



Penalty Fact Sheet

Private employers, including non-profits, should ensure employees receive required notices timely (SBC, CHIP, SPD, etc.) to prevent civil penalty assessments. In addition, employers should ensure Form 5500s are properly and timely filed. Finally, employers facing document requests from EBSA should ensure documents are provided timely, as requested. If a private employer fails to meet their compliance obligations a few of the potential penalties are as follows:

Description	Current Penalty in 2017
Failure to file Form 5500	Up to \$2,140 per day
Failure of a MEWA to file reports	Up to \$1,527 per day
Failure to provide CHIP Notice	Up to \$114 per day per employee
Failure to provide SBC	Up to \$1,128 per failure
Failure to Furnish plan documents (including SPDS/SMMs)	\$149 per day/1,496 cap per request

Through its enforcement of the Employee Retirement Income Security Act (ERISA), the Employee Benefits Security Administration (EBSA) is responsible for ensuring the integrity of the private employee benefit plan system in the United States. EBSA's oversight authority extends to nearly 681,000 retirement plans, approximately 2.3 million health plans, and a similar number of other welfare benefit plans, such as those providing life or disability insurance.

In FY 2016, EBSA recovered \$ 777.5 million for direct payment to plans, participants and beneficiaries.

Total Monetary Recoveries				
Total Recoveries	Recoveries from Enforcement Actions	Voluntary Fiduciary Correction Program	Abandoned Plan Program	Monetary Benefit Recoveries from Informal Complaint Resolution
\$ 777.5M	\$ 352.0 M	\$ 9.5M	\$ 21.8M	\$ 394.2M

In FY 2016, EBSA closed 2,002 civil investigations with 1,356 of those cases (67.7%) resulting in monetary results for plans or other corrective action, exhibiting its ability to effectively target ERISA violators in the employee benefit plan universe.

Civil Investigations				
Civil Investigations Closed	Closed Civil Investigations Closed with Results	Percent Civil Investigations Closed with Results	Civil Investigations Referred for Litigation	Civil Cases with Litigation Filed
2,002	1,356	67.7%	144	62