

Fact Sheet



EBSA Achieves \$1.05 Billion in Total Monetary Results in Fiscal Year 2010

Through its enforcement of the Employee Retirement Income Security Act (ERISA), the Employee Benefits Security Administration (EBSA) is responsible for ensuring the integrity of the private employee benefit plan system in the United States. EBSA's oversight authority extends to over 708,000 retirement plans, 2.8 million health plans, and a similar number of other welfare benefit plans, such as those providing life or disability insurance. These plans cover about 150 million workers and their dependents and include assets over \$5 trillion.

Total Monetary Results			
Total Results	Prohibited Transactions Corrected/Plan Assets Protected	Plan Assets Restored/Participant Benefits Recovered	Voluntary Fiduciary Correction Program
\$1.05 B	\$697.1 M	\$347.8	\$13.8 M

Civil Investigation Statistics Demonstrate Success in Targeting

In FY 2010, EBSA closed 3,112 civil investigations, with 2,301 (73.94%) resulting in monetary results for plans or other corrective action.

EBSA often pursues voluntary compliance as a means to correct violations and restore losses to employee benefit plans. However, in cases where voluntary compliance efforts have failed, or which involve issues for which voluntary compliance is not appropriate, EBSA forwards a recommendation to the Solicitor of Labor that litigation be initiated. In FY 2010, 264 cases were referred for litigation. Together, EBSA and the Solicitor of Labor determine which cases are appropriate for litigation, considering the ability to obtain meaningful relief through litigation, cost of litigation, viability of other enforcement options, and agency enforcement priorities. EBSA cases referred to the Solicitor's office for litigation are often resolved, with monetary payments, short of litigation. Nationwide in FY 2010, litigation was filed in 128 civil cases.

Civil Investigations				
Civil Investigations Closed	Civil Investigations Closed With Results	% Civil Investigations Closed With Results	Civil Investigations Referred For Litigation	Civil Cases With Litigation Filed
3,112	2,301	73.94%	264	128

EBSA Investigations Led to the Indictment of 96 Persons for Crimes Related to Employee Benefit Plans in FY 2010

EBSA has responsibility to investigate potential violations of the criminal provisions of ERISA and those provisions of Title 18 of the United States Code that relate to employee benefit plans. EBSA conducts most of its criminal investigations under the direction of the United States Attorney for the jurisdiction. Other investigations are conducted in consultation with the appropriate state or local law enforcement authority. Criminal investigations are often conducted jointly with other federal and state law enforcement agencies.

In FY 2010, EBSA closed 281 criminal investigations. EBSA's criminal investigations, as well as its participation in criminal investigations with other law enforcement agencies, led to the indictment of 96 individuals – including plan officials, corporate officers, and service providers – for offenses related to employee benefit plans.

Criminal Investigations		
Criminal Investigations Closed	Criminal Investigations Closed With Guilty Pleas Or Convictions	Number Of Individuals Indicted
281	97	96

Compliance Assistance Programs Yielded Positive Results

EBSA's Voluntary Fiduciary Correction Program (VFCP) and Delinquent Filer Voluntary Compliance Program (DFVCP) encourage the correction of violations of ERISA by providing significant incentives for fiduciaries and others to self-correct.

The VFCP allows plan officials who have identified certain violations of ERISA to take corrective action to remedy the breaches and voluntarily report the violations to EBSA, without becoming the subject of an enforcement action. In FY 2010, EBSA received 1,786 applications for the VFCP.

The DFVCP encourages plan administrators to bring their plans into compliance with ERISA's filing requirements. More than 2,200 annual reports were received each month in FY 2009. An online filing and payment option added during FY 2009 has made the program even easier to use.

Correction Programs	
VFCP Applications Received	DFVCP Filings Received
1,786	28,151

\$164.6 Million Restored to Workers through Informal Complaint Resolution

When workers experience a problem with an employee benefit plan, EBSA has proven effective in resolving their requests for assistance. In FY 2010, EBSA's Benefits Advisors handled nearly 377,000 inquiries and recovered \$164.6 million in benefits on behalf of workers and their families through informal resolution of individual complaints. Many of the inquiries were received via EBSA's toll-free number: **1-866-444-EBSA (3272)** and Web site: **www.askebsa.dol.gov**.

These inquiries are also a major source of enforcement leads. When EBSA becomes aware of repeated complaints with respect to a particular plan, employer, or service provider, or when there is information indicating a suspected fiduciary breach, the matter is referred for investigation. In FY 2010, 1,064 new investigations were opened as a result of referrals from Benefits Advisors.

Inquiry Statistics		
Total Inquiries	Monetary Benefit Recoveries from Informal Complaint Resolution	Investigations Opened from Inquiry Referrals
376,965	\$164.6 M	1,064

More than 1,400 Education and Outreach Events Held in FY 2010

EBSA also conducted education and outreach events for workers, employers, plan officials and members of Congress. These nationwide activities include assisting dislocated workers who are facing job loss, providing compliance assistance to employers, using a train-the-trainer format to inform Congressional staff of EBSA programs for their use in constituent services, and providing employees with information concerning their rights under the law.

Outreach, Education And Assistance				
Dislocated Worker Rapid Response Sessions	Congressional Briefings	Compliance Assistance Activities	Other Participant Assistance And Public Awareness Activities	Total Outreach Events
479	306	422	267	1,474

Extensive Publication and Website Usage Expanded Outreach Efforts

EBSA reached workers, retirees, employers, plan service providers, and the public through its printed materials and web site – www.dol.gov/ebsa. English and Spanish language publications featuring participant and compliance assistance information are available through EBSA's toll-free number. Publications are also available electronically on our Website, which includes consumer information, relevant laws and regulations, technical guidance, seminar schedules, and other valuable resources.

Publications And Website	
Publications Distributed	Website Visitors
607,000	7.8 M

American Recovery and Reinvestment Act

EBSA implemented a new program in February 2009 with the enactment of the American Recovery and Reinvestment Act of 2009 (ARRA). This new law provided that eligible individuals pay only 35 percent of their COBRA premiums and the remaining 65 percent is reimbursed to the coverage provider through a tax credit. To qualify, individuals must experience a COBRA qualifying event that is the involuntary termination of a covered employee's employment. The involuntary termination had to occur during the period that began September 1, 2008 and ended on May 31, 2010. The premium reduction lasts for up to 15 months. Individuals who are denied the premium reduction may submit an application to EBSA to review the denial. Denial applications are required by law to be processed within 15 business days.

ARRA Statistics	
Applications for Expedited Review of Denial	ARRA Inquiries
13,577 received	118,335
8,647 Granted valued at \$40.7 M	
99.01% completed in 14 Days or less	

From the inception of the program in February 2009, there have been 3.45 million visitors to our dedicated webpage on the COBRA subsidy program. Over 80,000 individuals subscribed to the page to receive updates on new guidance and information on the program.

Overall, EBSA's results demonstrate a strong, fair, and effective program that protects the benefits of America's workers and retirees.