



JAN 23 1981

Ms. LaDonna Wallace
President
Plain English, Inc.
2029 Century Park East, Suite 600
Los Angeles, California 90067

Dear Ms. Wallace:

This is in response to your letter in which you requested advice concerning compliance with certain reporting and disclosure requirements under Part 1 of Title I of the Employee Retirement Income Security Act of 1974 (ERISA). We regret that the volume of correspondence concerning ERISA has resulted in a delay in responding to your request.

In your letter you indicate that Plain English, Inc. is a legal and business communications consulting firm which specializes in making difficult writing more readable, and particularly in translating complex legal documents into language easily understood by the layperson. In this regard, one of your clients has inquired as to the possibility of your developing one document which would serve the purposes of both a plan document and a summary plan description (SPD). You indicate that your language and legal staff agree that one document in plain language could be made to meet the requirements of a legal document and also the disclosure requirements applicable to SPDs set forth at 29 C.F.R. §2520.102-1 et seq. Accordingly, you have requested advice as to whether any statutory or regulatory prohibition exists with respect to the use of a single document to serve as both a plan document and an SPD under ERISA.

Neither Title I of ERISA nor the regulations issued thereunder contain any provision which expressly prohibits the use of a single document to serve as both a plan document and an SPD, or which expressly requires that the SPD and plan document be two separate documents. If a document, therefore, is written in "plain language" and satisfies the requirements of 29 C.F.R. §2520.102-2, pertaining to the style and format requirements

for SPDs, it is the view of the Department that a plan would not be precluded from using that document as a summary plan description solely because the document is also the plan instrument, provided that it also meets all other requirements applicable to summary plan descriptions.

It should be noted, however, that the Department would not consider a document to be in compliance with the summary plan description requirements if the document is overly complex or lengthy, or contains information so extraneous to that information required to be contained in the summary plan description that the intended purpose of the summary plan description is diminished or otherwise undermined.

We hope this information is of benefit to you.

This letter constitutes an information letter under ERISA Procedure 76-1. Accordingly, this letter is issued subject to the provisions of that procedure, including section 11, relating to the effect of information letters.

Sincerely,

Peter A. Straub
Chief
Division of Reporting and Disclosure
Office of Reporting and Plan Standards