



# EMPLOYEE BENEFITS

IN FOCUS

FOR CLIENTS & FRIENDS

DECEMBER 12, 2024 EDITION

## **“SUPER CATCH-UPS” UNDER SECURE 2.0**

Beginning January 1, 2025, the Setting Every Community Up for Retirement Enhancement 2.0 Act of 2022 (“SECURE 2.0”) permits additional catch-up contributions for eligible participants in certain types of retirement plans (referred to as “Super Catch-Ups”). Generally, catch-up contributions give employees aged 50 and older the opportunity to save more for retirement by allowing them to make elective deferral contributions. Eligibility for catch-up contributions is determined by an individual’s age at the end of a calendar year; for example, an employee who turns 50 in 2025 will be eligible to make catch-up contributions starting at the beginning of that same year.

The Internal Revenue Service announced the cost-of-living limitations adjusted for 2025 in Notice 2024-80, on which we previously reported in our November 2024 edition of the Employee Benefits in Focus, that may be accessed [here](#). For participants in 401(k) plans, beginning January 1, 2025, the elective deferral limit will increase from \$23,000 to \$23,500. For participants in these plans between the ages of 50 and 59, the catch-up contribution limit will remain the same as it was in 2024 at \$7,500. Thus, the total annual contribution limit for participants in these plans aged 50 through 59 years of age will be \$31,000. However, for employees aged 60, 61, 62, and 63 who participate in these plans, their catch-up limit will increase from \$7,500 to \$11,250. Accordingly, participants eligible for Super Catch-Ups will be able to contribute up to \$34,750 to their retirement plans in 2025.

Plan sponsors are encouraged to work with their plan professionals to update employee communications, forms, and plan procedures to ensure the changes are properly reflected.

## **REMINDER: DEADLINE TO UPDATE REPRODUCTIVE HEALTH INFORMATION PRIVACY POLICIES IS DECEMBER 23, 2024**

After the Supreme Court decided *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022), reversing *Roe v. Wade*, many states across the country passed legislation limiting access to reproductive healthcare services and/or products. As the number of state bans grew, concerns rose as to whether the use of protected health information (“PHI”) would result in civil and/or criminal liability for individuals who receive reproductive healthcare services and/or products and the health providers who provide them. At the federal level, the U.S. Department of Health and Human Services (“HHS”) addressed these concerns by modifying Section 164.502 of the Privacy Rule of the Health

Insurance Portability and Accountability Act of 1996 (“HIPAA”), *as amended from time to time*, to include protections for reproductive health-related PHI, which was previously reported on in both our June 2024 Employee Benefits In Focus, available [here](#), and our October 2024 Employee Benefits In Focus, available [here](#).

The revised Privacy Rule requires plan sponsors of group health plans to update their policies, procedures and vendor agreements to adequately address the handling of requests for reproductive health-related PHI by **December 23, 2024**. Among the changes brought by the revised rule is the requirement that a party seeking production of an individual’s reproductive health-related PHI submit an attestation that the requested information will not be used to investigate whether the underlying healthcare-related actions were unlawful or to impose criminal or civil liability on a party. HHS created a [model attestation](#) request for use by group health plans when a request for reproductive health-related PHI is received. While plan sponsors of group health plans must revise their policies, procedures and vendor agreements by December 23, 2024, plan sponsors of group health plans will have until **February 16, 2026** to publish amended Notices of Privacy Practices reflecting these changes.

## **A FEW REMINDERS**

**(Based on calendar-year plans)**

These reminders are for informational purposes only and are not intended to replace your regular compliance calendar as they do not include all deadlines that may be applicable to your plan.

### **DECEMBER**

#### **HEALTH AND WELFARE PLANS**

- **Summary Annual Report (“SAR”)**
  - December 15, 2024 is the deadline by which health and welfare plans must distribute the SAR to all plan participants if the Form 5500 deadline was extended by Form 5558 or because of a corporate tax filing extension.
- **Gag Clause Prohibition Compliance Attestation**
  - December 31, 2024 is the deadline by which health and welfare plans must file the annual Gag Clause Prohibition Compliance Attestation with the Centers for Medicare and Medicaid Services.

#### **DEFINED BENEFIT PLANS**

- **SAR**
  - December 15, 2024 is the deadline by which defined benefit plans must distribute the SAR to all plan participants if the Form 5500 deadline was extended by Form 5558 or because of a corporate tax filing extension.

- **Actuary's Certification of 2024 Adjusted Funding Target Attainment Percentage ("AFTAP")**
  - December 31, 2024 is the deadline by which the actuary must certify the 2024 AFTAP to avoid a presumed AFTAP of less than 60%.

## **DEFINED CONTRIBUTION PLANS**

- **401(k) Plan Annual Safe Harbor Notice for 2025 Plan Year**
  - December 2, 2024 is the deadline by which the 401(k) Plan Annual Safe Harbor Notice for the 2025 Plan Year is due.
- **Annual Auto-Enrollment Notice(s) for 2025 Plan Year**
  - December 2, 2024 is the deadline by which the annual auto-enrollment notice(s) for the 2025 Plan Year are due.
- **Annual Qualified Default Investment Alternative ("QDIA") Notice for 2025 Plan Year**
  - December 2, 2024 is the deadline by which the annual QDIA Notice for the 2025 Plan Year must be furnished.
- **SAR**
  - December 15, 2024 is the deadline by which the SAR must be distributed to all plan participants if Form 5500 deadline was extended by Form 5558 or because of a corporate tax filing extension.
- **Ongoing Required Minimum Distributions**
  - December 31, 2024 is the deadline by which eligible participants must receive their ongoing required minimum distributions for 2024.

## **JANUARY**

### **ALL PLANS**

- **Form 1099-NEC (Nonemployee Compensation)**
  - January 31, 2025 is the deadline by which to furnish the Form 1099-NEC to recipients and file it with the Internal Revenue Service ("IRS").
- **Form W-2 (Wage and Tax Statement if plan has employees)**
  - January 31, 2025 is the deadline by which to file the Form W-2 with the Social Security Administration ("SSA").
- **Form W-3 (Transmittal of Wage and Tax Statements)**
  - January 31, 2025 is the deadline by which to file the Form W-3 with the SSA.

### **DEFINED BENEFIT PLANS**

- **Form 1099-R**
  - January 31, 2025 is the deadline by which to furnish the Form 1099-R to recipients of 2024 distributions.

- **Form 945**
  - January 31, 2025 is the deadline by which to file the Form 945 with the IRS for 2024 nonpayroll withholding if taxes were not paid in full and deposited timely. If taxes were timely paid in full for the year, the deadline for the filing of the Form 945 is extended to February 10, 2025.

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