

# LEGAL UPDATE



## DOL Issues SAR Forms for Plan Years Beginning in 2023 and Later

The U.S. Department of Labor (DOL) has released Summary Annual Report (SAR) model forms for plan years beginning in 2023 and later. The SAR is a narrative summary of the information in Form 5500 and must be provided annually by administrators of plans subject to the Form 5500 annual reporting requirements.

### Model Forms

The latest model forms can be found on the DOL's [Reporting and Filing webpage](#) under the "General Reporting and Filing Compliance Assistance" tab. There are two models for plan years beginning in 2023 and later:

1. [Form for SAR relating to pension plans for plan years beginning in 2023 and later](#); and
2. [Form for SAR relating to welfare plans for plan years beginning in 2023 and later](#).

Forms for plan years beginning in 2022 and earlier are also available. **No substantive changes were made to the 2023 forms.**

### Providing the SAR

The SAR requirement only applies to plans that must file Form 5500. If a plan is exempt from the Form 5500 requirement, it is also exempt from the SAR requirement.

- Employers with **large fully insured welfare plans** (100 or more participants) must provide participants with a SAR each year.
- **Large unfunded welfare plans** (100 or more covered participants) **are exempt** from the requirement to provide a SAR, even though they are subject to the Form 5500 requirement.
- Employers with self-insured, unfunded plans are **not subject to** the SAR requirement, regardless of plan size.

### Distribution Methods

SARs may be distributed by any method that is permissible for summary plan descriptions. These methods include:

- Hand delivery to employees at their worksite;
- U.S. mail; or
- Electronic delivery (if certain requirements are satisfied).

### Rules for Electronic Delivery

[DOL regulations](#) include a safe harbor for employers to use electronic media to distribute the SAR to (1) employees with work-related computer access; and (2) other plan participants and beneficiaries who consent to receive disclosures electronically. In addition, to satisfy the safe harbor, employers must notify plan participants each time the disclosure is provided electronically, and they must take steps to ensure that the electronic delivery results in actual receipt.

## SAR Deadline

The SAR must be provided annually, within nine months of the close of the plan year.

### Sept. 30

Deadline for employers with calendar year plans to provide the SAR to plan participants.

### Dec. 15

Employers may receive a Form 5500 filing extension of 2.5 months by filing IRS Form 5558. If the Form 5500 deadline is extended, the plan administrator must provide the SAR within two months of the close of the extension period. For calendar year plans, this extended deadline is Dec. 15.