

FY 2006 Strategic Plan for Participant & Compliance Outreach, Education & Assistance

Introduction

The Employee Benefits Security Administration (EBSA) strives to provide quality assistance to participants, beneficiaries, employers, plan sponsors, service providers, and the general public in receiving and providing pension and health benefits governed by the Employee Retirement Income Security Act (ERISA) and other related federal benefit laws. This is accomplished through various forms of participant and compliance outreach, education and technical assistance programs. (OEA). In order to have a more focused plan of OEA activities, the EBSA has developed this strategy to guide its regional and national offices in carrying out an organized OEA program.

Department of Labor and EBSA Strategic Goals

The Secretary of Labor has developed four strategic goals for the Department. The Department's Strategic Goal # 2--*A Secure Workforce*, sets the framework within which EBSA performs its mission and establishes its programmatic goals and objectives.

Goal # 2 *A Secure Workforce* -- Promote the economic security of workers and families.



Increase compliance with worker protection laws

Protect worker benefits

EBSA's mission supports the "protect worker benefits" outcome goal.

In addition the Secretary's Goal # 4 -- *A Competitive Workforce* -- envisions the reduction of regulatory burden to employers, which ultimately makes them more competitive.

In support of the Secretary's four goals, EBSA has developed a single Strategic Goal, *Enhance Pension and Health Benefits Security*, which is accomplished by pursuing the following four strategies of program emphasis:

- (1) Facilitate compliance by plan sponsors, plan officials, service providers, and other members of the regulated community;
- (2) Assist workers in understanding their rights and protecting their benefits;
- (3) Deter and correct violations of the relevant statutes; and,
- (4) Develop retirement, health, and employee benefits policies.

It is within this context that EBSA's FY 2006 *Strategic Plan for Outreach, Education and Assistance* has been developed.

Purpose & Scope of the OEA Strategic Plan

The FY 2006 Strategic Plan for Participant & Compliance Outreach, Education and Assistance will support the Department=s and EBSA=s strategic goals by:

-  establishing national policies and priorities for the Agency's OEA activities;
-  providing a general framework for National and Regional Office components who are involved in OEA activities; and,
-  identifying various strategies that the National and Regional Office components will utilize in developing their yearly program operating plans.

EBSA's outreach, education and assistance activities are carried out by the ten Regional Offices and various office components within the National Office. This plan provides a framework for the conduct of the participant and compliance outreach, education and assistance (OEA) activities described below.

Under the guidance of the Office of Participant Assistance (OPA), the Regional Offices will develop a specific FY '06 OEA Program Operating Plan (POP) providing a description and timeframe for the specific Participant and Compliance OEA activities they will undertake to implement the Strategic Plan in their region. Regional Benefits Advisors will provide assistance to over 250,000 participants, beneficiaries, employers, plan sponsors, and practitioners by responding to inquiries, providing on-site assistance, conducting seminars and participating in various outreach activities.

OPA also coordinates two national education campaigns, which form the basis for the development of most of the Agency's informational materials and publications, and the coordination for many of the compliance and participant seminars and outreach activities. OPA is responsible for outreach through the Agency's Web site and will also prepare the 2006 publication plan outlining the educational materials to be developed, the timeframe for development, printing and release of each, once the Campaign and printing budgets are final for the year.

The Office of Enforcement (OE) provides oversight of the Agency's Voluntary Fiduciary Compliance Program, coordinates compliance programs with other enforcement agencies and provides consultation to the plan benefits community through speeches and other outreach activities. The Office of the Chief Accountant (OCA) provides oversight of the Agency's Delinquent Filer Voluntary Compliance (DFVC) program and provides compliance assistance to filers through the operation of a help desk, participates in seminars, meetings and other outreach activities directed to plan sponsors, auditors and other service providers.

Specialized compliance technical assistance is provided to plan officials and service providers by the Office of Regulations and Interpretations (ORI) and the Office of Health Plan Standards and Compliance Assistance (OHPSA), through the issuance of regulations, interpretive guidance, advisory opinions, field assistance bulletins as well as speeches and participation in outreach

seminars and events for the regulated community. The Office of Exemption Determinations (OED) provides technical assistance to regulated entities through exemptions and interpretive letters and through outreach activities.

The Challenge

EBSA has identified several challenges that will be addressed by its regional and national office OEA activities and initiatives.



To educate and assist employers (particularly small employers), plan sponsors, auditors and other service providers in understanding and complying with their obligations under the law and related regulations and procedures.

Most employers, plan sponsors, and practitioners want to provide quality benefits and services to their workers or clients. Lack of awareness of retirement and health laws, their fiduciary duties under the law and other requirements of plan sponsors, however, can preclude them from understanding their obligations under the law. Employers and plan sponsors or their service providers may fail to follow required procedures due to a misunderstanding of the law or regulations. Plan auditors may not properly audit plans because they do not understand the unique aspects of these audits. Several new laws have been enacted over the last few years; new forms, new reporting and disclosure provisions, and other procedural requirements have been implemented. Employers and plan sponsors need to be kept abreast of these new requirements through ongoing outreach and education programs and initiatives. Employers who voluntarily request compliance assistance should receive timely and helpful interpretive guidance, responses to exemption requests and filing questions, and have access to voluntary correction programs when appropriate. Employers and practitioners must be aware of EBSA's services and voluntary compliance initiatives in order to take advantage of them.



To educate participants, beneficiaries and other consumers about their rights under the law and where to go for help when needed; and, to assist participants in obtaining benefits that have been improperly denied.

Consumers= lack of awareness or understanding of retirement savings & health benefits laws impedes their ability to exercise their rights. Workers who are facing changes in their work situations, such as loss of their job or a reduction in their hours, or significant changes in their life situation, such as marriage, divorce or childbirth, are particularly vulnerable and need proper information to protect their pension and health benefits and make informed decisions. Some participants may need our intervention to help them obtain a benefit that has been improperly denied.



To educate workers about the need to save and plan for their retirement .

Many workers lack the information, knowledge and/or incentive to effectively save and plan for retirement. Workers with a pension are increasingly likely to be covered by a defined contribution plan, usually a 401(k) plan rather than the traditional defined benefit plan. Much of the responsibility for retirement planning has consequently shifted to

workers.

Nearly 20% of workers in firms who offer a 401(k) plan, and are eligible to participate, fail to do so. Only 25% of those participating in a 401(k) plan contributed 10% or more of their earnings to the plan. Younger workers are most likely not to participate at the maximum level. Workers are also not taking advantage of the increased contribution levels.

Also, workers near retirement are not planning sufficiently for the distribution phase of their retirement and are not taking advantage of special make-up provisions now available to those 50 and over. Factors such as how long one expects to live during retirement and how much money will be needed to cover living expenses, health care needs and other needs, must be taken into consideration before deciding to retire.

Social Security provides 50% or more of the income for 2/3rds of households age 65 and older; and is the only source of income for 22%. In 1988, 66% of firms with 200 or more employees offered retiree health benefits; by 2004, only 36% of those firms offered the benefits. Only 5% of smaller firms offered retiree health benefits. A recent Urban Institute study reported that out-of-pocket health care costs are expected to triple for retired married couples between 2000 and 2030 – from \$5,760 to \$16,400.

- To make EBSA's customers aware of our services and how to contact us.

Many consumers do not know about EBSA's services or how to reach the appropriate EBSA office for assistance. Employers, plan sponsors, and practitioners must be aware of the compliance assistance services we offer and how to reach us in order to take advantage of these programs. Congressional staff, media, consumer advocacy groups, employer groups and trade associations who reach our customers must be aware of our services in order to properly refer those who need assistance.

Vision

Our vision is that:



Employers and plan sponsors will have the necessary information to provide quality and properly administered employee benefit plans to their employees;



Employers and plan sponsors will voluntarily request technical assistance from the Agency when needed and will receive a timely and helpful response;



Employers and plan sponsors will be aware of and will take advantage of our voluntary compliance programs when appropriate;



Workers will have the proper information to exercise their rights and to make informed decisions about their pension & health benefits;



Workers will receive the pension, health and other benefits promised to them; and,

-  Workers will have the opportunity for a comfortable retirement through a secure private pension plan, Social Security and sufficient personal financial savings including provisions for long term care when appropriate.

Agency Priorities

EBSA has identified the following priorities for FY 2006 for participant and compliance outreach, education, and technical assistance:

Compliance Outreach, Education & Technical Assistance

-  Provide quality and timely technical assistance upon request to the employee benefit plan community.
-  Develop and/or continue to provide specific tailored and targeted educational programs, to inform employers, plan sponsors, service providers and practitioners about their ongoing responsibilities and obligations under ERISA, and any new laws or requirements. Educational programs built around the following topics are a priority for development or continuation in 2006:
 - S ***General Fiduciary Responsibilities for Small Employers Who Offer a Retirement Plan***
 - S ***Requirements for Choosing, Starting, and Operating a Retirement Savings Plan.***
 - S ***Compliance With ERISA Health Benefits Laws***
 - S ***MEWA Warning Signs – Tips for Avoiding Insurance Scams***
 - S ***ERISA reporting, filing, and auditing requirements***
-  Educate employers about EBSA’s Voluntary Fiduciary Correction Program (VFCP), the Delinquent Filer Voluntary Compliance Program (DFVP) and any other correction program available by conducting targeted outreach. Provide technical assistance to those eligible employers who want to take advantage of these programs.

Participant Outreach, Education & Technical Assistance

-  Respond to participant inquiries timely and accurately, assisting them in understanding their rights and benefits and intervening on their behalf with the plan in order to assist them in obtaining the health and pension benefits to which they are entitled;
-  Educate workers in job-based health and pension plans so that they make informed health and pension benefit decisions and understand how changes in their lives, such as marriage, divorce, childbirth, job layoff or retirement, can affect their benefits;
-  Specifically target dislocated workers for on-site assistance, educating them about options to protect their pension and health benefits when facing job loss;
 - Educate individuals about the benefits of saving for retirement, specifically new job

entrants and those with access to a plan who are not participating; and, educate those who are nearing retirement about risks they may face during the distribution phase of their retirement benefits

Public Awareness

-  Increase consumer awareness of EBSA's programs and services, by specifically educating participants and beneficiaries, employers, plan sponsors, and practitioners. Educate and utilize employer organizations, state and federal agencies, congressional offices and consumer groups to inform their constituents about the Agency's services and contact information.

Agency Strategy

Addressing the participant and compliance outreach, education and technical assistance challenges and meeting the Agency's priorities will require a multi-faceted approach using both national and regional office resources and a variety of techniques including materials development and distribution, electronic communication through EBSA's Web site, public events, media outreach, educational seminars, and hands on technical assistance.

The following represents the Agency's strategy to accomplish the priorities identified above. A general description of the activities to be undertaken by the Agency's national and field office staff in the area of participant and compliance outreach, education and assistance is provided.

Compliance Outreach, Education & Technical Assistance

1. Provide *quality and timely technical assistance* to the employee benefit plan community.

-  EBSA will continue to provide a *toll-free "help desk" for filers* and *toll-free access to Agency Benefits Advisors* for compliance assistance.
-  *Compliance assistance telephone inquiries* will be handled immediately if possible but an initial response should be provided no later than by the end of the next business day.
-  *Written and electronic compliance assistance inquiries* will be handled in accordance with EBSA's customer service standards.
-  *Technical assistance* will be provided to eligible employers, plan sponsors and service providers who want to take advantage of EBSA's Voluntary Compliance Correction Programs.

-  The *Health ELAWs interactive Web site for employers* will be maintained and updated when necessary.
-  Use of the *electronic website*, www.askEBSA.dol.gov, by employers and plan sponsors for submission of inquiries and requests for technical assistance will be encouraged. Responses will be timely and helpful.
-  Initial responses to requests for *interpretations and other rulings* will be provided within two weeks of receipt. The response will identify the name of the employee benefits law specialist who will be handling the request and a telephone number for directing questions related to the request.
-  *Field Assistance Bulletins (FABs)* and other technical guidance will be issued as needed.
-  An acknowledgement of receipt of all applications for *exemptions* will be made within two weeks of receipt; an initial response to the request will be provided within 30 days.
-  All interpretations, exemptions and compliance assistance documents will be *posted on the EBSA Web site*.
-  The *EFAST system* will continue development towards the goal of allowing plan administrators to file electronically and permitting the public to obtain images of plan filings via EBSA's Web site.

2. Through *specific tailored and targeted compliance educational programs and seminars*, inform employers, particularly small employers, plan sponsors, service providers and practitioners about their ongoing responsibilities and obligations under ERISA, and about any new laws or requirements. The following educational programs will be developed and/or continued in 2006:

- *The Fiduciary Education Campaign, a retirement plan compliance assistance program, will continue in 2006.* The program will educate fiduciaries of employer-sponsored plans, with an initial focus on small employers, regarding the importance and breadth of their duties, as well as the consequences of breaching their duties. Seminars will be offered throughout the country. A small business kit comprised of fiduciary education materials will be distributed. Publications will emphasize what steps small employers should take to make a pension plan run properly and how to clearly define responsibilities between the plan sponsor and its service providers. These publications will be placed on the EBSA Web site and distributed at outreach events. Slides developed for use by speakers at the seminars will be available on the Agency Intranet and will be used by the national and field staff when appropriate at various speaking opportunities.
- *The H-CAP Program will continue in 2006.* The publications, developed to assist

group health plans and health insurance issuers in complying with the new health laws – the Self-Audit Checklist, Compliance Assistance Tips and a Health Laws Notice Guide, will continue to be placed on the Web site and distributed at outreach events.

- *The HBEC Compliance Assistance Seminars will continue in 2006.* Working in conjunction with State Insurance Commissioners, seminars will be planned throughout the country for employers, third party administrators and insurers, focusing on HIPAA, COBRA & other health care laws and provisions. The seminars will include presentations by EBSA staff as well as staff from the IRS, HHS & the state insurance departments. Educational materials will be distributed. The publications distributed at the seminars will also be placed on the Web site, along with FAQs that are developed from participant questions raised at the seminars. Slides and talking points used by the staff at the seminars will be made available on the Intranet for use by Field and National Office staff when appropriate for various speaking opportunities.
- *Workshops on MEWAs will be developed* at the regional level. Tips for avoiding insurance scams and other educational materials will be provided to small employers and state officials.
- *Educational sessions on ERISA reporting, filing, and auditing requirements will be provided* at conferences and various speaking events. The targeted audience is filers, accountants and other service providers.
- *Joint small business workshops will be planned* in conjunction with the IRS and local Chambers of Commerce and the Small Business Administration to provide instruction to small employers about choosing, starting, and operating a retirement savings plan.

3. Conduct targeted outreach activities to promote compliance with ERISA

- *Publications, fact sheets, FAQs, “compliance tips”, “lessons learned” and other guidance related materials*, such as the “Most Common Filing Errors” and “MEWA Warning Signs”, will be developed and/or updated and distributed through the dedicated compliance assistance Web site page, the toll free publication line, and through the National and Regional Office outreach activities. Specific “kits” of these materials will be developed for use in the various Compliance Assistance Workshops and Seminars.
- *Articles and press releases* with helpful information to facilitate compliance will be developed and targeted to industry groups through newsletters and other trade association publications. Compliance assistance seminars, testimony, speeches will be promoted in the press and continue to be *highlighted on the Agency Web site*. A *tagline* about the Voluntary Compliance Programs will be added to appropriate press releases.
- *Electronic means will be used* to distribute compliance assistance program highlights to interested industry groups and organizations, such as through the *IRS E-Newsletter*.

- EBSA field and national staff will continue to develop and expand *partnerships* with the IRS, HHS, Small Business Administration, State Regulators, Chamber of Commerce, NFIB, IFEBP, AICPA, CPA organizations, Bar Associations, District Attorneys, NAIC, and other Employee Benefit Organizations and employer groups to conduct training sessions, to speak at conferences and events, and to distribute information through organizational newsletters, video conferencing, Web casts, and other means.
- Field and national office *speakers will promote the Agency's Voluntary Compliance Programs* at all appropriate speaking and outreach opportunities. Speakers will utilize the CD and publication jointly developed by EBSA, the IRS & PBGC, explaining the voluntary correction programs offered by the three agencies.

Participant Outreach, Education and Technical Assistance

4. Assist participants/beneficiaries in understanding their rights and benefits and in obtaining health and pension benefits to which they are entitled.

-  All participant inquiries will be handled timely and accurately in accordance with the EBSA's *customer service standards*.
 - Appropriate steps will be taken by the Field and National Office Benefits Advisors to intervene, follow up, and *resolve valid complaints informally*. Benefit recoveries will be pursued when a determination is made that the participant was denied an earned benefit.
-  *Appropriate referrals* of valid complaints that cannot be resolved informally will be made to EBSA's enforcement staff for *investigation*.
-  *Other appropriate referrals* will be made for support services, such as to other federal, state and local agencies, pro-bono legal clinics, pro-bono actuaries, the ERISA lawyers network, patient advocacy programs, Administration on Aging counseling projects, etc.

5. Educate workers in job-based health and pension plans so that they make informed health and retirement benefit decisions. Help them understand how changes in their lives, such as marriage, divorce, childbirth, job layoff or retirement, can affect their benefits, and what their options are in those situations.

-  *Publications, fact sheets, FAQs, and other educational materials* will be updated and/or developed for distribution in multiple languages through EBSA's Web site, toll-free number, and through national and regional outreach activities.

 The *Health ELAWs interactive Web site for participants* will be maintained and updated when necessary.

 *Announcements/articles* will be targeted to specific populations in multiple languages, utilizing advocacy groups, faith-based organizations, and other community-based organizations for distribution.

 *Seminars, speeches, and workshops* will be conducted utilizing standard talking points and other visual aids such as slides, displays, exhibits, etc.

 *Partnerships* will be forged with employee and employer organizations and associations to disseminate information to workers.

6. **Specifically target dislocated workers for assistance in protecting their retirement and health benefits.**

 Dislocated workers will be assisted in understanding their health and retirement benefit plan rights and options. Regional Benefits Advisors will participate in various *Rapid Response Sessions*; will provide *train-the-trainer assistance* and publications to State WIA Officials and One-Stop Center staff.

 All *DLW publications* will be updated and maintained in English and Spanish. Fact Sheets directed to DLWs will be developed in additional languages. Materials for individuals facing job loss or relocation will be made available on EBSA's Web site, through the publication hotline and through regional and national outreach events.

 *Periodic contact* will be made by the Regional Offices *with state and federal officials* to identify educational needs of dislocated workers. National Office staff will remain in contact with national ETA and Treasury officials, and regional office staff will remain in touch with their regional counterparts in these offices, to *coordinate TAA activities*, with the EBSA DLW program. The National Office will also continue to work with TAA officials to update informational materials related to the TAA health care tax credit.

 *Training to employers* experiencing shutdowns will be provided as well as education for the affected workers about their pension and health benefits and their rights under the law.

7. **Educate individuals about the benefits of *saving for retirement*, specifically new job entrants and those with access to a plan who are not participating; and, educate those who are nearing retirement about risks they may face during the *distribution* phase of their retirement benefits.**

 The *target populations* for the 2006 Retirement Savings Education Campaign are:

1) workers with access to an employer provided plan who are not participating or who are not participating at the maximum contribution level, and,

2) workers within 5 - 10 years of retirement.

 *Tools*, such as *written materials, calculators, and interactive Web sites*, designed for specifically targeted populations, will be updated or developed. The Small Business Advisor interactive ELAWs site, as well as the updated DOL/SBA/Chamber of Commerce www.selectaretirementplan.org site, will be maintained.

 *Promotion of the PSA announcements/articles* will be continued in conjunction with the *Consumer Federation of America's (CFA's) America Saves Program*. These articles will focus on workers taking advantage of their employer-sponsored retirement plan and will encourage the workers to become "savers" through the CFA program. Enrollees will be tracked by CFA.

 July 4th will be promoted as "*Financial Independence Day*" -- a yearly marker for American workers to assess their life-long financial independence.

 A *publication and marketing plan* will be developed in conjunction with the North American Securities Administrators Association (NASAA), American Association of Retired People (AARP), and the Society of Actuaries, utilizing input from Met Life and other organizations, to educate workers near retirement about the need to plan for the *distribution phase of their retirement* before deciding to retire.

 Staff will participate in *speeches and workshops* utilizing standard talking points and other visual aids such as slides, displays, exhibits, etc. to promote retirement planning and saving.

- *Partnerships* will be continued or developed with employers, unions, employee organizations and associations, community based organizations, ASEC, other federal agencies (including Treasury/IRS, SEC, HHS & others), the Department's Women's Bureau, and other organizations at both the national and regional levels to reach the target population groups. National partnerships will continue with ASEC, the Consumer Federation of America's *America Saves Program*, and, Treasury's Financial Literacy Commission.

Public Awareness

8. Increase *consumer awareness* of EBSA=s programs and services for individuals, employers, practitioners, employer organizations, state and federal agencies, Congressional Offices and consumer groups about the Agency's services and contact information.

 *On-site outreach* will be provided to staff members in *district offices of members of Congress* to educate them about the services EBSA provides to their constituents. Regional Benefits Advisors will offer to schedule these briefings in those

Congressional district offices that have never been reached as well as those offices that have not been contacted in the last two years.

-  *On-site outreach* will be provided to staff members in the *State Insurance Commissioners' Offices and the consumer complaints division of the State Attorneys General Offices* to educate them about the services EBSA provides to their constituents. Regional Benefits Advisors will offer to schedule these briefings in those offices that have never been reached as well as those offices that have not been contacted in the last two years.
-  EBSA's toll-free number and regional office telephone numbers will continue to be placed and updated in *telephone directories* in all major cities throughout each regional office jurisdiction.
-  *New EBSA brochures* and materials will be developed or updated for use at outreach events. All will include EBSA's Web site address and toll-free telephone number.
-  EBSA Benefits Advisors will participate in *exhibits* at events that are focused on the targeted populations.
-  *Informational packets* about our services will be distributed to various *community and faith-based organizations* as a means to educate the community, particularly communities of non-English speaking populations.
-  Regional Benefits Advisors will participate on *radio and television talk shows*; responding to questions about employee benefits.
-  The *media* will be utilized for consumer outreach by developing and disseminating *articles, columns, print & radio announcements* and other materials on both the national & regional level.
-  *Posters* and other informational materials will be distributed in One-Stop Centers, community-based organizations, advocacy groups, post offices, employment commission offices, libraries, churches, career offices of colleges and universities, and other locations to inform consumers about their benefits and where to go for assistance.
-  *Direct mailings* to stakeholders will be utilized as a means of educating consumers about their benefits.

Evaluation of OEA Activities

To determine the effectiveness of EBSA=s participant and compliance outreach, education and technical assistance activities and the impact of these activities on the Agency=s priorities, the following methods will be utilized:

-  Analyze the number of inquiries received by each office and number of Web site user sessions pre- and post- OEA activities;
-  Determine how individuals hear about our Agency and the services we offer, and utilize this information to target outreach activities;
-  Review reports of all technical assistance activities to determine if the program is in compliance with the Agency=s customer service standards;
-  Review recoveries made on behalf of participants to determine the success of EBSA=s intervention in benefit complaints and the positive impact on the participants;
-  Conduct quality reviews to determine if inquirers are receiving accurate information;
-  Analyze the number of and results of referrals of complaints for investigation;
-  Obtain feedback on EBSA=s participant assistance, compliance assistance and other technical advice programs through customer satisfaction surveys;
-  Review evaluations completed following participant and compliance seminars, workshops and presentations;
-  Review the results of surveys conducted with dislocated workers;
-  Review the results of the Web site surveys, and,
-  Analyze the results of focus group sessions to determine the understandability of Agency materials.

Performance Goal	Enhance Benefit Security
Indicator	<p>Indices of Success:</p> <p><u>Enforcement:</u> Achieve a 69% ratio of closed civil cases with corrected violations to civil closed cases in FY 2005. Achieve a 40.2% ratio of criminal cases referred for prosecution to total criminal cases in FY 2005.</p> <p><u>Participant Assistance</u> Achieve a Customer Satisfaction Index of 65, or comparable measurement, by FY 2006 for Participants and Beneficiaries who have contacted EBSA for assistance. (67% by 2008)</p> <p><u>Compliance Assistance</u> EBSA will increase by 5% annually (to 8,757) the number of applications to its Voluntary Compliance programs.</p>
Data Source	Enforcement Management System Gallup
Baseline	<p><u>Enforcement</u> 46.04% (FY99-FY01 Average) 23.45% (FY99-FY01 Average)</p> <p><u>Participant Assistance</u> 53 (FY 2001) [1-100 scale] 59 (FY 2003) [1-100 scale] 61 (FY 2004) [1-100 scale]</p> <p><u>Compliance Assistance</u> 7,564 (FY 2001-03 average)</p>
Comment	<p>EBSA stakeholders operate in a voluntary environment (i.e. employers opt to offer (or not) pension and health benefits and employees choose whether to participate). EBSA's mission is to operate balanced programs of enforcement, compliance assistance, outreach and education that serve both plan professionals and participants and beneficiaries. Ultimately, EBSA's efforts attempt to enhance pension and health benefit security in a universe of 6 million benefit plans, 150 million participants and beneficiaries, and approximately \$4.8 trillion in assets. There is no quantifiable, pure outcome measure to determine whether EBSA is successful. Externalities, such as the economy, have a significant impact on whether employers opt to offer benefits and whether employees choose to participate and to what extent. Therefore, EBSA's mission is to ensure that our stakeholders (plan professionals and participants) are empowered with knowledge to comply with the law and/or to make personal choices. In the absence of having a pure, outcome measure, describing success in enhancing the security of pension and health benefits in this complex environment involves selecting key indices that, if achieved, provide a reasonable indication or logical connection to success. It is within this context that EBSA developed new performance measures to better communicate its performance. In developing these indices, EBSA strives to: (1) maintain maximum flexibility for the Secretary to make policy judgments regarding enforcement, compliance assistance, outreach and education; (2) reflect EBSA's effectiveness in achieving these policy choices; (3) avoid creating perverse incentives (i.e. complex v. easy, monetary v. non-monetary recovery, big v. small plans, health v. pension); and (4) measure a multitude of diverse activities (e.g. education/outreach, technical assistance, enforcement). By measuring these indices, coupled with other underlying management information, the effectiveness of our program can be measured and logically connected to enhancing benefit security.</p>

