



Who Signs Our Form 5500?

Facts

The person in our office who handles many of our administrative functions, including those related to our 401(k) plan, will be retiring soon, so we're reviewing many of our internal processes in anticipation of training someone new to take on those functions. We know that our Form 5500 must be filed by the end of July, so that particular process is high on the priority list.

Question

Who, exactly, signs the Form 5500? Do we have to do it ourselves, or can one of our plan service providers do it for us?

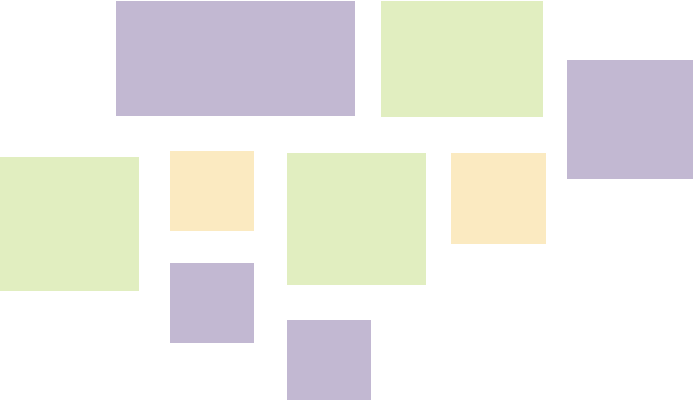
Answer

The Form 5500 (and similarly, the Form 5500-SF) requires signature by the Plan Administrator. That role refers to the party who is legally responsible for the plan and is typically the company that sponsors the plan. That means any person who is authorized to act on behalf of your company (as the sponsor of your 401(k) plan) can sign the Form 5500. The filing instructions do not require the signer to be a plan trustee. It's important to note, however, that whomever signs does so under penalty of perjury that all of the reported information is complete and accurate.

After identifying "who" the signer will be, it's important to ensure your process review includes the "how" to file as well. The plan must file the Form 5500 electronically, which requires the signer to have signing credentials on the Department of Labor's filing portal (called EFAST2). Even though the form is filed electronically, plan sponsors are still required to retain a copy of the 5500 with "wet" signature in their permanent [plan records](#). That doesn't necessarily mean an actual paper copy; a PDF is acceptable as long as it clearly shows the actual signature.

If obtaining DOL signing credentials is overwhelming, it is possible to have a service provider complete the electronic submission on the Plan's (and signer's) behalf. The DOL has provided specific instructions which, if followed, allow a third party to complete the electronic submission for the Plan as an administrative task without assuming any liability for the filing. Here is a quick summary of those steps:

- The signer must authorize the service provider (in writing) to submit the return,
- The signer must furnish the service-provider with a copy of the Form 5500 that shows the "wet" signature,
- The service provider must retain a copy of the authorization,
- The service provider must include a PDF of the return reflecting the wet signature of the signer along with the electronic submission; and,
- The service provider must inform the signer that as part of the submission, the image of the signer's signature will be viewable on the EBSA website (as the Form 5500 is a public document).



If someone new will be taking on the role of Form 5500 signer for your plan and needs assistance obtaining DOL signing credentials, a member of the [DWC team](#) can walk them through the process. If instead, you find yourself unable to complete the electronic submission and needing to utilize the alternative described above, DWC is happy to offer that support.

Related Resources

- [Form 5500 FAQs](#)



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