



November 22, 2019

Submitted via Federal eRulemaking Portal: <https://www.regulations.gov>.
Office of Regulations and Interpretations
Employee Benefits Security Administration, Room N-5655
U.S. Department of Labor
200 Constitution Avenue NW
Washington, DC 20210

Subject: RIN 1210-AB90—Comments on Proposed Regulations for Default Electronic Disclosure by Employee Pension Benefit Plans Under the Employee Retirement Income Security Act of 1974 (“ERISA”)

Dear Sir or Madam,

Aon welcomes the opportunity to submit comments on the proposed regulations for Default Electronic Disclosure by Employee Pension Benefit Plans under 29 CFR 2520.104b-31 that were published in the *Federal Register* on October 23, 2019.

Who We Are

Aon plc (NYSE:AON) is a leading global professional services firm providing a broad range of risk, retirement and health solutions. Our 50,000 colleagues in 120 countries empower results for clients by using proprietary data and analytics to deliver insights that reduce volatility and improve performance. Our Retirement & Investment practice advises clients on the design, management, and delivery of retirement programs to their employees. We serve as the Enrolled Actuary for more than 900 qualified defined benefit pension plans in the United States. Our Health Solutions team provides consulting, global benefits and exchange solutions that help clients mitigate rising healthcare costs and improve employee health and wellbeing. We invest more than \$50M annually to develop solutions that redefine health and benefits solutions for greater choice, affordability and wellbeing on behalf of our clients.

Overview of Our Comments

We appreciate the Department of Labor’s (the “Department’s”) thorough review of electronic delivery procedures across a wide range of business practices and governmental agencies. We agree that there needs to be a better way to make use of current and future electronic capabilities to more effectively deliver benefit information to participants. We note the proposed regulations cover retirement plans. However, we also recognize the Department’s request for feedback on health and welfare plans. Many of the policy considerations for health and welfare plans are consistent with our general comments in this letter. Accordingly, we have provided our comments regarding health and welfare plans in this letter and in the attached Exhibit A.

Our comments address the following main concerns with the proposal for retirement plans:

- **The Consolidated Notice** can be more effective if additional content is permitted to be included and an alternative “paper notice and internet access” safe harbor option is made available.
- **The “notice of internet availability”** can be improved if additional information is permitted to be included in the notice.

- **The electronic notice and access mechanism** will be more effective if the document is permitted to be delivered with the electronic notice, and if a more uniform opt-out of electronic delivery were provided.

In addition, we have provided the information requested by the Department to help ascertain other areas of difficulty in providing all the necessary participant disclosures.

- The volume and complexity of required notices can be reduced specifically for the Annual Funding Notice and the defined benefit pension benefit statement.
- Aon proposes an additional optional safe harbor that would allow a short communication to notify participants about important information related to their health and welfare benefits that can be obtained on the company's intranet, similar to the approach approved by the Department with respect to the summary of benefits and coverage (SBC) for certain populations. 29 CFR §2590.715-2715(a)(4)(ii)(B).

Support for the Consolidated Notice

The Department has proposed allowing a single consolidated notice for seven specified documents required for retirement plans that would be provided annually rather than separate notices of internet availability for each document (as proposed under 2520.104b-31(i)). We believe use of this consolidated notice approach would be beneficial as a single notice would:

- Reduce the burden of mailing information to participants by explaining where to find information that is not time-sensitive.
- Provide concise information that would better serve to alert participants to information than more numerous and longer notices.
- Help keep participants organized around their qualified retirement benefits whereas multiple communications all requiring no action runs a greater risk of being ignored.

Providing this notice every plan year based on a 14-month period is also useful. To require notice at least every 14-months not only provides some leeway for employers to target annual communication but also recognizes that the exact timing could be influenced by other business requirements. For example, if a 12-month period was required, plan sponsors are likely to end up with increasingly earlier disclosure each year to avoid overstepping the 12-month requirement. Moreover, a 14-month period provides plan sponsors with flexibility to fit the notice with other potential changes.

We also appreciate the flexibility in the proposal. Specifically, a plan sponsor may provide some or all notices in the consolidated notice or not use a consolidated notice at all. In addition, the consolidated notice may provide information pertaining to more than one retirement plan of the plan sponsor.

We support the direction outlined for the consolidated notice. We offer the following additional ideas to improve and expand the value of this provision, as suggested below:

- Allow additional content in the consolidated notice; and
- Provide an alternative "notice and access" mechanism.

Allow Additional Content in the Consolidated Notice

We believe the Department has provided a robust list of non-time-sensitive documents required by ERISA Title I that can be included in a consolidated notice. We think it would be beneficial for certain materials required under the tax rules to be included in the consolidated notice as well. For instance, the information required under Internal Revenue Code Section 401(k)(12)(D) regarding ADP and ACP safe harbors could be referenced. While we recognize that the Department does not have authority to issue guidance regarding tax rules, we believe it would be helpful if the Department would comment that its guidance under ERISA aligns with applicable tax guidance (for instance, 26 CFR 1.401(a)-21).

Provide an Alternative “Notice and Access” Mechanism

The proposed regulations limit providing the consolidated notice to “covered individuals” (as proposed under 2520.104b-31(b)). For individuals who are not currently employed (i.e., “inactive”), it is unlikely that the plan sponsor has gathered electronic addresses and may have difficulty doing so if participants did not provide alternative contact information other than a mailing address upon termination of employment. Moreover, this may be even more the case for individuals who were never employees (for instance, beneficiaries and payees under a qualified domestic relations order). Thus, the notice and access approach proposed could not be used for these individuals and a volume of individual “paper mailings” would continue to be required. In addition, even if electronic addresses of inactive participants are gathered and monitored (as proposed under 2520.104b-31(f)(4)), such information could easily end up in an individual’s “spam” due to an internet provider’s algorithm and may never be seen by the individual but not returned as undeliverable.

Aon believes there is a better solution for providing certain non-time-sensitive information to individuals who have not provided an electronic address and were not assigned one by the employer (“non-covered individuals”). As an alternative, a letter could be mailed annually (consistent with the 14-month timeframe in the proposal) to non-covered individuals containing the information similar to that of the proposed consolidated notice. This information would include:

- A statement outlining the information included;
- A statement of each item available electronically and how to access the information electronically including specific instructions on how to locate this information (e.g., website) and how to log on or reset user ID and passwords;
- A statement of the right to request paper notices free of charge and how to exercise that right; and
- A phone number of who to contact for additional information.

This process would allow for a non-covered individual, such as a terminated vested participant, to locate both the required disclosure as well as other useful plan benefit information. An additional benefit to this alternative notice is that it may alert the individual to outdated mailing addresses needing to be updated. This is typically not part of the current paper-mailing process for each of these documents.

This proposed alternative process would still require using a non-electronic method to send certain individuals information annually. However, it would eliminate the need to mail large documents such as each summary plan description (“SPD”) and substantially reduce the amount of information plan sponsors must send annually. Given this information is non-time-sensitive, providing individuals with access to information online may be more valuable than sending documents that could be misplaced when an individual needs the information it provides.

This alternative notice should allow, but not require, the plan sponsor to use this mailing to request the individual's electronic address for future electronic delivery of time-sensitive information. That way, a former employee who desires electronic delivery of information will be reminded of how to change the delivery process.

Because this alternative process would only apply to non-time-sensitive information and allows an individual to request a free paper copy of information, individuals would continue to receive important information in an appropriate manner. It has the added benefit of serving as a continued reminder of plan benefits. A paper copy with the high-level list of information may also be useful when beneficiaries need to identify death benefits payable to track down various pension providers.

While this alternative would be extremely helpful to address the needs of non-covered individuals, the alternative should also be an option for all individuals as there may be times when a plan sponsor wants to take a uniform approach for a specific communication.

The comments above apply to the proposed regulations regarding retirement plans, but a similar concept should be considered when regulations are issued for health and welfare plans.

Additional Information for the Notice of Internet Availability

The proposed rules provide for only a specific set of information to be included in an individual or consolidated notice of internet availability other than a logo or similar design element (as proposed under 2520.104b-31(d)(4)(ii)). We appreciate the need to keep the notices brief and to highlight the importance of the documents available. However, we believe the regulations should also provide for the flexibility to include information that is supportive of the plan(s) and administrative processes. This may be especially useful in a consolidated notice which may be the one document a participant reviews annually.

The following additional information should be allowed, at the option of the plan sponsor, in either an individual or consolidated notice of internet availability:

1. Where to find plan document(s)
2. How to log on to the website
3. How to request a benefit estimate
4. How to report a change of address
5. Other useful resources for understanding the benefit program (e.g., other websites, employee benefits handbooks)
6. Upcoming important dates or a calendar of important dates (e.g., dates that automatic escalation takes place, timing of an annual employer contribution)

These additional items can be required to be placed after the required information, and the instructions to the regulations can make it clear that the additional information cannot overshadow the notice.

Delivery of Documents and Options to Opt Out

Overall, we believe the Department's approach for electronic delivery and ability to receive documents on paper is a reasonable balance of the need to ensure delivery of required notices and

the desire to make effective use of electronic transmission. However, the regulations could be improved if they are modified to:

- Allow the delivery of documents with the electronic notice; and
- Provide for an alternative to single electronic delivery opt-out.

Allow Delivery of Documents with Electronic Notice

The proposed regulations address electronic delivery of covered documents solely through a website on the internet. We think that this should be broadened to include delivery of documents in email or other methods of delivery that are distributed to individuals and include direct access to documents.

Website/internet delivery will be effective for many, but not all, participants. Delivery via a website or internet can be especially effective for current employees who have easy access to an employer's internet website. However, former employees may not have ready access due to firewalls or password-protected sites that might not be available to non-employees.

Pushed content, delivered electronically, should be allowed. To effectively allow electronic delivery of required disclosures, the regulations should allow for the direct delivery of documents to participants electronically (e.g., via email). The email notice would contain information similar to the proposed Notice of Internet Availability however, rather than an internet website address, some or all of covered documents (e.g., a Summary of Material Modifications ("SMM"), an Annual Funding Notice) could be provided as an attachment (most likely, PDF). The email notice would also include the right to request and receive the document on paper.

This alternative may be useful for plan sponsors who wish to take advantage of electronic delivery but cannot support—or have logistical concerns with—a website for this purpose. Individuals would also have more immediate access the moment they receive the notice. This also would avoid a likely issue of authentication when former employees cannot remember log in information (usernames, passwords) to quickly access the required disclosure.

Provide for an Alternative to Single Electronic Delivery Opt-Out

Under section 2520.104b-31(f), the Department has proposed that individuals "have the right to opt out of electronic delivery and receive only paper versions of **some or all** covered documents" (emphasis added). We strongly believe that participants must have the right to opt out of electronic access and to request and receive covered documents on paper. However, the requirement to allow a participant to opt out of electronic delivery for only certain documents or types of documents would necessitate the tracking and monitoring of individual elections to receive paper. The additional complexity for such tracking would increase the administrative burden considerably for many plan sponsors, particularly smaller employers, and is likely to result in fewer plans being able to rely upon the new safe harbor for electronic notice and access. We suggest this language be revised to remove "or some" so that an individual could wholly opt out of electronic delivery, a uniform choice that can be more easily tracked. The right of an individual to obtain a paper copy of a specific document(s) would be retained per 2520.104b-31(f)(1).

Complexity and Volume of Pension Notices

The Department requested commenters address other matters relevant to the effectiveness of ERISA disclosures, specifically:

3. *Please identify any currently mandated routine retirement plan disclosures for which effectiveness and efficiency could be improved and set forth recommendations for improvement. Please explain why the particular disclosure needs improvement.*

10. *Is the problem that there are too many disclosures, or that there is too much information that is disclosed or both? Would it be feasible, and advisable, to condense and streamline less voluminous disclosures, rather than eliminating disclosure of certain information?*

We believe the volume of information provided to participants in qualified retirement plan notices results in fewer participants actually reading and reviewing the information. The use of electronic media to deliver benefit information can be more effective by providing just an overview of the necessary information along with detailed information for those who desire it. We suggest disclosure requirements for defined benefit plans could be improved if they:

- Reduce the complexity of information in the Annual Funding Notice; and
- Eliminate the benefit statement requirement for frozen pension plans.

Reduce the Complexity of Information in the Annual Funding Notice

The Annual Funding Notice could be substantially improved by allowing for delivery of high-level information (electronically or via mailed notices).

The Annual Funding Notice required under ERISA 101(f) is a burdensome and problematic disclosure required of all pension plan sponsors. Most, if not all, plan sponsors use the model notice provided under ERISA section 2520.101-5 to satisfy this requirement. However, the length and detail of the notice make it difficult for participants to understand or receive valuable information. Aon runs a large benefit center for pension plans where we interact with our clients' plan participants and have noticed calls of participants who are confused after receiving the Annual Funding Notice. Due to the required language regarding plan terminations, some participants call with concerns that their plan is disappearing. Other participants are confused between defined benefit plan assets and their own 401(k) plan assets. There are others who confuse asset or funding percentage changes as applicable to changes in benefit amounts owed to them.

We believe a more meaningful and valuable disclosure to participants could be provided by reducing and simplifying the information provided while continuing to make the more detailed information available electronically (or by request, a free paper copy). Aon provided testimony to the ERISA Advisory Council on August 22, 2017¹ with numerous recommendations for improvements to the overall delivery of information as well as to specific information that should be modified. The following are highlights from that testimony:

¹ Monica Gajdel, "Mandated Disclosure for Retirement Plans - Enhancing Effectiveness for Participants," ERISA Advisory Council, August 27, 2017 <https://www.dol.gov/sites/dolgov/files/EBSA/about-ebbsa/about-us/erisa-advisory-council/2017-mandated-disclosure-for-retirement-plans-gajdel-written-statement-08-22.pdf>.

- Provide a high-level summary of information required for the Annual Funding Notice with directions on how to obtain more detailed information electronically or on paper.
- Direct participants to the Form 5500 information on the Employee Benefits Security Administration website.
- Eliminate or provide waivers from providing the MAP-21 Supplement to the Annual Funding Notice.
- Provide only the value of assets and liabilities based on the plan funding requirements (without artificial reduction for funding balances) and a ratio indicating the funded status of the plan and refer to the plan's Form 5500 Schedule SB for additional information.
- Eliminate information that is not meaningful to most participants such as at-risk liabilities as well as information that requires additional computations but is inconsistent with other information disclosed such as year-end assets and liabilities.
- Simplify the section on events having a material effect on assets or liabilities by replacing the current requirements with information following the table of funding values to indicate whether there is a plan change expected in the following year which will impact the values that will be provided in the following year's notice.
- Simplify and provide flexibility for the funding and investment policies and the asset allocations disclosures.
- Reduce the amount of information on plan terminations and PBGC guarantees and refer to the information available on the PBGC website.
- Provide flexibility for plan sponsors to insert commentary into the model notice.

Eliminate Pension Benefit Statement Requirement for Frozen Plans

For defined benefit plans, a pension benefit statement is required to be provided once every three years, or a notification of the availability of a benefit statement must be provided annually. ERISA section 105(a)(3)(B) allows for regulations to exempt frozen plans from providing this information. It has been over a decade since this statement has been required as a result of the Pension Protection Act of 2006, yet frozen defined benefit plans are still required to send redundant information no less than every three years. In conjunction with electronic notice requirements and the ability to provide information in a consolidated notice, this exemption should finally be provided to reduce the number of duplicate statements plan sponsors are providing participants.

Response to Request for Information on Effectiveness of ERISA Disclosures for Health and Welfare Plans

Aon proposes an addition to ERISA's distribution safe harbor to allow employees to receive important health and welfare plan information in electronic form that is easier to access and in a more understandable format than the current safe harbor provides, while relieving employers of onerous rules that result in waste for the environment and unnecessary cost for employers. Aon strongly supports an additional safe-harbor that utilizes a "notice and access" mechanism and notice of internet availability concept for health and welfare plans that highlights the ERISA required information that can be found on a company's intranet or internet, as long as the participant can request a printed copy of the information in paper, free of charge. For purposes of these comments, Aon is referring to this document as an "ERISA Highlights Document." The concept has been discussed both as part of the ERISA Advisory Council's recommendations, as well as earlier letters

from Aon to former Secretary of Labor R. Alexander Acosta, and the notice of internet availability outlined in the proposed regulations that are the focus of this letter². We believe this approach is already being used in certain instances to provide SBCs. A one-page summary of Aon's proposal is attached to this letter as Exhibit A.

Aon is providing a response to questions 6, 7, and 14 with respect to health and welfare plan documents as follows:

6. *Some people have indicated that at least some ERISA documents may be too voluminous, complex, or both. These individuals highlight a need to strike a balance between providing too little information for participants to gain an adequate understanding of what disclosure is trying to convey and provide too much information, which can become overwhelming and confusing. Please identify each ERISA document in these categories.*

Proposed Change to SPD Requirements

Many employers use a “wrap” SPD for health and welfare benefits. A “wrap” SPD is a document that contains the critical information required by 29 CFR §2520.102-3 and then, the vendors' documents (e.g., medical, Rx, dental and vision), which contain benefit design content, such as what is covered and what is not covered are incorporated by reference. This approach is an efficient solution since employers often change health and welfare plan designs and vendors relatively frequently and sometimes annually. When distributing the wrap SPD, under current rules, an employer technically is required to distribute not only the “wrap” SPD but all of the design/vendor documents as well, which can be very confusing for participants (for example, some plans have many medical plan options and vendors) and wasteful if the employer is unable to satisfy the current electronic distribution safe harbor. While 29 CFR §2520.102-3(j)(2) states in pertinent part *In the case of a welfare plan providing extensive schedules of benefits (a group health plan, for example), only a general description of such benefits is required if reference is made to detailed schedules of benefits which are available without cost to any particular participant or beneficiary who so requests.*, 29 CFR §2520.102-3(j)(3) requires many components for each benefit option to be included in the actual SPD – for example, cost sharing, including premiums, deductibles, coinsurance, and copayment amounts, preventive services, etc. If the Department decides to not allow an “ERISA Highlights Document” or similar “notice and access” approach, then only the wrap SPD should be required to be distributed in accordance with ERISA, and 29 CFR §2520.102-3(j)(3) should be modified to allow the information listed in such section to be requested free of charge and upon request -- similar to the language in 29 CFR §2520.102-3(j)(2). This change will allow employers to maintain more up to date (real time) information, instead of layering in countless summaries of material modifications between full SPD updates.

7. *With respect to each document identified in the previous question, state whether the Department should encourage or require, as an alternative to furnishing the entire document, that the plan administrator furnish a brief, clear and accurate summary of key information from the document,*

² Molly Iacovoni, "Reducing the Burden and Increasing the Effectiveness of Mandated Disclosures with Respect to Employment-Based Health Benefit Plans in the Private Sector," ERISA Advisory Council, August 27, 2017 <https://www.dol.gov/sites/dolgov/files/EBSA/about-ebsa/about-us/erisa-advisory-council/2017-reducing-the-burden-and-increasing-the-effectiveness-of-mandated-disclosures-iacovoni-written-statement-08-22.pdf>

for example, not to exceed one or two pages, coupled with access to more detailed information online, on request or both. Also identify what should be considered “key” for this purpose.

While Aon’s response to question 6. focuses on a simplified approach for the SPD if a “notice and access” mechanism is not permitted for all eligible individuals, Aon also supports a notice and access approach for many required health and welfare notices. Aon proposes that the notice of internet availability concept not require that an email address be provided. Instead, Aon proposes that the Department permit an ERISA Highlights Document to be distributed in accordance with the current safe harbor (e.g., email push for individuals who have a computer as part of their ordinary work duties or perhaps, paper delivery for those that do not) that references a website where the SPD, notices, and related documents can be located. The document should be very short with a concise description of each notice because it’s more likely that participants will read a short document than a long one. If this concept is permitted as part of a new safe harbor, then the following ERISA documents required for health and welfare plans should fall in this category:

- SPD
- Summary of Benefit and Coverage (to the extent that the existing, simplified distribution rules do not apply)
- Summary Annual Report
- HIPAA Special Enrollment Notice
- Children’s Health Insurance Program Reauthorization Act
- HIPAA Privacy Notice
- Women’s Health and Cancer Rights Act Notice
- Wellness Program Notice under the American’s with Disabilities Act
- COBRA General Notice
- Notice of Health Insurance Marketplace Coverage Options

Aon proposes that the ERISA Highlights Document only be distributed (1) upon hire, (2) annually, and (3) upon retirement. Aon requests that this method apply to all plan participants and not just those who are “covered individuals” as defined by 29 CFR §2520.104b-31(b). In addition, as noted in the retirement comments above, if the Department allows individuals to opt-out by document and require additional tracking, the new safe harbor will be even more complicated and unworkable than the current electronic safe harbor. As a result, Aon proposes that for health and welfare documents, that an individual can request any document in paper, free of charge, but it will not default future documents to paper. Instead, eligible employees and participants will continue to receive their ERISA Highlights Document annually and can call the employer or administrator if they need any specific document in paper.

14. *Do the timing requirements for various ERISA disclosures increase or decrease the likelihood that participants will pay attention to them? Should the Department consider changing when information is disclosed to participants and, if so, how? Explain how such changes would enhance the likelihood that participants would pay attention to the disclosure or disclosures or otherwise improve the disclosure experience.*

Most health and welfare notices are required upon enrollment and/or annually. If the Department implements a new safe harbor for health and welfare benefits, similar to the proposed retirement plan regulation at 29 CFR §2520.104b-31, then Aon requests that the timing be simple and clear to plan participants: (1) upon hire, (2) annually at annual enrollment, and (3) upon retirement if health and welfare benefits are provided to retirees. Presumably, new documents would only be posted in anticipation of annual enrollment. If a mid-year change was made then, a new ERISA Highlights Document should be issued. However, it seems more logical to limit timing to these defined time frames; participants must be made responsible for reading materials and imposing as more frequent distribution only wastes resources and does not further the Department's goal of ensuring that participants are informed of their benefits and rights. Instead, it only trains such individuals that "another notice" is going to be issued. If necessary, the ERISA Highlights Document could specify the timing requirements in a footnote.

Closing

Aon appreciates the opportunity to submit our comments and recommendations. Please contact the undersigned at the telephone number or email address provided below with any questions.

Sincerely,
Aon Consulting, Inc.



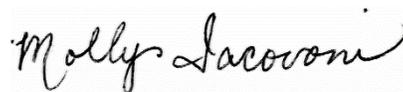
Monica Gajdel
Partner
Retirement Solutions
847.442.3248
monica.gajdel@aon.com



Elizabeth Groenewegen
Associate Partner
Retirement Solutions
415.486.6934
elizabeth.groenewegen@aon.com



Barb Hogg
Partner
Retirement Solutions
847.442.9514
barb.hogg@aon.com



Molly Iacovoni
Senior Vice President
Health Solutions
847.442.3247
molly.iacovoni@aon.com



Jeannette Kozloff
Vice President
Health Solutions
847.771.6512
Jeannette.kozloff@aon.com

Exhibit A: ERISA Reporting and Disclosure Proposal for Health and Welfare Plans

Aon encourages the Department of Labor to revise ERISA's distribution safe harbor to allow employees easier and more prevalent access to important health and welfare plan information in electronic form than under the current rules, while relieving employers of expensive and onerous rules that result in waste for the environment. Under today's requirements, certain employers and their employees are restricted by the outdated restrictions on electronic distribution of important information regarding these benefits.

Current Rules

Under 29 CFR §2520.104b-1(c), the posting of a document on a company intranet, without additional action, does **not** satisfy the ERISA distribution safe harbor. So, even with current smart phone usage by many Americans, employees cannot easily access benefit information which is often a paper process. The current ERISA Electronic Distribution Safe Harbor process is over-engineered and does not reflect how Americans use technology today:

- **A Participant Using a Computer as Part of His/Her Ordinary Work Duties.** The current regulations provide that email distribution of ERISA required documents may be used, but additional requirements to ensure actual receipt are required (including, for example, the use of return-receipt email feature).
- **A Participant Not Using a Computer as Part of His/Her Ordinary Work Duties, includes Retired Participants.** The current regulations impose a very complex, affirmative consent requirement to use electronic distribution. As a result, employers with populations who do not use a computer (e.g., manufacturing) typically mail the ERISA required documents in paper.

Due to the significant cost of mailing the ERISA required SPD, which often is 100 pages or more, employers merely send updates each year (i.e., SMMs) which is confusing for employees. Many employees are required to then fit together the information from multiple mailings, which can be a puzzle-like process. Further, ERISA-required notices also necessitate distribution in accordance with ERISA that imposes additional and expensive burdens on employers without a corresponding benefit to employees.

Proposal

Aon proposes that the ERISA distribution safe harbor for all documents (e.g., SPDs and notices) align with the relatively new distribution rule applicable to SBCs³. Under this proposal, for all plan participants, the employer would be required to:

- Post the required information on the company's intranet; and
- Distribute a "postcard" or "ERISA Highlights Document" that (1) directs employees to where the information lives on the intranet; (2) provides a brief description of each notice; and (3) states that the documents are available in paper, free of charge, upon request.

³ 29 CFR §2590.715-2715(a)(4)(ii)(B).

The distribution of the ERISA Highlights Document could occur under current rules, e.g., mail for those who do not have a computer and email for those who do.

This should relieve both employers and employees from the paper burden (or continual email push) that currently exists for ERISA-required documents and notices. It will allow employers to keep documents **more up to date** if posting on the company intranet will suffice for “distribution.”

With regard to these changes, Aon believes that the Department has the authority to provide an additional safe harbor that is more up to date with today’s technology and respectfully request such a change to 29 CFR §2520.104b-1.