

PUBLIC SUBMISSION

Received: September 27, 2020
Tracking No. 1k4-9j7c-7gza
Comments Due: October 01, 2020
Submission Type: Web

Docket: EBSA-2020-0007
Registration Requirements for Pooled Plan Providers

Comment On: EBSA-2020-0007-0001
Registration Requirements for Pooled Plan Providers

Document: EBSA-2020-0007-DRAFT-0005
Comment 0005 Smith 09272020

Submitter Information

Name: Robb Smith

General Comment

As an Independent ERISA Consultant, our primary concern is protecting retirement plan participants, no matter the type of employer-sponsored plan is offered. Pooled Employer Plans (PEPs) are a great way for plan sponsors to offload much of their fiduciary responsibilities while providing plan participants with a great retirement option. However, PEPs will only be successful if certain parameters are consistently applied that assist in protecting both the Pooled Plan Provider (PPP) and the PEP, as well as the potential Adopting Employer (AE).

RS Fiduciary Solutions (RSFS) offers the following suggestions for the Department to consider:

- 1.) Standardized Auditing Protocols for Pooled Plan Providers (PPPs) & PEPs
Pooled Plan Providers should be required to follow standardized guidelines in the establishment and day-to-day operation of each PEP established.
Safe Harbor like protections for PPPs
Allows accountability for Adopting Employers (AEs)
Reduced liability exposure potentially reduces PPP & PEP liability insurance premiums
AE Exit Strategy
- 2.) AE's must be allowed to exit the PEP at any time for any reason. AE's should be allowed to exit the PEP and,
 - > Transfer to another PEP, or,
 - > Return to a single employer plan.

3.) PPPs should process an AE's exit request within a 30-60 window under the following parameters:

DOL to provide a simplified exit strategy template to be used by PPPs.

PPP & PEP Financial Condition

It would be helpful, particularly in the early years of the PEP life, that the DOL provide AEs assurance that the PEP remains a financially viable operation. This may be a good requirement as the AE is acting in a co-fiduciary relationship with the PEP named fiduciaries.

Thank you!