

December 10, 1976

Dear:

Thank you for your letter dated February 3, 1976, and the information furnished to a member of my staff over the telephone. I am sorry we could not reply sooner.

According to the information furnished, the disability policy was established and is maintained by the (named) College (College), a state institution. All employees are considered employees of (State). The College administers the program and has complete control over it. You request a determination whether the program is a governmental plan and, therefore, exempt from coverage under the Employee Retirement Income Security Act of 1974 (ERISA).

Section 4(b)(1) of the ERISA exempts governmental plans from coverage under title I of the ERISA. 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 foregoing, it is concluded that the disability policy of the College is established and maintained by the College, an agency or instrumentality of (State). Accordingly, it 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).

Sincerely,