EZ is not filed electronically; it is still mailed to the IRS. If you file Form 5500EZ, you will receive a paper copy from the Program along with filing instructions.



### Plan Assets Less than \$250,000

You may not be required to file. Generally, plans where the only individuals eligible to participate are the owner; the owner and/or the owner's spouse; or, in the case of multiple owners, the owners themselves, are not required to file Form 5500EZ if the total plan's assets at the end of the plan year are less than \$250,000. However, if even one other non-owner becomes eligible to participate in the plan, it would then subject the plan to the Form 5500-SF electronic filing requirement, regardless of the amount of plan assets.

### Don't wait until the last minute to file!

You'll likely experience delays and timeouts in both filing and receiving confirmations.

### In Most Cases, Your Firm Will Need to File a Form 5500-SF or a Form 5500EZ for the Plan.

However exceptions are made if total plan assets are under \$250,000 at the end of the plan year and your plan is one of the following:

- An owner-only plan
- An owner/spouse-only plan
- A plan only for your firm's multiple owners or your firm's multiple owners and their spouses

The caveat is that owners or owners and their spouses must be the only employees **eligible** to participate in the plan.

<sup>1</sup> Source: [www.dol.gov/ebsa/5500main.html](http://www.dol.gov/ebsa/5500main.html)

<sup>2</sup> While the Program provides Forms 5500 only for full-service plans, reports and other data can be provided to administrators of investment-only plans if requested in order to assist with Form 5500 preparation.

<sup>3</sup> Form 5558 may not be filed electronically. It can be downloaded from the Program's eFile website or obtained at [www.irs.gov](http://www.irs.gov).

The ABA Retirement Funds Program has been providing affordable retirement plans to the legal community for 60 years. It is organized as an Illinois not-for-profit corporation and is dedicated to providing retirement services exclusively to the legal community. It currently services over 3,900 law firm retirement plans and bar associations and has over \$6.4 billion in assets (12/31/2022).

**LIST OF PLAN CHARACTERISTICS CODES FOR LINES 8a AND 8b**

<b>CODE</b>	<b>Defined Benefit Pension Features</b>
1A	Benefits are primarily pay related.
1B	Benefits are primarily flat dollar (includes dollars per year of service).
1C	Cash balance or similar plan – Plan has a “cash balance” formula. For this purpose, a “cash balance” formula is a benefit formula in a defined benefit plan by whatever name (for example, personal account plan, pension equity plan, life cycle plan, cash account plan, etc.) that rather than, or in addition to, expressing the accrued benefit as a life annuity commencing at normal retirement age, defines benefits for each employee in terms more common to a defined contribution plan such as a single sum distribution amount (for example, 10 percent of final average pay times years of service, or the amount of the employee’s hypothetical account balance).
1D	Floor-offset plan – to offset for retirement benefits provided by an employer-sponsored defined contribution plan.
1E	Code section 401(h) arrangement – Plan contains separate accounts under Code section 401(h) to provide employee health benefits.
1F	Code section 414(k) arrangement – Benefits are based partly on the balance of the separate account of the participant (also include appropriate defined contribution pension feature codes).
1H	Plan covered by PBGC that was terminated and closed out for PBGC purposes – Before the end of the plan year (or a prior plan year), (1) the plan terminated in a standard (or distress) termination and completed the distribution of plan assets in satisfaction of all benefit liabilities (or all ERISA Title IV benefits for distress termination); or (2) a trustee was appointed for a terminated plan pursuant to ERISA section 4042.
1I	Frozen plan – As of the last day of the plan year, the plan provides that no participant will get any new benefit accrual (whether because of service or compensation).
<b>CODE</b>	<b>Defined Contribution Pension Features</b>
2A	Age/service weighted or new comparability or similar plan – Age/service weighted plan: Allocations are based on age, service, or age and service. New comparability or similar plan: Allocations are based on participant classifications and a classification(s) consists entirely or predominantly of highly compensated employees; or the plan provides an additional allocation rate on compensation above a specified threshold, and the threshold or additional rate exceeds the maximum threshold or rate allowed under the permitted disparity rules of Code section 401(l).
2B	Target benefit plan.
2C	Money purchase (other than target benefit).
2D	Offset plan – Plan benefits are subject to offset for retirement benefits provided in another plan or arrangement of the employer.
2E	Profit-sharing.

2F	ERISA section 404(c) plan – This plan, or any part of it, is intended to meet the conditions of 29 CFR 2550.404c-1.
2G	Total participant-directed account plan – Participants have the opportunity to direct the investment of all the assets allocated to their individual accounts, regardless of whether 29 CFR 2550.404c-1 is intended to be met.
2H	Partial participant-directed account plan – Participants have the opportunity to direct the investment of a portion of the assets allocated to their individual accounts, regardless of whether 29 CFR 2550.404c-1 is intended to be met.
2I	Stock bonus.
2J	Code section 401(k) feature – A cash or deferred arrangement described in Code section 401(k) that is part of a qualified defined contribution plan that provides for an election by employees to defer part of their compensation or receive these amounts in cash.
2K	Code section 401(m) arrangement – Employee contributions are allocated to separate accounts under the plan or employer contributions are based, in whole or in part, on employee deferrals or contributions to the plan. Not applicable if plan is 401(k) with only QNECs and/or QMACs. Also not applicable if Code sections 403(b)(1), 403(b)(7), or 408 arrangement/accounts annuities.
2L	An annuity contract purchased by Code section 501(c)(3) organization or public school as described in Code section 403(b)(1) arrangement.”
2M	Custodial accounts for regulated investment company stock as described in Code section 403(b)(7).
2N	Code section 408 accounts and annuities – See Limited Pension Plan Reporting instructions for pension plan utilizing Code section 408 individual retirement accounts or annuities as the funding vehicle for providing benefits.
2O	ESOP other than a leveraged ESOP.
2P	Leveraged ESOP – An ESOP that acquires employer securities with borrowed money or other debt-financing techniques.
2Q	The employer maintaining this ESOP is an S corporation.
2R	Participant-directed brokerage accounts provided as an investment option under the plan.
2S	401(k) plan or 403(b) plan that provides for automatic enrollment in plan that has elective contributions deducted from payroll
2T	Total or partial participant-directed account plan – plan uses default investment account for participants who fail to direct assets in their account.
<b>CODE</b>	<b>Other Pension Benefit Features</b>
3B	Plan covering self-employed individuals.
3C	Plan not intended to be qualified – A plan not intended to be qualified under Code sections 401, 403, or 408.
3D	Pre-approved pension plan – A master, prototype, or volume submitter plan that is the subject of a favorable opinion or advisory letter from the IRS.
3F	Plan sponsor(s) received services of leased employees, as defined in Code section 414(n), during the plan year.

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**LIST OF PLAN CHARACTERISTICS CODES FOR LINES 8a AND 8b (Continued)**

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3H	Plan sponsor(s) is (are) a member(s) of a controlled group (Code sections 414(b), (c), or (m)).
3I	Plan requiring that all or part of employer contributions be invested and held, at least for a limited period, in employer securities.
3J	U.S.-based plan that covers residents of Puerto Rico and is qualified under both Code section 401 and section 1165 of Puerto Rico Code.
<b>CODE</b>	<b>Welfare Benefit Features</b>
4A	Health (other than vision or dental).
4B	Life insurance.
4C	Supplemental unemployment.
4D	Dental.
4E	Vision.
4F	Temporary disability (accident and sickness).
4G	Prepaid legal.
4H	Long-term disability.
4I	Severance pay.
4J	Apprenticeship and training.

4K	Scholarship (funded).
4L	Death benefits (include travel accident but not life insurance).
4P	Taft-Hartley Financial Assistance for Employee Housing Expenses.
4Q	Other.
4R	Unfunded, fully insured, or combination unfunded/fully insured welfare plan that will not file an annual report for next plan year pursuant to 29 CFR 2520.104-20.
4S	Unfunded, fully insured, or combination unfunded/fully insured welfare plan that stopped filing annual reports in an earlier plan year pursuant to 29 CFR 2520.104-20.
4T	10 or more employer plan under Code section 419A(f)(6).
4U	Collectively-bargained welfare benefit arrangement under Code section 419A(f)(5).