

December 1, 1975

Dear :

This is in response to your inquiry whether section 2530.200b-3(c) of DOL regulations published on September 8 should be construed to require multiemployer plans to obtain records of hours worked from member employers. You cited the phrase "reasonably accessible" in the regulation, and suggested that while records in the hands of the Fund met this standard, those in the custody of participating employers do not.

We believe records available from constituent employers are reasonably accessible within the meaning of this regulation. However, we are giving consideration to your suggestion that the regulation be amended to permit participation and vesting credit to be based upon weeks worked rather than hours worked, and are hoping to find a formula which will permit the use of weeks worked where it will be at least as favorable as hours worked to each participant who may be affected.

Before you request the more than 1800 contributory employers to reconstruct the hours worked for each employee back to 1966, you may, therefore, wish to wait for publication of a decision on alternative methods of computing vesting and participation credit.

Sincerely,