



BENEFIT NEWS BRIEFS

DOL Announces Online System For Requesting Fiduciary Relief Under Participant Fee Disclosure Regulations

The Department of Labor (DOL) announced that plan sponsors seeking fiduciary relief for a service provider's failure to comply with the 408(b)(2) fee disclosure rule will be able to use a new online filing system which **replaces** the former email option. Plan sponsors who choose to submit paper notices may still do so.

The final service provider-to-plan sponsor fee disclosure rule, referred to as the 408(b)(2) regulation for the relevant section in the *Employee Retirement Income Security Act (ERISA)*, became effective on July 1, 2012. The regulation includes a provision to protect plan sponsors, or other responsible plan fiduciaries, from liability for a breach of their fiduciary duties under *ERISA* when, without the plan sponsor's knowledge, a service provider fails to comply with the rule's comprehensive disclosure requirements. If a plan sponsor discovers that required information has not been furnished, and efforts to obtain the information are not successful, the sponsor must notify the DOL by using the online filing system or mailing a paper notice.

Electronic notices can be filed using the online filing system at:
www.dol.gov/ebsa/regs/feedisclosurefailurenotice.html

Paper notices can be filed using the following address:

U.S. Department of Labor
Employee Benefits Security Administration
Office of Enforcement
P.O. Box 75296, Washington, D.C. 20013

The changes were published as proposed improvements this past July and with no public comments received the procedures became effective September 14, 2012.

See [Special Bulletins 2012-24](#) and [2012-40](#) and [Client Bulletins 2012-07](#) and [2012-13](#) for additional information on the participant fee disclosure regulation.

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