

101(a)(1)

3(6)

3(7)

September 19, 1977

Dear

Thank you for your letter concerning the Employee Retirement Income Security Act of 1974 (ERISA). We regret that we were unable to respond to your inquiry earlier.

You advise that the (named) Association (Association) provides a travel insurance program at the Association's expense covering employees of the Association traveling on business. The program also covers members who serve on various committees while such members are traveling to and from committee meetings or engaged in other travel on behalf of the Association. You state that the service of the members is completely voluntary and generally uncompensated. You ask whether or not the Association is required to furnish such members with copies of the summary plan description in accordance with section 101(a)(1) of ERISA.

Section 101(a)(1) of ERISA requires that a summary plan description be furnished to all participants in a covered plan. Section 3(7) of ERISA defines a "participant" as any employee or former employee of an employer, or any member or former member of an employee organization, who is or may become eligible to receive a benefit of any type from an employee benefit plan which covers employees of such employer or members of such organization, or whose beneficiaries may be eligible to receive any such benefit. Section 3(6) of ERISA defines an "employee" as any individual employed by an employer.

To the extent that Association members covered by the travel insurance program serve voluntarily and are

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generally uncompensated (i.e., are provided solely with travel and travel-related expenses), such members are not "employees" of the Association within the meaning of section 3(6) nor "participants" in the travel insurance program within the meaning of section 3(7). Accordingly, the Association is not required to furnish such members with copies of the summary plan description of the program.

Sincerely,