



BENEFITS • PAYROLL • TECHNOLOGY

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ERISA Advisory Council

1. Electronic Distribution

- Need updated safe-harbor - “reasonably calculated to ensure actual receipt”
- Allow kiosks
- Permit if optimized for mobile
- Postcard alternative with website and phone number (include free paper copy language)

2. SARs

- Contents aren't useful
- No meaning to participants

3. Form 5500 Proposed Revisions

- Concerns re: Schedule J

4. Form 5500

- Requirements for carriers to produce documentation for Form 5500s
 - o Timeliness requirements
 - o Automatic issuance requirements
 - o Participant triggers below 100—wrap plan issue
 - Carriers required to issue for all groups over 50
 - Exemption for groups under 50 (don't have to include that line of coverage under filing, even if covered by the same wrap document)

5. Wrap Plans/SPDs

- Safe harbor for combined wrap/SPDs

6. SBCs

7. Voluntary Plans

- More clarity on exemption
- Safe-harbor for “non-endorsement”—list of specific things that you CAN do while maintaining the ERISA exemptions
- Specific guidance that payroll deduction does not blow exemption



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8. Clarifying Defined Terms

- Tripartite committee to address multiple definitions for the same term
 - o “50 employees”
 - ALE Status
 - o Large group
 - o Full-time
 - 120 v. 130
 - o Seasonal worker v. seasonal employee

- For MEWA determinations, include affiliated service groups in controlled group definition—i.e., adopt a standard that mirrors the IRS definition