

CIRCULAR: 93-01**Date:** November 20, 1992

U.S. DOL ETA, Bureau of Apprenticeship and Training Washington, D.C. 20210	Distribution: A-539 All Tech. Hdqtrs. A-544 All Field Techs A-547 SDs (includes SAC and Lab. Comm.)	Subject: Code: 680 Exception from Reporting and Disclosure Requirements for Apprenticeship and Training Plans
Symbols: NPCTG:MP		Action:

PURPOSE: To distribute the Indexed Records of Joint Apprenticeship and Training groups, which have filed for exemption from the reporting and disclosure requirements under Part I of the Employee Retirement Income Security Act of 1974 (ERISA).

BACKGROUND: The Bureau of Apprenticeship and Training (BAT) has received several written and oral inquiries concerning the disclosure and reporting requirements of Title I of the ERISA and the Grace Period for apprenticeship and training plans.

The Taft Hartley Apprenticeship and Training funds, which are employee benefit plans under ERISA, are subject to the Act's reporting and disclosure requirements unless exempted. The Regulations at 29 CFR 2520.104-22 grant an exemption from the reporting and disclosure requirement if the fund administrator (1) has filed a notice with the Secretary; (2) takes steps reasonably designed to insure that the information required to be contained in the notice is disclosed to eligible employees of contributing employers; and (3) makes the notice available to such employees upon request.

A plan which does not meet the above exemption is required to file the form 5500 Series annually. Section 502(c)(2) allows the Pension and Welfare Benefits Administration, (PWBA) to impose a penalty of up to \$1000 per day for not filing the 5500 report. A grace period, effective until December 31, 1992, will allow plans which have not filed the Form 5500 Series (or met the above exemption before the due date of the form 5500) to comply with these requirements, if they provide a payment of \$1000 per filing.

ACTION: Those Joint Apprenticeship and Training Committees which have complied with the exemption need take no further action. (Attached is an indexed listing of JATCs which have filed a notice with the PWBA). JATCs which have not filed the exemption notice and wish to avail themselves of the exemption may take advantage of the Grace Period and file the required notice, with a payment of \$1000, no later than December 31, 1992. It should be noted penalty payments may not be made from the assets of an Apprenticeship and Training plan. Information concerning the Grace Period is available at (202) 219-7006; information concerning the reporting requirements is available at (202) 219-8515. These are not toll-free numbers.

Regional Directors are requested to distribute this circular and attachments to State BAT and SAC staff within their respective regions.

Attachment