



401(k) Plan Bulletin

May 2010

Form 5500 and EFAST2

Beginning this year, Annual Return/Reports (Form 5500) will be required to be filed electronically using the Department of Labor's EFAST2 system. Be sure to coordinate with your 5500 preparer regarding the new electronic signature and filing requirements. For more information on EFAST2, go to:

http://www.efast.dol.gov/about/about_efast2.html

Deadline for Making Employer Contributions

Employer contributions to a defined contribution plan can be made until the due date of the employer's tax return, including extensions, regardless of when the tax return is actually filed – provided that the extension request was filed on time. If the employer contributions are not deposited timely, the employer must amend its tax return and pay any tax, interest and penalties that may apply.

Fiduciary Responsibilities

ERISA requires that plan fiduciaries act solely in the interests of, and for the exclusive benefit of, plan participants and beneficiaries. As part of that obligation, plan fiduciaries should consider cost, among other things, when choosing investment options for the plan and selecting plan service providers. Go to <http://www.dol.gov/ebsa/publications/undrstndgrtrmnt.html> for more information on plan fees and expenses.

Please contact Barbara M. Kromer, Director of our ERISA Audit Group, at 301-652-6700.

Snyder Cohn has a dedicated ERISA audit practice whose members have managed and overseen hundreds of retirement plan audits. The practice is led by Barbara Murphy Kromer, Andrew Platou, and Kristin Papa. Snyder Cohn is a member of the AICPA Employee Benefit Plan Audit Quality Center.