

LAW & POLICY GROUP

GRIST**DOL URGED TO SPEED ELECTRONIC DELIVERY RULES FOR RETIREMENT PLANS**

*By Mercer's Geoff Manville and Brian Kearney
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Business groups are [urging](#) the Department of Labor (DOL) to quickly propose regulations to let retirement plan sponsors make electronic delivery the default method for sending disclosures and notices, as long as participants could elect to receive paper versions. Citing a directive from President Trump to consider updated guidance, a May 24 joint letter asks DOL to issue new e-delivery rules apart from any other guidance projects on plan disclosures that could cause delay.

ONGOING PUSH FOR UPDATED DOL E-DELIVERY RULES

Current DOL [rules](#) allow e-delivering certain types of plan information but often restrict use of this method to employees who have ready access to a computer and other participants who affirmatively consent to electronic communications (29 CFR § [2520.104b-1\(c\)](#)). Plan sponsor groups have long pushed for updated rules, and a 2018 [Executive Order](#) directs DOL to consider ways to expand use of electronic delivery and streamline communications to participants. The president's one-year deadline for DOL action is "rapidly approaching," the groups note in their letter. While proposed rules are listed on DOL's Spring 2019 [regulatory agenda](#), the timetable is uncertain.

RELATED LEGISLATION COMING SOON

The letter also notes broad bipartisan House and Senate legislation from the prior Congress — the Receiving Electronic Statements to Improve Retiree Earnings (RETIRE) Act ([HR 4610](#), [S 3795](#)) — that would permit delivery of plan communications by email or posting on a website or intranet, with proper notice to participants. That measure is expected to be reintroduced soon, with backing from a broad range of plan sponsor and retirement industry groups.

RELATED RESOURCES**Non-Mercer Resources**

- [Joint Letter to DOL](#) (American Bankers Association, American Council of Life Insurers, American Retirement Association, ERISA Industry Committee, Investment Company Institute, Securities Industry and Financial Markets Association, SPARK Institute, US Chamber of Commerce, May 24, 2019)

- [Executive Order 13847](#): Strengthening Retirement Security in America (White House, Aug. 31, 2018)
- [HR 4610, S 3795](#): Receiving Electronic Statements To Improve Retiree Earnings (RETIRE) Act (Congress, Dec. 11, 2017)
- [Final Rule](#): Electronic Communication and Recordkeeping Technologies for Pension and Welfare Benefit Plan Disclosures (Federal Register, April 9, 2002)

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- [2019 Legislative and Regulatory Outlook for Retirement Plans](#) (Feb. 5, 2019)

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