

Strategic Objective 4.2 – Improve health benefits and retirement security for all workers

Analysis and Future Plans

Employee Benefits Security Administration (EBSA)

EBSA's enforcement program seeks to detect and correct violations that result in monetary recoveries for employee benefit plans, participants and beneficiaries or in other corrective remedies including, but not limited to, significant broad-based reforms for large plans or common service providers. In FY 2014, EBSA developed measures designed to increase the effectiveness of its enforcement program while avoiding reliance on raw case numbers. As a result, EBSA replaced its cases closed measures in FY 2015 with three measures that track investigation timeliness. EBSA focused its FY 2015 enforcement resources on National Projects and the Major Case Enforcement Priority. The Major Case Enforcement Priority concentrates a significant portion of the Agency's enforcement resources on those cases likely to have the greatest impact on the protection of plan assets and participants' benefits. In FY 2016, EBSA will continue to focus on the timeliness of the Agency's investigations and to shift investigative emphasis to more complex cases. While EBSA knows from experience that achieving a result in a Major Case takes longer and is more resource-intensive, such cases have also resulted in greater monetary results per investigative staff day. EBSA's Benefit Advisors, who are an integral facet of its enforcement efforts, recovered nearly \$403 million for plan participants and beneficiaries through informal resolution, bringing EBSA's total monetary recoveries for the year to over \$668 million.

The Outreach, Education and Assistance program provided superior participant assistance in FY 2015 by responding to over 99 percent of telephone inquiries by the close of the next business day and to over 97 percent of written inquiries within 30 days of receipt. Total inquiry volume for the fiscal year exceeded 201,000. In responding to these inquiries, EBSA continued to achieve high customer satisfaction ratings and surpassed its goal of a 72 percent customer satisfaction rating. Benefit recoveries achieved by the participant assistance program contributed more than \$402 million to EBSA's overall monetary results. This informal resolution of complaints without utilizing the more resource intensive investigative process enables EBSA to direct its investigative resources to more egregious and wide-spread violations of the Employee Retirement Income Security Act (ERISA). In addition, the participant assistance program plays a critical role in EBSA's overall enforcement program. When EBSA's participant assistance program receives an inquiry or complaint that indicates a potential fiduciary breach or systemic problem, that inquiry is referred to staff for possible investigation. Referrals from the participant assistance program in FY 2015 resulted in the opening of 589 enforcement cases. The Agency also conducted outreach and education programs designed to educate plan participants and officials. EBSA completed 300 Affordable Care Act outreach activities reaching over 14,000 individuals, held 692 rapid response workshops for dislocated workers, distributed over 429,000 educational publications, and hosted over 7.7 million visitors on the Agency's website. In FY 2016, EBSA will again strive for a customer satisfaction rating of 72 percent. The Agency will also continue to develop plans, such as the Call Quality Assurance Program, aimed at assessing not merely inquirer satisfaction but also the technical accuracy and quality of inquiry responses.

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Finally, EBSA made progress in closing Sample Investigation Program (SIP) cases in FY 2015. The SIP allows EBSA to broadly measure the rate of baseline employee benefit plan compliance with the civil provisions of ERISA. EBSA reported the compliance rate of plans in the FY 2013 plan filing universe. An estimated FY 2014 compliance rate was also determined. These compliance rates include any and all violations of ERISA, without regard to the seriousness or pervasiveness of the violations. A minor reporting or paper violation that caused no injury and had little importance to plan participants is treated the same as a violation that imperils hundreds of millions of dollars. While this data is meaningful in analyzing trends, the resulting bare baseline statistics do not provide a strong measure of whether the plan universe is in substantial compliance with ERISA’s obligations. Accordingly, EBSA has begun to focus on specific compliance issues of special importance to the integrity of plans and plan benefits. In FY 2016, EBSA will continue to analyze the data, including significant trends, to make it statistically more useful to the Agency. Additionally, EBSA will be considering its options regarding the SIP moving forward.

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*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2011	FY/PY 2012	FY/PY 2013	FY/PY 2014	FY/PY 2015	FY/PY 2016	FY/PY 2017	What Worked	What Didn't Work	Program Performance Improvement Plan
Civil Non-Major Case Timeliness – Percent of Non-Major Civil Cases Closed or Referred for Litigation in the fiscal year within 30 Months of Case Opening Except for Category EBSA-OE-02a Cases	Target	--	--	--	--	85.00%	86.00%	86.00%	In FY 2015, EBSA increased the effectiveness of its enforcement program by replacing its cases closed measures with measures focused on investigation timeliness.	While EBSA’s focus on timeliness has ensured the effective management of newly opened cases, the Agency continues to address inventories of cases from prior years.	EBSA will consider more significant adjustments to its timeliness targets once its case backlog has been addressed.
	Result	--	--	--	--	84.00%	--	--			
	Status	--	--	--	--	--	--	--			
Percent of Delinquent Employee Contribution, Abandoned Plan, Bonding, Health-Part 7 Violation, and other Reporting and Disclosure Non-Fiduciary Breach Cases Closed or Referred for Litigation in the fiscal year within 18 Months of Case Opening	Target	--	--	--	--	71.00%	69.00%	69.00%	See above	See above	See above
	Result	--	--	--	--	71.00%	--	--			
	Status	--	--	--	--	Y	--	--			
Criminal Case Timeliness – Percent of Criminal Cases Closed or Referred for Litigation in the fiscal year within 18 Months of Case Opening	Target	--	--	--	--	75.00%	75.00%	75.00%	See above	See above	See above
	Result	--	--	--	--	87.00%	--	--			
	Status	--	--	--	--	Y	--	--			

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*Target reached (Y), Improved (I), or Not Reached (N)		FY/PY 2011	FY/PY 2012	FY/PY 2013	FY/PY 2014	FY/PY 2015	FY/PY 2016	FY/PY 2017	What Worked	What Didn't Work	Program Performance Improvement Plan
Participant Assistance Program Customer Satisfaction Index	Target	Base	68.00%	69.00%	72.00%	72.00%	72.00%	72.00%	EBSA used study data in conjunction with training and sharing best practices. Regions created pilot initiatives in FY 2015, and the most effective are being continued/expanded in FY 2016.	EBSA used preliminary data obtained through the study to identify areas for improvement and proactively address any concerns that arose during the fiscal year.	EBSA has developed plans, such as the Call Quality Assurance Program, aimed at assessing not merely inquirer satisfaction but also the technical accuracy and quality of inquiry responses.
	Result	66.00%	69.00%	71.00%	70.00%	72.20%	--	--			
	Status	--	Y	Y	N	Y	--	--			

Sources: Enforcement Management System; Gallup Customer Satisfaction Survey

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