

Employee Benefits Update: April 1, 2012 Deadline for Service Provider Fee Disclosures

This Employee Benefits Update provides information on the revised effective date for service provider fee disclosures for 401(k) and other retirement plans.

The service provider fee disclosures for certain retirement plans are now due by April 1, 2012. See http://www.boardmanlawfirm.com/EBupdate/9_7_10.php and http://www.boardmanlawfirm.com/EBupdate/2_25_11.php for previous discussions of the new rules which require certain service providers to disclose information about fees and potential conflicts of interest.

See <http://www.dol.gov/ebsa/newsroom/2011/11-1063-NAT.html> for the Department of Labor News Release. The Department of Labor has said that it intends to publish final regulations by the end of 2011, but does not expect further extension of the deadline.

What should employers do?

- Perform a "Fee Disclosure" evaluation to identify which service providers are covered under the new regulations. Review all existing arrangements and have new written disclosures in hand by April 1, 2012.
- Set up a system for monitoring the disclosures and for notifying the Department of Labor as may be necessary under the regulations.
- Watch for new regulations.

Cynthia A. Van Bogaert

is a partner with Boardman, Suhr, Curry & Field LLP. She is a faculty member for employee benefits courses for ALI-ABA and the Employee Benefits Institute of America, as well as author of the 401(k) column on BenefitsLink, a national employee benefits Web site.

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