How to Obtain Employee Benefit Documents from the Department of Labor

U.S. Department of Labor
Employee Benefits Security Administration

Documents Available

The Employee Benefits Security Administration (EBSA) makes available through its Public Disclosure Room certain employee benefit plan documents and other materials required by the Employee Retirement Income Security Act of 1974 (ERISA). ERISA is a Federal law that is designed to protect the rights of millions of American workers and beneficiaries in private-sector pension plans, group health plans, and certain other employee benefit plans.

Visitors may view and copy the following ERISA-required documents or submit written requests and have the documents copied. Disclosure Room hours, copying charges and additional resources are listed at the end of this document.

ERISA Documents Available

Annual Report Form 5500. This report is required to be submitted annually by many ERISA-covered plans. It contains various schedules with information on the financial condition and operation of the plan. Certain entities in which plans invest or participate also file annual reports with the Department of Labor. These entities, called Direct Filing Entities or "DFEs," include banks, common or collective trusts, insurance company pooled separate accounts, master trusts, group insurance arrangements and entities covered by Department of Labor regulation 29 CFR 2520.103-12. These reports include financial information regarding the DFE and a list of the investing or participating plans. Generally, the six most recent reports filed by employers or plan administrators are available. (Note: electronic copies of the data contained on all of the Forms 5500 and schedules filed each year are available for a fee by submitting a Freedom of Information Act request.)

Form M-1, Annual Reports for Multiple Employer Welfare Arrangements (MEWAs) and Certain Entities Claiming Exception (ECEs). Generally MEWAs are arrangements which offer medical benefits to the employees of two or more employers, or to their beneficiaries. An administrator of a MEWA generally files the one-page Form M-1 once a year. The form is generally due March 1 each year, but administrators can request an automatic 60-day extension to May 1.

Form M-1 first became effective with the 1999 plan year. The form contains general registration information including the states in which the entity operates and responses to questions regarding compliance with Part 7 of ERISA, including the Health Insurance Portability and Accountability Act of 1996, the Mental Health Parity Act of 1996, the Newborns' and Mothers' Health Protection Act of 1996, and the Women's Health and Cancer Rights Act of 1998.

Plan administrators of MEWAs must file the required form for every year that the MEWA offers benefits for medical care for the employees of two or more employers. MEWAs that are insurance companies are exempt from the filing requirement.

Summary Plan Descriptions (SPDs) and Summary of Material Modifications (SMMs). SPDs are important disclosure documents prepared by the plan that describe, in understandable terms, the rights, benefits, and responsibilities of participants and beneficiaries in ERISA covered pension, health and other employee benefit plans. The SPD must include important information regarding the plan, such as information on how the plan works, eligibility requirements, what benefits the plan provides, and how those benefits may be obtained. SMMs describe changes made to the plan and changes in the information in the SPD.

Plan sponsors are required to automatically provide copies of these documents to plan participants upon enrollment and upon written request of a plan participant or beneficiary. ERISA also gives the Department of Labor the authority to request copies of these documents from plan administrators/employers on behalf of participants and beneficiaries.

The Taxpayer Relief Act of 1997 eliminates the requirement of plans to file SPDs and SMMs with EBSA. SPDs and SMMs filed with the agency before that date may be on file and are available upon request if they are maintained. If a plan participant or beneficiary wishes a more recent copy of the SPD or SMM, the agency will request a copy from the plan administrator.

Top Hat Plan Statements. This is a statement that an employer maintains a plan (or plans) primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees.

Advisory Opinion Letters. These interpret and apply ERISA to specific factual situations and are issued by PWBA in response to written requests for opinions by their assigned number.

Comment Letters. These present views from the public on ERISA regulations and exemptions from the prohibited transaction provisions proposed by the Department.

Announcements and Transcripts. These cover hearings held on ERISA regulations and for meetings of the Advisory Council on Employee Welfare and Pension Benefit Plans.

Apprenticeship and Other Training Plan Notices. This brief notice identifies the name and place where employees can get information about courses offered by the plan.

EBSA Notices

The following EBSA documents are also available in the Public Disclosure Room:

- Advisory Opinion Letters
- Comment Letters submitted in response to EBSA requests for information
- Announcements and transcripts of public hearings
- Investment Adviser Filings

How to Obtain Copies

The **Form M-1, Annual Reports for Multiple Employee Welfare Arrangements (MEWAs) and Certain Entities Claiming Exceptions (ECEs)**, is available online at askebsa.dol.gov/epds/. Users can search by plan name, sponsor name, employer identification number, or the state where the MEWA is headquartered or where the MEWA offers coverage. Copies are available by using the process that follows.

You may call, write or visit the EBSA Public Disclosure Room for copies of the documents mentioned. Generally, requests made in person may be picked up on the same day.

To help locate your plan documents, please provide enough information to assist EBSA in identifying the document, such as the name of the plan and the city and state in which it is located, the name of the multiple employer welfare arrangement, the approximate date of the hearing, etc., as relevant to the document.[1]

Written and phone requests are generally filled within 5 working days. Requests for documents related to more than five plans may take more time to process. SPD requests that require contact with the plan to obtain a copy may take 30 to 60 days.

Copying Charge

The copying charge is 15 cents per page. Do not send advance payment or postage stamps with your request. We will mail an invoice with the materials. Visitors can pay in cash, by check or money order.

Records Authentication Certificate

Upon request, we can certify the authenticity of the documents requested. If the documents are not on file, a certificate to that effect can also be made available. (Note: Same day service is generally not available for this service.)

Address and Hours of Operation

U.S. Department of Labor
Employee Benefits Security Administration
EBSA Public Disclosure Room
200 Constitution Avenue, NW, Room N-1515
Washington, DC 20210
Telephone: (202) 693-8673
Hours: 8:30 am - 4:30 pm weekdays (except Federal holidays)

[1] The information we need to identify a plan, such as plan name and EIN, is an information collection request approved under Office of Management and Budget control number 1225-0059. You are not required to respond to an information collection request unless it displays a currently valid OMB control number. Providing this information is entirely voluntary. The time needed to provide the information is expected to average about 30 seconds.