

Docket: EBSA-2008-0001

Amendment of Regulation Relating to Definition of “Plan Assets”— Participant Contributions

Comment On: EBSA-2008-0001-0001

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Submitter Information

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General Comment

I applaud and welcome the effort to add clarity to the deposit requirements. I am a CPA who has worked in the qualified plan arena for 20 years. It has been very difficult convincing some of my clients (large plans and small plans) that 'as soon as administratively feasible' may mean within 5 days of paydate as they continue to key in to the '15th business day of the following month'. Therefore, I feel that a rule that provides for a specific time frame would be beneficial to both the employers and the plan participants.

I am convinced that the vast majority of large employers have the ability to remit contributions within a few days of paydate. I also believe that most small employers who are using an electronic payroll service could also remit contributions within a week of paydate. So in normal circumstances, I believe the current proposal works (and should also be applied to large plans).

I am concerned, however, about those special circumstances: very small companies who are using manual payroll systems and/or have limited clerical staff, plans (large or small) that have multiple sites or multiple payrolls, and power/computer system failures. I believe that these types of special circumstances need to be addressed in the regulations by providing for a longer deposit period of perhaps 10 business days.