

# Fact Sheet



## EBSA Achieves \$1.38 Billion in Total Monetary Results in Fiscal Year 2011

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 707,000 retirement plans, 2.5 million health plans, and a similar number of other welfare benefit plans, such as those providing life or disability insurance. These plans cover about 140 million workers and their dependents and include over \$6 trillion in assets.

Total Monetary Results			
Total Results	Prohibited Transactions Corrected/Plan Assets Protected	Plan Assets Restored/Participant Benefits Recovered	Voluntary Fiduciary Correction Program
\$1.38 B	\$766.3 M	\$140.3 M	\$9.0 M

## Civil Investigation Statistics Demonstrate Success in Targeting

In FY 2011, EBSA closed 3,472 civil investigations, with 2,614 (75.29%) 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 2011, 255 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 2011, litigation was filed in 144 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
3,472	2,614	75.29%	255	144

## EBSA Investigations Led to the Indictment of 129 Persons for Crimes Related to Employee Benefit Plans in FY 2011

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 2011, EBSA closed 302 criminal investigations. EBSA's criminal investigations, as well as its participation in criminal investigations with other law enforcement agencies, led to the indictment of 129 individuals – including plan officials, corporate officers, and service providers – for offenses related to employee benefit plans.

<b>Criminal Investigations</b>		
Criminal Investigations Closed	Criminal Investigations Closed With Guilty Pleas Or Convictions	Number Of Individuals Indicted
302	75	129

## **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 2011, EBSA received 1,968 applications for the VFCP.

The DFVCP encourages plan administrators to bring their plans into compliance with ERISA's filing requirements. More than 37,000 annual reports were received each month in FY 2011. An online filing and payment option added during FY 2009 has made the program even easier to use.

<b>Correction Programs</b>	
VFCP Applications Received	DFVCP Filings Received
1,968	25,020

## **\$478.1 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 2011, EBSA's Benefits Advisors handled nearly 234,000 inquiries and recovered \$478.1 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](http://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 2011, 896 new investigations were opened as a result of referrals from Benefits Advisors.

<b>Inquiry Statistics</b>		
Total Inquiries	Monetary Benefit Recoveries From Informal Complaint Resolution	Investigations Opened From Inquiry Referrals
233,780	\$478.1 M	896

## More Than 1,800 Education and Outreach Events Held in FY 2011

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
675	236	453	467	1,831

## Extensive Publication and Web Site Usage Expanded Outreach Efforts

EBSA reached workers, retirees, employers, plan service providers, and the public through its printed materials and website – [www.dol.gov/ebsa](http://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 Web Site	
Publications Distributed	Web Site Visitors
573,397	5.4 M

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