

EB Flash: DOL Issues Early Release of 2020 Form 5500

Employee Benefits Alert

12.02.2020

The Department of Labor (DOL) has released [advance copies of the 2020 Form 5500](#), which employee plans use to comply with annual reporting requirements under Title I and Title IV of ERISA, and under the Internal Revenue Code.

The advance copies of the 2020 Form 5500 are for informational purposes and cannot be used to file a 2020 Form 5500 Annual Return/Report, the DOL explains. "Filers should monitor the [EFAST website](#) for the availability of the official electronic versions for filing using EFAST-approved software or directly through the EFAST website," the DOL notes.

Several changes and updates are highlighted on the new forms, including the following:

- **Electronic Filing of the Form 5500-EZ**: The Form 5500 and Form 5500-SF instructions have been revised to reflect that the Form 5500-SF can no longer be used by a one-participant plan or a foreign plan in place of filing of the Form 5500-EZ with the IRS. Effective for plan years beginning after 2019, one-participant plans and foreign plans can file the Form 5500-EZ electronically using the EFAST2 filing system. For more information on electronic filing requirements for the Form 5500-EZ, see Treasury Regulations section 301.6058-2. Assistance in completing this form is [available here](#) or by calling 1-877-829-5500;
- **Administrative Penalties**: The instructions have been updated to reflect an increase to \$2,233 per day in the maximum civil penalty amount assessable under Employee Retirement Income Security Act section 502(c)(2), as required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. The increased penalty under section 502(c)(2) is applicable for civil penalties assessed after Jan. 15, 2020, whose associated violation(s) occurred after Nov. 2, 2015. [85 FR 2292 (Jan. 15, 2020)].
- **Schedule H Part III - Accountant's Opinion**: To conform to the new Statement on Auditing Standards 136, "Forming an Opinion and Reporting on Financial Statements of Employee Benefit Plans Subject to ERISA," the instructions for the questions on line 3a regarding the accountant's opinion have been revised. Line 3b and its instructions have been updated to permit filers to indicate more accurately whether there have been any permissible limitations on the scope of the audit pursuant to the Department's regulations.
- **Schedules H and I, Line 4l and Form 5500-SF, Line 10f**: The instructions for Line 4l and Line 10f have been revised to increase the required minimum distribution age from 70 1/2 to 72 to conform to the relevant amendment to the Internal Revenue Code in the Setting Every Community Up for Retirement Enhancement (SECURE) Act of 2019.
- **Schedules H and I, Line 5c**: Line 5c has been revised to make clear that if the plan was covered by PBGC at any time during the plan year, filers should check the "Yes" box.
- **Schedule R**: Line 14 has been revised to provide multiemployer plans with a choice of three counting methods to count inactive participants and to require that an attachment be provided depending on the counting method chosen. A plan that reports a number on lines 14b or 14c that differs from the corresponding number it reported for the plan year immediately preceding the current plan year also must attach an explanation of the reason for the difference. Plans may no longer leave lines 14a, 14b, and 14c blank.

The new Form 5500 series and instructions are [posted here](#).

A DOL press release announcing the new Form 5500 series is [posted here](#).

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