

April 14, 2020

## Employee Benefit Plan Provisions Included in COVID-19 Relief From the IRS

In response to the COVID-19 pandemic, the IRS has released a series of notices extending certain filing, payment and other deadlines. Many of these extensions are described in our recent [client alert](#).

This advisory briefly highlights some of the significant extensions applicable to employee benefit plans and their participants following the IRS' release of Notice 2020-23. Any deadline for an action described below occurring between April 1 and July 14 will be considered timely if the required action is taken on or before July 15:

- Loan repayments. This extension is separate and distinct from the loan repayment deferrals available under the CARES Act, as described in our [prior advisory](#).
- Indirect rollovers of an eligible rollover distribution—i.e., a distribution from an eligible retirement plan, such as a 401(k) plan or an individual retirement account—that is contributed by the distributee to another eligible retirement plan no later than the 60th day following the day he or she received the distribution.
- Distribution of any excess deferrals (e.g., 2019 amounts that exceed \$19,000 contributed to a 401(k) plan by an individual under age 50).
- Permissible withdrawals from an eligible automatic contribution arrangement (EACA), which must be made within 90 days of the date of an employee's first automatic contribution under the EACA.
- Section 83(b) elections, which normally need to be made within 30 days of the date the restricted property is transferred.

Notice 2020-23 extends a broad group of employee benefit plan deadlines found in Section 8 of Revenue Procedure 2018-58, 2018-50 IRB 990. While that revenue procedure lists more than 40 deadlines, the impact of Notice 2020-23 is somewhat limited for calendar-year plans. For example, while Notice 2020-23 extends the filing deadline for the Form 5500 series, the extension is not applicable to calendar-year plans because their deadline for filing the applicable Form 5500 is July 31, which falls outside the April 1 to July 14 window. Those with fiscal-year plans will want to review the notice more closely.

If you have any questions regarding the extended deadlines applicable to employee benefit plans or any other employee benefits matter, please reach out to any of the attorneys in Day Pitney's ERISA and Executive Compensation group.

---

For more Day Pitney alerts and articles related to the impact of COVID-19, as well as information from other reliable sources, please visit our [COVID-19 Resource Center](#).

COVID-19 DISCLAIMER: As you are aware, as a result of the COVID-19 pandemic, things are changing quickly and the effect, enforceability and interpretation of laws may be affected by future events. The material set forth in this document is not an unequivocal statement of law, but instead represents our best interpretation of where things stand as of the date of first publication. We have not attempted to address the potential impacts of all local, state and federal orders that may have been issued in response to the COVID-19 pandemic.

## Authors



**David P. Doyle**  
**Partner**

Parsippany, NJ | (973) 966-8136  
ddoyle@daypitney.com



**Thomas F. J. O'Mullane**  
**Partner**

Parsippany, NJ | (973) 966-8413  
tomullane@daypitney.com