

December 10, 1976

Dear :

Thank you for your letter dated April 12, 1976, requesting a determination under the Employee Retirement Income Security Act of 1974 (ERISA). I am sorry we could not reply sooner.

According to your letter and a conversation with a member of my staff, the City of (named) has established and maintains a noncontributory group hospital and surgical plan for its employees. The City has a contract with (named). Dependents may be covered by employee contributions. You would like to know if the City has any reporting requirements under the ERISA.

Section 4(b)(1) of the ERISA exempts governmental plans from coverage thereunder. Section 3(32) defines the term "governmental plan", in part, to mean a plan established or maintained for its employees by the Government of the United States, by the government of any State or political subdivision thereof, or by any agency or instrumentality of any of the foregoing.

Based on the above, it is concluded that the Plan is established and maintained for its employees by (City), a political subdivision of (State). Accordingly, the Plan is a governmental plan as defined in section 3(32) of the ERISA, and is exempt from coverage under Title I pursuant to the provisions of section 4(b)(1). There are no reporting requirements under the ERISA, insofar as the Department of Labor is concerned.

Sincerely,