



Legislative Update

July 23, 2010

No Automatic Form 5500 Filing Extension Granted

It has come to our attention that the U.S. Department of Labor (DOL) will not grant an automatic extension of the Form 5500 deadline for the 2009 plan year. A formal response from the DOL is expected soon. A key reason for the denial of an automatic extension appears to be based on the new EFAST2 program, in which [electronic filing](#) is required. Launched in January, 2010, EFAST2 does not include automatic extensions of filing deadlines in its plan specifications. (Note: Public entities, like school districts and certain other governmental entities remain exempt from having to file Forms 5500, as do many small plans with fewer than 100 participants).

Plan sponsors can follow an individual extension procedure using [Form 5558](#). A signature is not required on the 5558 and the extension is automatic when requested.

IMPORTANT REMINDER: Since the Form 5500 calendar year filing deadline of July 31, 2010 falls on a weekend this year, the deadline to file your calendar year plans (or to file the Form 5558 extension request) is extended to Monday, August 2, 2010. If no extension is filed, the calendar year filing must be "accepted" by the DOL electronic system by August 2, 2010 in order to be considered as filed by the deadline. Due to an anticipated high volume of plan submissions as the filing deadline approaches, we strongly recommend plan submission no later than Thursday, July 29, 2010. This should give you sufficient time for resubmission of the plan or to file an extension, should any issues arise.

Conner Strong is actively filing Forms 5500 under the EFAST2 program and we welcome questions and requests for assistance with the Form 5500 requirements as they apply to health and welfare plans.

If you have questions, **please contact your Conner Strong account representative toll-free at 1-877-861-3220.**

This Legislative Update is provided for general informational purposes only and is not intended to be legal advice. Readers are urged to contact an attorney for legal advice or assistance.